

Original sponsors: Halford, Binkley,
Kelly, et al.

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 371 (Judiciary) am H
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 more than 12 liters of distilled spirits, 24 liters
16 or more of wine, or 45 liters or more of malt beverages in an area
17 where the sale of alcoholic beverages is prohibited under AS 04.11.-
18 490, 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) A
22 person may not purchase alcoholic beverages from a person who is not a
23 licensee, permittee, or an agent or employee of a licensee or permit-
24 tee.

25 (b) A person who violates this section is guilty of a violation.

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

27 (a) Except as provided under (h) of this section, a [A] package
28 store license authorizes the holder to sell alcoholic beverages to a
29 person in response to a verbal solicitation for purchase received from

1 the person present on the licensed premises or in response to a writ-
2 ten solicitation made by a person known to the licensee for a purchase
3 to be received by the person making the solicitation.

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

5 (h) A package store licensee, agent, or employee may not ship
6 more than eighteen liters of distilled spirits within a monthly period
7 to a purchaser off the licensed premises if the shipment is to an area
8 that has restricted the sale of alcoholic beverages under
9 AS 04.11.490, 04.11.492, or 04.11.500.

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

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

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

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

20 (b) A person receiving compensation for transporting alcoholic
21 beverages may not knowingly deliver alcoholic beverages to a drunken
22 person.

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

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

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

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

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

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

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

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

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

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

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

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

24 * Sec. 10. AS 04.16.180(a) is amended to read:

25 (a) Except as provided in AS 04.11.015 and AS 04.16.200 - 04.-
26 16.210, a person who violates a provision of this title or a regula-
27 tion adopted by the board is guilty, upon conviction, of a class A
28 misdemeanor. Each violation is a separate offense.

29 * Sec. 11. AS 04.21.010(a) is amended to read:

1 (a) A municipality may adopt ordinances governing the importa-
2 tion, barter, sale, and consumption of alcoholic beverages within the
3 municipality [AS NECESSARY FOR THE ORDERLY CONDUCT OF THE BUSINESS OF
4 SELLING ALCOHOLIC BEVERAGES WITHIN THE MUNICIPALITY] and may ban
5 possession of alcoholic beverages under AS 04.11.498(d) or (e). An
6 ordinance adopted under this section may not be inconsistent with this
7 title or regulations adopted under this title.

8 * Sec. 12. AS 04.21.010(c) is amended to read:

9 (c) A municipality may not impose taxes on alcoholic beverages
10 except a

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

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

14 (3) sales tax [TAXES] on alcoholic beverage sales that was
15 [WERE] in effect before July 1, 1985; and

16 (4) sales and use tax on alcoholic beverages if the sale of
17 alcoholic beverages within the municipality has been prohibited under
18 AS 04.11.490.