

COMMITTEE REPORT  
SENATE

FURTHER:

2/26/86

Date 4/8/86

Mr. President

The Committee on FINANCE considered SB 138  
relating to the pricing and promotion of alcoholic beverages.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 138 (FIC)
- new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE  
@ SFC 4/8/86
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

Rich Halford

J. Ferguson

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS

J. Ferguson

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Co Jan Lake  
Chairman

do pass  
Chairman recommendation

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : CSSB 138 (Finance)  
 Title : Act relating to pricing  
and marketing of alcoholic  
beverages  
 Sponsor : Sen. V. Fischer  
 Requestor : \_\_\_\_\_  
 Date of Request : \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected : All  
 BRU : \_\_\_\_\_  
 \_\_\_\_\_  
 Components : \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

| OPERATING              | FY 86 | FY 87 | FY 88 | FY 89 | FY 90 | FY 91 |
|------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES      |       |       |       |       |       |       |
| TRAVEL                 |       |       |       |       |       |       |
| CONTRACTUAL            |       |       |       |       |       |       |
| SUPPLIES               |       |       |       |       |       |       |
| EQUIPMENT              |       |       |       |       |       |       |
| LAND & STRUCTURES      |       |       |       |       |       |       |
| GRANTS, CLAIMS         |       |       |       |       |       |       |
| MISCELLANEOUS          |       |       |       |       |       |       |
| <b>TOTAL OPERATING</b> | 0     | 0     | 0     | 0     | 0     | 0     |

|         |   |   |   |   |   |   |
|---------|---|---|---|---|---|---|
| CAPITAL | 0 | 0 | 0 | 0 | 0 | 0 |
|---------|---|---|---|---|---|---|

|         |   |   |   |   |   |   |
|---------|---|---|---|---|---|---|
| REVENUE | 0 | 0 | 0 | 0 | 0 | 0 |
|---------|---|---|---|---|---|---|

**FUNDING : (Thousands of Dollars)**

|               |   |   |   |   |   |   |
|---------------|---|---|---|---|---|---|
| GENERAL FUND  |   |   |   |   |   |   |
| FEDERAL FUNDS |   |   |   |   |   |   |
| OTHER         |   |   |   |   |   |   |
| <b>TOTAL</b>  | 0 | 0 | 0 | 0 | 0 | 0 |

**POSITIONS :**

|           |   |   |   |   |   |   |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART-TIME |   |   |   |   |   |   |
| TEMPORARY |   |   |   |   |   |   |

**ANALYSIS :** Attach a separate page if necessary

Prepared by : \_\_\_\_\_ Phone : 465-4523  
 Division : Senator Jan Faiks, Co-chairman Date : 4/8/86  
Senate Finance Committee

Approved by Commissioner : \_\_\_\_\_ Date : \_\_\_\_\_  
 Agency : \_\_\_\_\_

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Ford  
4/3/86 ✓

Original sponsor: V.Fischer

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 138 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to pricing and marketing of alco-  
7 holic beverages."

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

9 \* Section 1. AS 04.16 is amended by adding a new section to read:

10 Sec. 04.16.015. PRICING AND MARKETING OF ALCOHOLIC BEVERAGES.

11 (a) On premises where alcoholic beverages are sold by the drink, a  
12 licensee or a licensee's agent or employee may not

13 (1) offer or deliver, as a marketing device to the general  
14 public, free alcoholic beverages to a patron;

15 (2) deliver an alcoholic beverage to a person already  
16 possessing two or more;

17 (3) sell, offer to sell, or deliver alcoholic beverages to  
18 a person or group of persons at a price less than the price regularly  
19 charged for the beverages during the same calendar week, except at  
20 private functions not open to the general public;

21 (4) sell, offer to sell, or deliver an unlimited number of  
22 alcoholic beverages to a person or group of persons during a set  
23 period of time for a fixed price;

24 (5) sell, offer to sell, or deliver alcoholic beverages to  
25 a person or group of persons on any one day at prices less than those  
26 charged the general public on that day, except at private functions  
27 not open to the general public;

28 (6) encourage or permit an organized game or contest on the  
29 licensed premises that involves drinking alcoholic beverages or the

1           awarding of alcoholic beverages as prizes.

