

Original sponsors: Halford, Binkley,
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1 IN THE SENATE BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 371 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to alcoholic beverages in an area
7 that has prohibited or restricted the sale of alco-
8 holic beverages by local option election; and to
9 delivery, purchase, and municipal regulation of
10 alcoholic beverages."

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

12 * Section 1. AS 04.11.010 is amended by adding a new subsection to read:

13 (c) In a criminal prosecution for possession of alcoholic bever-
14 ages for sale in violation of (a) of this section, the fact that a
15 person possessed 12 liters or more of distilled spirits, 24 liters or
16 more of wine, or 45 liters or more of malt beverages in an area where
17 the sale of alcoholic beverages is prohibited under AS 04.11.490,
18 04.11.492, 04.11.496, or 04.11.500 creates a presumption that the
19 person possessed the alcoholic beverages for sale.

20 * Sec. 2. AS 04.11 is amended by adding a new section to read:

21 Sec. 04.11.015. PURCHASE FROM NONLICENSEE PROHIBITED. A person
22 may not purchase alcoholic beverages from a person who is not a li-
23 censee, permittee, or an agent or employee of a licensee or permittee.

24 * Sec. 3. AS 04.11.150(a) is amended to read:

25 (a) Except as provided under (h) of this section, a [A] package
26 store license authorizes the holder to sell alcoholic beverages to a
27 person in response to a verbal solicitation for purchase received from
28 the person present on the licensed premises or in response to a writ-
29 ten solicitation made by a person known to the licensee for a purchase

1 to be received by the person making the solicitation.

2 * Sec. 4. AS 04.11.150 is amended by adding new subsections to read:

3 (h) A package store licensee, agent, or employee may not ship
4 more than two liters of distilled spirits, an amount equivalent to 48
5 twelve-ounce bottles of malt beverages, or 12 liters of wine within a
6 seven-day period to a purchaser off the licensed premises if the
7 shipment is to an area that has restricted the sale of alcoholic
8 beverages under AS 04.11.490, 04.11.492, or 04.11.500.

9 (i) A package store licensee, agent, or employee may not divide
10 or combine shipments of alcoholic beverages so as to circumvent the
11 limitation imposed under (h) of this section.

12 * Sec. 5. AS 04.11.502 is amended by adding a new subsection to read:

13 (d) Notwithstanding any other provisions of law, an election
14 under (a) or (b) of this section to remove a restriction on the sale,
15 importation, or possession of alcoholic beverages previously imposed
16 under AS 04.11.490 - 04.11.500 may not be conducted more than once
17 every 12 months.

18 * Sec. 6. AS 04.16.030 is amended by adding a new subsection to read:

19 (b) A person receiving compensation for transporting alcoholic
20 beverages by motor vehicle, watercraft, aircraft, or railroad car may
21 not knowingly deliver the alcoholic beverages to a drunken person.

22 * Sec. 7. AS 04.16.051(a) is amended to read:

23 Sec. 04.16.051. FURNISHING OR DELIVERY OF ALCOHOLIC BEVERAGES TO
24 PERSONS UNDER THE AGE OF 21. (a) A person may not furnish or deliver
25 an alcoholic beverage to a person under the age of 21 years.

26 * Sec. 8. AS 04.16.051(b) is amended to read:

27 (b) This section does not prohibit the furnishing or delivery of
28 an alcoholic beverage

29 (1) by a parent to the parent's child, by a guardian to the

1 guardian's ward, or by a person to the legal spouse of that person if
2 the furnishing occurs off licensed premises; or

3 (2) by a licensed physician or nurse to a patient in the
4 course of administering medical treatment.

5 * Sec. 9. AS 04.16 is amended by adding a new section to read:

6 Sec. 04.16.125. ALCOHOLIC BEVERAGES TRANSPORTED BY COMMON CAR-
7 RIER. (a) A person may not use a common carrier to transport alco-
8 holic beverages into an area that has restricted the sale of alcoholic
9 beverages under AS 04.11.490, 04.11.492, or 04.11.500 unless

10 (1) the shipping container holding the alcoholic beverages
11 is clearly labeled as containing alcoholic beverages with letters that
12 contrast in color to the shipping container and that are at least two
13 inches in height; and

14 (2) an itemized invoice showing the purchase value of the
15 alcoholic beverages is attached to the outside of the shipping con-
16 tainer.

17 (b) This section does not apply to a person transporting not
18 more than two liters of wine or malt beverages, or not more than one
19 liter of distilled spirits.

20 (c) In this section, "common carrier" means a motor vehicle,
21 watercraft, aircraft, or railroad car available for public hire to
22 transport freight or passengers.

23 * Sec. 10. AS 04.21.010(a) is amended to read:

24 (a) A municipality may adopt ordinances governing the importa-
25 tion, barter, sale, and consumption of alcoholic beverages within the
26 municipality [AS NECESSARY FOR THE ORDERLY CONDUCT OF THE BUSINESS OF
27 SELLING ALCOHOLIC BEVERAGES WITHIN THE MUNICIPALITY] and may ban
28 possession of alcoholic beverages under AS 04.11.498(d) or (e). An
29 ordinance adopted under this section may not be inconsistent with this

1 title or regulations adopted under this title.

2 * Sec. 11. AS 04.21.010(c) is amended to read:

3 (c) A municipality may not impose taxes on alcoholic beverages
4 except a

5 (1) property tax [TAXES] on alcoholic beverage inventories;

6 (2) sales tax [TAXES] on alcoholic beverage sales if sales
7 taxes are imposed on other sales within the municipality; [AND]

8 (3) sales tax [TAXES] on alcoholic beverage sales that were
9 in effect before July 1, 1985; and

10 (4) sales and use tax on alcoholic beverages if the sale of
11 alcoholic beverages within the municipality has been prohibited under
12 AS 04.11.490.