

Original sponsor: Martin

Offered: 3/26/82
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 112 (Judiciary) am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to age limits under Title 4, Alcoholic
7 Beverages."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 04.11.090(f) is amended to read:

10 (f) The area designated as the licensed premises under a beverage
11 dispensary license issued to a bowling alley may include the concourse
12 or lane areas of the bowling alley. Notwithstanding AS 04.16.049, the
13 board may, upon application, authorize access by persons under 21 [19]
14 years of age to the concourse or lane areas designated part of the
15 bowling alley's licensed premises during hours when no alcoholic
16 beverages are being sold, served, or consumed.

17 * Sec. 2. AS 04.11.110(g) is amended to read:

18 (g) Notwithstanding AS 04.16.049, the board may authorize access
19 by persons under 21 [19] years of age to a club's licensed premises
20 during hours when no alcoholic beverages are sold, served, or consumed.

21 * Sec. 3. AS 04.11.460(c) is amended to read:

22 (c) For the purposes of this section, "permanent resident" means a
23 person 21 [19] years of age or older who has established a permanent
24 place of abode.

25 * Sec. 4. AS 04.16.049 is amended to read:

26 Sec. 04.16.049. ACCESS OF PERSONS UNDER THE AGE OF 21 [19] TO
27 LICENSED PREMISES. (a) A person under the age of 21 [19] years may not
28 knowingly enter or remain in premises licensed under this title unless
29 (1) accompanied by a parent, guardian or spouse who has at-

1 tained the age of 21 [19] years;

2 (2) accompanied by a person over the age of 21 [19] years and
3 with the consent of the person's parent or guardian if the premises are
4 designated by the board as a restaurant for the purposes of this section
5 and the persons enter and remain only for dining.

6 (b) Notwithstanding (a) of this section, a licensee, his agent, or
7 employee may refuse entry to a person under the age of 21 [19] years to
8 that part of licensed premises in which alcoholic beverages are sold,
9 served, or consumed, may refuse service to a person under the age of 21
10 [19] years, or may require a person under the age of 21 [19] years to
11 leave the portion of the licensed premises in which alcoholic beverages
12 are sold, served, or consumed.

13 (c) Notwithstanding this section, a person between 16 and 21 [19]
14 years of age may enter and remain within the licensed premises of a
15 hotel, restaurant, or eating place in the course of his employment if
16 (1) the employment does not involve the serving, mixing, delivering, or
17 dispensing of alcoholic beverages; (2) the person has the written
18 consent of a parent or guardian; and (3) an exemption from the pro-
19 hibition of AS 23.10.355 is granted by the Department of Labor. The
20 board, with the approval of the governing body having jurisdiction and
21 at the licensee's request, shall designate which premises are hotels,
22 restaurants, or eating places for the purposes of this subsection.

23 * Sec. 5. AS 04.16.050 is amended to read:

24 Sec. 04.16.050. POSSESSION OR CONSUMPTION BY PERSONS UNDER THE AGE
25 OF 21 [19]. A person under the age of 21 [19] years may not knowingly
26 consume, possess, or control alcoholic beverages except those furnished
27 persons under AS 04.16.051(b).

28 * Sec. 6. AS 04.16.051(a) is amended to read:

29 Sec. 04.16.051. FURNISHING OF ALCOHOLIC BEVERAGES TO PERSONS UNDER

1 THE AGE OF 21 [19]. (a) A person may not furnish an alcoholic beverage
2 to a person under the age of 21 [19] years.

3 * Sec. 7. AS 04.16.052 is amended to read:

4 Sec. 04.16.052. FURNISHING OF ALCOHOLIC BEVERAGES TO PERSONS UNDER
5 THE AGE OF 21 [19] BY LICENSEES. A licensee, his agent, or employee may
6 not with criminal negligence

7 (1) allow another person to sell, barter, or give an alco-
8 holic beverage to a person under the age of 21 [19] years within
9 licensed premises;

10 (2) allow a person under the age of 21 [19] years to enter
11 and remain within licensed premises except as provided in AS 04.16.049;

12 (3) allow a person under the age of 21 [19] years to consume
13 an alcoholic beverage within licensed premises;

14 (4) allow a person under the age of 21 [19] years to sell or
15 serve alcoholic beverages.