2           (b) A licensee or a licensee's agent or employee may not adver-  
3           tise or promote in any way, either on or off the premises, a practice  
4           prohibited under (a) of this section.

5           (c) This section may not be construed to prohibit a licensee or  
6           a licensee's agent or employee from offering free food or entertain-  
7           ment at any time, from serving wine by the bottle or carafe or beer by  
8           the pitcher with or without meals, or from including an alcoholic  
9           beverage as part of a meal package.

10          (d) Notwithstanding (a) and (b) of this section, a licensee or a  
11          licensee's agent may offer or deliver free alcoholic beverages to a  
12          political, charitable, or educational group or organization.



STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: SB 138  
 Title: Pricing and Promotion  
of Alcoholic Beverages  
 Sponsor: Senator V. Fisher  
 Requestor: Sen. State Affairs Comm.  
 Date of Request: February 8, 1985

FISCAL DETAIL

Agency Affected: Dept. of Revenue  
 Program Category Affected: Public  
Protection  
 BRU, Program or Subprogram(s) Affected:  
Alcoholic Beverage Control Board

EXPENDITURES/REVENUES: (Thousands of Dollars)

|                        | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 | FY 90 |
|------------------------|-------|-------|-------|-------|-------|-------|
| <b>OPERATING</b>       |       |       |       |       |       |       |
| 100 PERSONAL SERVICES  |       |       |       |       |       |       |
| 200 TRAVEL             |       |       |       |       |       |       |
| 300 CONTRACTUAL        |       |       |       |       |       |       |
| 400 SUPPLIES           |       |       |       |       |       |       |
| 500 EQUIPMENT          |       |       |       |       |       |       |
| 600 LAND & STRUCTURES  |       |       |       |       |       |       |
| 700 GRANTS, CLAIMS     |       |       |       |       |       |       |
| 800 MISCELLANEOUS      |       |       |       |       |       |       |
| <b>TOTAL OPERATING</b> | -0-   | -0-   | -0-   | -0-   | -0-   | -0-   |
| <b>CAPITAL</b>         |       |       |       |       |       |       |
| <b>REVENUE</b>         |       |       |       |       |       |       |

FUNDING: (Thousands of Dollars)

|               |     |     |     |     |     |     |
|---------------|-----|-----|-----|-----|-----|-----|
| GENERAL FUND  |     |     |     |     |     |     |
| FEDERAL FUNDS |     |     |     |     |     |     |
| OTHER         |     |     |     |     |     |     |
| <b>TOTAL</b>  | -0- | -0- | -0- | -0- | -0- | -0- |

POSITIONS:

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| FULL-TIME |  |  |  |  |  |  |
| PART-TIME |  |  |  |  |  |  |
| TEMPORARY |  |  |  |  |  |  |

ANALYSIS: Attach a separate page if necessary

*Patrick L. Shanrock*

Prepared By: Patrick L. Shanrock Phone: 277-8638  
 Division: Alcoholic Beverage Control Board Date: 2/12/85

Approved by Commissioner: Mary Northale Date: 2/15/85  
 Agency: Department of Revenue

Distribution (by Agency preparing fiscal note):  
Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

7/1/84

## SECTIONAL ANALYSIS OF CS FOR SB 138 (Finance)

CS SB 138 adds a new section to alcohol laws relating to the pricing and promotion of alcoholic drinks. Based on the contention that lower prices for alcoholic beverages is conducive to higher consumption of drinks resulting in an increase in alcohol related problems, the bill would eliminate happy hours.

The term "promotional device" is replaced in the CS with the terms "marketing device to the general public." This change will prohibit instances in which alcoholic beverages are given away to the general public to generate more business, but allow licensees to continue normal business practices in advertising their establishments.

