

Introduced: 1/17/83
Referred: Judiciary

BY MARTIN, M.W.MILLER,
M.M.MILLER, VASKA AND
LINDAUER

1 IN THE HOUSE

2

HOUSE BILL NO. 17

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to age limits under Title 4, Alco-
7 holic 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 bever-
11 age dispensary license issued to a bowling alley may include the
12 concourse or lane areas of the bowling alley. Notwithstanding AS 04.-
13 16.049, the board may, upon application, authorize access by persons
14 under 21 [19] years of age to the concourse or lane areas designated
15 part of the bowling alley's licensed premises during hours when no
16 alcoholic 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 con-
21 sumed.

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

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

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

27 Sec. 04.16.049. ACCESS OF PERSONS UNDER THE AGE OF 21 [19] TO
28 LICENSED PREMISES. (a) A person under the age of 21 [19] years may
29 not knowingly enter or remain in premises licensed under this title

1 unless

2 (1) accompanied by a parent, guardian or spouse who has at-
3 tained the age of 21 [19] years;

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

8 (b) Notwithstanding (a) of this section, a licensee or an [,
9 HIS] agent [,] or employee of the licensee may refuse entry to a
10 person under the age of 21 [19] years to that part of licensed prem-
11 ises in which alcoholic beverages are sold, served, or consumed, may
12 refuse service to a person under the age of 21 [19] years, or may
13 require a person under the age of 21 [19] years to leave the portion
14 of the licensed premises in which alcoholic beverages are sold, serv-
15 ed, or consumed.

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

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

28 Sec. 04.16.050. POSSESSION OR CONSUMPTION BY PERSONS UNDER THE
29 AGE OF 21 [19]. A person under the age of 21 [19] years may not

1 knowingly consume, possess, or control alcoholic beverages except
2 those furnished persons under AS 04.16.051(b).

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

4 Sec. 04.16.051. FURNISHING OF ALCOHOLIC BEVERAGES TO PERSONS
5 UNDER THE AGE OF 21 [19]. (a) A person may not furnish an alcoholic
6 beverage to a person under the age of 21 [19] years.

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

8 Sec. 04.16.052. FURNISHING OF ALCOHOLIC BEVERAGES TO PERSONS
9 UNDER THE AGE OF 21 [19] BY LICENSEES. A licensee or an [, HIS] agent
10 [,] or employee of the licensee may not with criminal negligence

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

14 (2) allow a person under the age of 21 [19] years to enter
15 and remain within licensed premises except as provided in AS 04.16.-
16 049;

17 (3) allow a person under the age of 21 [19] years to con-
18 sume an alcoholic beverage within licensed premises;

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

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

22 Sec. 04.16.060. PURCHASE BY PERSONS UNDER THE AGE OF 21 [19].

23 (a) A person under the age of 21 [19] years may not purchase alco-
24 holic beverages or solicit another to purchase alcoholic beverages for
25 the person under the age of 21 [ON HIS BEHALF].

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

29 (c) A person may not order or receive an alcoholic beverage from

1 a licensee, an [HIS] agent or [,] employee of the licensee, or another
2 person, for the purpose of selling, giving, or serving it to a person
3 under the age of 21 [19] years.

4 (d) A person under the age of 21 [19] years may not enter li-
5 censed premises where alcoholic beverages are sold and offer or pre-
6 sent to a licensee or an [, HIS] agent [,] or employee of the licensee
7 a birth certificate or other written evidence of age, that [WHICH] is
8 fraudulent or false or that [WHICH] is not actually the person's [HIS]
9 own, or otherwise misrepresent the person's [HIS] age, for the purpose
10 of inducing the licensee or an [, HIS] agent [,] or employee of the
11 licensee to sell, give, serve, or furnish alcoholic beverages contrary
12 to law.

13 (e) A person who has attained the age of 21 [19] years accompa-
14 nying a person under the age of 21 [19] who is seeking to enter and
15 remain in a licensed premises under AS 04.16.049(a)(2) may not misrep-
16 resent having obtained the consent of the parent or guardian of the
17 person under the age of 21 [19] years.

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

19 (2) the sale or offer for sale was made to a person under
20 21 [19] years of age; or

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

22 (c) It is an affirmative defense to a prosecution under (a) of
23 this section that no profit was involved in the solicitation or re-
24 ceipt of an order for the delivery of an alcoholic beverage. However,
25 the affirmative defense created under this subsection is not available
26 in a prosecution of a person charged with selling or offering for sale
27 alcoholic beverages to a person under 21 [19] years of age.

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

29 (1) the alcoholic beverages are provided to a person under

1 the age of 21 [19] years in violation of AS 04.16.051, unless the
2 licensee, agent, or employee secures in good faith from the person a
3 signed statement, liquor identification card, or drivers' license
4 meeting the requirements of AS 04.21.050(a) and 04.21.050(b), that
5 [WHICH] indicates that the person is 21 [19] years of age or older; or
6 * Sec. 12. AS 04.21.050(a) is amended to read:

7 (a) If a licensee [,] or an agent or employee of the licensee
8 questions or has reason to question whether a person entering [A]
9 licensed premises, or ordering, purchasing, attempting to purchase, or
10 otherwise procuring or attempting to procure alcoholic beverages, has
11 attained the age of 21 [19] years, that licensee, agent, or employee
12 shall require the person to furnish proof of age acceptable under (b)
13 of this section. If the person questioned does not furnish proof of
14 age acceptable under (b) of this section, or if a licensee, agent, or
15 employee questions or has reason to question the validity of the proof
16 of age furnished, the licensee, employee, or agent shall require the
17 person to sign a statement that the person [HE] is over the age of 21
18 [19] years. This statement shall be made on a form prepared by and
19 furnished to the licensee by the board.

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

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

27 * Sec. 14. AS 23.10.355 is amended to read:

28 Sec. 23.10.355. PERSONS UNDER 21 [19]. No person under 21 [19]
29 may be employed or allowed to sell or serve alcoholic beverages or to

- 1 work in any room or other place where alcoholic beverages are sold for
- 2 consumption on the premises, except as provided in AS 04.16.049(c).