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BY MACLEAN, ELLIS, GOLL,  
SWACKHAMMER, FOSTER,  
HUDSON, BROWN, SPOHNHOLZ,  
ULMER, MENARD, KOPONEN  
AND NAVARRE

1 IN THE HOUSE

2 HOUSE BILL NO. 230

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act requiring the holder of a license or permit  
7 related to selling or serving alcohol to, post signs  
8 warning patrons that consumption of alcohol during  
9 pregnancy can cause birth defects."

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

11 \* Section 1. AS 04.21 is amended by adding a new section to read:

12 Sec. 04.21.065. POSTING OF WARNING SIGNS. (a) A holder of one  
13 of the following types of licenses or permits shall post on the desig-  
14 nated premises a warning sign or signs as described in (b) of this  
15 section:

16 (1) beverage dispensary license;

17 (2) restaurant or eating place license;

18 (3) club license;

19 (4) brewery license; this paragraph applies only to a  
20 brewery that permits a person to sample portions of the brewery's  
21 product;

22 (5) package store license;

23 (6) common carrier dispensary license;

24 (7) recreational site license;

25 (8) community liquor license;

26 (9) pub license;

27 (10) winery license; this paragraph applies only to a winery  
28 that permits a person to sample portions of the winery's product;

29 (11) caterer's permit;

- 1           (12) special events permit;
- 2           (13) conditional contractor's permit;
- 3           (14) brewpub license.

4           (b) A warning sign required by (a) of this section must be at  
5           least eight and one-half inches by 11 inches. The sign must read  
6           "WARNING: Drinking alcoholic beverages such as beer, wine, wine  
7           coolers, and other distilled spirits during pregnancy can cause birth  
8           defects." The license or permit holder shall display the signs in a  
9           manner that will make them conspicuous to a person purchasing or  
10           consuming alcoholic beverages on the designated premises. The board  
11           shall determine how many signs must be displayed by a license or  
12           permit holder and whether they are sufficiently conspicuous after they  
13           are posted.

14           (c) The board shall furnish a sign required under this section  
15           to a person who requests it with the intention of displaying it.

16           (d) A peace officer may issue a citation for a violation of this  
17           section. The provisions of AS 12.25.180(b) and 12.25.190 - 12.25.230  
18           apply to the issuance of a citation under this subsection.

19           (e) An employee of the board may issue a citation for a viola-  
20           tion of this section regardless of whether the violation was committed  
21           in the employee's presence. A citation issued under this subsection  
22           must be in the same form and shall be processed in the same manner as  
23           a citation issued by a peace officer under (d) of this section. An  
24           employee of the board may not arrest a person for a violation of this  
25           section.

26           (f) A person who violates this section is guilty of a violation  
27           as defined in AS 11.81.900(b) and upon conviction is punishable by a  
28           fine of not less than \$20 nor more than \$300. Each day a violation  
29           continues after a citation for the violation has been issued

1 constitutes a separate violation.

2 (g) The supreme court shall establish a schedule of bail amounts  
3 for violations of this section. The bail amount may not exceed the  
4 maximum fine that may be imposed for the violation under (f) of this  
5 section. The bail amount for a violation must appear on the citation.

6 (h) A person cited for a violation under this section may,  
7 within 15 days after the date of the citation, mail or personally  
8 deliver to the clerk of the court in which the citation is filed

9 (1) the amount of bail indicated on the citation for the  
10 violation; and

11 (2) a copy of the citation indicating that the right to an  
12 appearance is waived, a plea of no contest is entered, and the bail is  
13 forfeited.

14 (i) When bail has been forfeited under (h) of this section, a  
15 judgment of conviction shall be entered. Forfeiture of bail is a  
16 complete satisfaction for the violation. The clerk of the court  
17 accepting the bail shall provide the violator with a receipt stating  
18 that fact.

19 (j) If the person cited fails to pay the bail amount established  
20 under (g) of this section or to appear in court as required, the  
21 citation is considered a summons for a misdemeanor.

22 (k) A person may not be fined more than once for each violation  
23 of this section.

24 (l) The board or any affected party may institute an action in  
25 the superior court to enjoin repeated violations of this section.

26 \* Sec. 2. AS 12.25.190(c) is amended to read:

27 (c) The person cited for the crime shall give a written promise  
28 to appear in court by signing at least one copy of the written cita-  
29 tion prepared by the peace officer and the officer shall deliver a

1 copy of the citation to the person. The written promise requirement  
2 of this subsection does not apply to motor vehicle and traffic cita-  
3 tions for which a bail or fine schedule has been established under  
4 AS 28.05.151, fish and game citations for which a bail schedule has  
5 been established under AS 16.05.165, citations issued under AS 04.21.-  
6 065, citations issued under AS 18.35.341, citations issued in state  
7 park and recreational facilities under AS 41.21.960, or littering  
8 citations issued under AS 46.06.080.