### Section 1

Bar owners would be prohibited from:

--giving away free drinks to patrons as a promotional device, but allow bar owners to exercise a managerial purgative to offer a specific individual a free drink as compensation for some inconvenience;

--delivering a drink to someone who already has two or more;

--selling drinks at a reduced price, except at private functions;

--encouraging or permitting an organized game or contest for patrons on the premises that involves drinking alcoholic beverages or the awarding of alcoholic beverages as prizes;

Bar owners would be required to post the prices of drinks, and may only change the prices charged for alcoholic beverages upon the first day of the week. An owner or employee of the establishment may not advertise any of the prohibited practices.

The bill would not prohibit bar owners from:

--raising prices during times when live entertainment was performing;

--offering free food or entertainment;

--serving wine by the bottle or carafe, or beer by the pitcher with or without meals;

--including an alcoholic beverage as part of a meal package.

-- offer or deliver free alcoholic beverages to political, charitable, or educational organizations to be awarded as prizes or to be sold as fund raising activities by the organizations.

Fiscal Implications:

There are no fiscal impacts from the passage of this bill to be considered.

SECTIONAL ANALYSIS OF CS FOR SB 138 (Finance)

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- selling drinks at a reduced price, except at private functions;
- encouraging or permitting an organized game or contest for patrons on the premises that involves drinking alcoholic beverages or the awarding of alcoholic beverages as prizes;

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The bill would not prohibit bar owners from:

- raising prices during times when live entertainment was performing;
- offering free food or entertainment;
- serving wine by the bottle or carafe, or beer by the pitcher with meals;
- including an alcoholic beverage as part of a meal package.

Proposed Finance CS

These changes or additions are in response to the memorandum from Legislative Counsel dated April 2, 1986.

1. Page 1, line 13, add the words: to the general public;
2. Page 1, line 27, no change required;
3. Page 2, line 10, add a new subsection to read, "Notwithstanding (a) and (b) of this section, a licensee or a licensee's agent may offer or deliver free alcoholic beverages to political, charitable, or educational organizations to be awarded as prizes or to be sold as fund raising activities by the organizations.
4. Page 2, line 8, add the words: or without;
5. no change desired.

There are no fiscal impacts from the passage of this bill to be considered.

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU ALASKA 99801  
907 465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 2, 1986

SUBJECT: Pricing and promotion of alcoholic beverages  
(SB 138(SA))

TO: Senator Jan Faiks

FROM: Michael F. Ford *M. F.*  
Legislative Counsel

You have asked a number of questions concerning SB 138(SA), I will respond to each question in the order you have listed them:

1. An argument could be made that offering a free drink to a customer for some inconvenience is prohibited by Sec. 04.16.015(a)(1), in that it would constitute a "promotional device." This problem could be avoided by adding a qualifying clause, for example "as a promotional device to the general public." This would avoid prohibiting the offering of a drink to a specific individual.
2. I do not think the bill would prohibit an establishment from raising prices charged for alcoholic beverages to provide for entertainment, or otherwise.
3. A licensee who wishes to donate alcoholic beverages for any reason may violate Sec. 04.16.015(a)(1), in that it could constitute a promotional device. This problem can be solved in two ways, either delete 04.16.015(a)(1), and allow an establishment to give away alcoholic beverages, or add a new subsection to 04.16.015 to specifically allow this type of donation. For example, a new subsection could read, "Notwithstanding (a) and (b) of this section, a licensee or a licensee's agent may offer or deliver free alcoholic beverages to ....."
4. Although I do not think this bill would prohibit wine or beer being served without meals, if the words "or without" were inserted on page 2, line 8, after "with", the question

Senator Jan Faiks

Page 2

April 2, 1986

would be clearly resolved. In the alternative, simply delete "with meals."

5. "Promotional" does seem to have a broader context than does the term "marketing." If your intent is only to prohibit instances in which alcoholic beverages are given away to the general public to generate more business, then I suggest that the term "promotional device" be replaced with "marketing device to the general public." This change would also require a change to the title of the bill.