16 * Sec. 8. AS 04.16.060 is amended to read:

17 Sec. 04.16.060. PURCHASE BY PERSONS UNDER THE AGE OF 21 [19]. (a)
18 A person under the age of 21 [19] years may not purchase alcoholic
19 beverages or solicit another to purchase alcoholic beverages on his
20 behalf.

21 (b) A person may not influence the sale, gift, or service of an
22 alcoholic beverage to a person under the age of 21 [19] years, by
23 misrepresenting the age of that person.

24 (c) A person may not order or receive an alcoholic beverage from a
25 licensee, his agent, employee, or another person, for the purpose of
26 selling, giving, or serving it to a person under the age of 21 [19]
27 years.

28 (d) A person under the age of 21 [19] years may not enter licensed
29 premises where alcoholic beverages are sold and offer or present to a

1 licensee, his agent, or employee a birth certificate or other written
2 evidence of age, which is fraudulent or false or which is not actually
3 his own, or otherwise misrepresent his age, for the purpose of inducing
4 the licensee, his agent, or employee to sell, give, serve, or furnish
5 alcoholic beverages contrary to law.

6 (e) A person who has attained the age of 21 [19] years accompany-
7 ing a person under the age of 21 [19] who is seeking to enter and remain
8 in a licensed premises under AS 04.16.049(a)(2) may not misrepresent
9 having obtained the consent of the parent or guardian of the person
10 under the age of 21 [19] years.

11 * Sec. 9. AS 04.16.200(b)(2) is amended to read:

12 (2) the sale or offer for sale was made to a person under 21
13 [19] years of age; or

14 * Sec. 10. AS 04.16.200(c) is amended to read:

15 (c) It is an affirmative defense to a prosecution under (a) of
16 this section that no profit was involved in the solicitation or receipt
17 of an order for the delivery of an alcoholic beverage. However, the
18 affirmative defense created under this subsection is not available in a
19 prosecution of a person charged with selling or offering for sale
20 alcoholic beverages to a person under 21 [19] years of age.

21 * Sec. 11. AS 04.21.020(1) is amended to read:

22 (1) the alcoholic beverages are provided to a person under
23 the age of 21 [19] years in violation of AS 04.16.051, unless the
24 licensee, agent, or employee secures in good faith from the person a
25 signed statement, liquor identification card, or drivers' license
26 meeting the requirements of AS 04.21.050(a) and 04.21.050(b), which
27 indicates that the person is 21 [19] years of age or older; or

28 * Sec. 12. AS 04.21.050(a) is amended to read:

29 (a) If a licensee, or an agent or employee of the licensee

1 questions or has reason to question whether a person entering [A]
2 licensed premises, or ordering, purchasing, attempting to purchase, or
3 otherwise procuring or attempting to procure alcoholic beverages, has
4 attained the age of 21 [19] years, that licensee, agent, or employee
5 shall require the person to furnish proof of age acceptable under (b) of
6 this section. If the person questioned does not furnish proof of age
7 acceptable under (b) of this section, or if a licensee, agent, or
8 employee questions or has reason to question the validity of the proof
9 of age furnished, the licensee, employee, or agent shall require the
10 person to sign a statement that he is over the age of 21 [19] years.
11 This statement shall be made on a form prepared by and furnished to the
12 licensee by the board.

13 * Sec. 13. AS 04.21.050(c) is amended to read:

14 (c) A licensee, or an agent or employee of the licensee, may not
15 be charged for a violation of AS 04.16.051 - 04.16.052 if a signed
16 statement as provided in (a) of this section is secured in good faith,
17 or a valid driver's license or identification card is presented indi-
18 cating that the owner and possessor of the presented driver's license or
19 identification card is 21 [19] years of age or over.
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