MFF:mkr

m4/062

# Alaska State Legislature

CO-CHAIRMAN  
FINANCE COMMITTEE  
907-465-3740



JAN FAIKS  
POUCH V  
CAPITOL BUILDING  
JUNEAU, ALASKA 99811

Senate

March 27, 1986

## MEMORANDUM

TO: Mike Ford  
Division of Legal Services

FROM: Senator Jan Faiks

SUBJECT: Senate Bill 138

On Thursday, April 3, 1986, the Senate Finance Committee is scheduled to consider Senate Bill 138 which would in effect eliminate the practice of happy hours in establishments serving alcoholic beverages. Thus, I would appreciate your researching the following questions:

1. Would any provision in the bill prevent the management of an establishment from compensating a customer for some inconvenience with a free drink?
2. Would any provision in the bill prohibit the management of an establishment from raising the price of alcoholic beverages during times when entertainment is provided?
3. Currently, licensees make donations of alcoholic beverages to political, educational, or charitable organizations to be awarded as prizes or to be sold as fund raising activities by the organizations. Would any provision of the bill prohibit this practice? If so, please provide language which would permit this practice to continue.
4. Considering the words "with meals" appearing in Section 04.16.015 (6) (c), would it be illegal to serve wine by the bottle or beer by the pitcher without meals?
5. In Section 04.16.015 (a) (1) the word "promotional" appears. As a member of my staff discussed with you on the telephone, this word may be

OUT OF SESSION

narrowly construed by readers to be unnecessarily restrictive in light of the purposes of the bill. If the word "marketing" replaced "promotional", could it be defined in such a way as to enhance the purpose of the bill? Would this require a title change to the bill?

Also, I would appreciate the drafting of a committee substitute which would in Section 04.16.015 (a) (1) replace the words "a person or a group of persons" with the word "patron".

Proposed Finance CS

These changes or additions are in response to the memorandum from Legislative Counsel dated April 2, 1986.

1. Page 1, line 13, add the words: to the general public, and replace the words person or group of persons with the word patrons;

2. Page 1, line 27, no change required;

3. Page 2, line 10, add a new subsection to read, "Notwithstanding (a) and (b) of this section, a licensee or a licensee's agent may offer or deliver free alcoholic beverages to political, charitable, or educational organizations to be awarded as prizes or to be sold as fund raising activities by the organizations.

4. Page 2, line 8, add the words: or without;

5. no change desired.

There are no fiscal impacts from the passage of this bill to be considered.

Offered: 2/20/86  
Referred: Judiciary

Original sponsor: V.Fischer

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE  
2 CS FOR SENATE BILL NO. 138 (State Affairs)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to pricing and promotion of alco-  
7 holic beverages."

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

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14 holic beverages to a person or group of persons;

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16 possessing two or more;

17 (3) sell, offer to sell, or deliver alcoholic beverages to  
18 a person or group of persons at a price less than the price regularly  
19 charged for the beverages during the same calendar week, except at  
20 private functions not open to the general public;

21 (4) sell, offer to sell, or deliver an unlimited number of  
22 alcoholic beverages to a person or group of persons during a set  
23 period of time for a fixed price;

24 (5) sell, offer to sell, or deliver alcoholic beverages to  
25 a person or group of persons on any one day at prices less than those  
26 charged the general public on that day, except at private functions  
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29 licensed premises that involves drinking alcoholic beverages or the

1           awarding of alcoholic beverages as prizes.

2           (b) A licensee or a licensee's agent or employee may not adver-  
3           tise or promote in any way, either on or off the premises, any of the  
4           practices prohibited under (a) of this section.

5           (c) Nothing contained in this section shall be construed to  
6           prohibit a licensee or a licensee's agent or employee from offering  
7           free food or entertainment at any time, from serving wine by the  
8           bottle or carafe or beer by the pitcher with <sup>or without</sup> meals, or from including  
9           an alcoholic beverage as part of a meal package.

10 (2) NEW SUBSECTION

# Alaska State Legislature

Senator Mitch Aboud  
CHAIRMAN

INTERIM OFFICE  
1024 WEST SIXTH AVENUE  
ANCHORAGE, ALASKA 99501  
(907) 274-2843

IN SESSION  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4714



## Senate Committee on State Affairs

### Letter of intent - Senate State Affairs

SB 138 - An Act relating to pricing an promotion of alcoholic beverage.

February 20, 1986

It is the intent of the Senate State Affairs Committee in adopting the committee substitute for SB 138, that licensee's of premises where alcoholic beverages are sold by the drink be prohibited from sponsoring "happy Hours" and similar types of alcohol promotion that encourage excessive drinking.

The committee intends that such prohibitions be applied only to actions of the licensee or licensee's agent and not to actions of individuals patrons. Specifically, the Committee intends that the prohibition in Sec. 04.16.015(6) against encouraging or permitting organized games or contests that involve drinking alcoholic beverages or awarding alcoholic beverages as prizes be limited to licensee's or their agents and not to individual patrons.

Offered: 2/20/86  
Referred: Judiciary

Original sponsor: V.Fischer

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 138 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

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18 a person or group of persons at a price less than the price regularly  
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25 a person or group of persons on any one day at prices less than those  
26 charged the general public on that day, except at private functions  
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29 licensed premises that involves drinking alcoholic beverages or the

1       awarding of alcoholic beverages as prizes.

2               (b) A licensee or a licensee's agent or employee may not adver-  
3       tise or promote in any way, either on or off the premises, any of the  
4       practices prohibited under (a) of this section.

5               (c) Nothing contained in this section shall be construed to  
6       prohibit a licensee or a licensee's agent or employee from offering  
7       free food or entertainment at any time, from serving wine by the  
8       bottle or carafe or beer by the pitcher with meals, or from including  
9       an alcoholic beverage as part of a meal package.

COMMITTEE REPORT  
SENATE

FURTHER:

JUDICIARY  
FINANCE

2/7/85

Date \_\_\_\_\_

Mr. President

The Committee on STATE AFFAIRS considered SB 138  
relating to the pricing and promotion of alcoholic beverages.

and (a majority of the committee) (the committee) reports it back with  
the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 138 SA
- new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS

Edna DeVries  
\_\_\_\_\_  
Bill Ray  
\_\_\_\_\_  
V. Kischner  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Michael Hood  
Chairman  
Bob Ross  
Chairman recommendation

Introduced: 2/7/85  
Referred: State Affairs,  
Judiciary and Finance

1 IN THE SENATE

BY V. FISCHER

2

SENATE BILL NO. 138

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to pricing and promotion of alco-  
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19 charged for the beverages during the same calendar week, except at  
20 private functions not open to the general public;

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22 alcoholic beverages to a person or group of persons during a set  
23 period of time for a fixed price, except at private functions not open  
24 to the general public;

25 (5) sell, offer to sell, or deliver alcoholic beverages to  
26 a person or group of persons on any one day at prices less than those  
27 charged the general public on that day, except at private functions  
28 not open to the general public;

29 (6) encourage or permit a game or contest that involves

1 drinking alcoholic beverages or the awarding of alcoholic beverages as  
2 prizes.

3 (h) A licensee shall post in a conspicuous location upon prem-  
4 ises where alcoholic beverages are sold by the drink the regular price  
5 for each available alcoholic beverage. Posted prices may be changed  
6 only upon the first day of each calendar week.

7 (c) A licensee or a licensee's agent or employee may not adver-  
8 tise or promote in any way, either on or off the premises, any of the  
9 practices prohibited under (a) of this section.

10 (d) Nothing contained in this section shall be construed to  
11 prohibit a licensee or a licensee's agent or employee from offering  
12 free food or entertainment at any time, from serving wine by the  
13 bottle or carafe or beer by the pitcher with meals, or from including  
14 an alcoholic beverage as part of a meal package.