

S B

127

HOUSE COMMITTEE REPORT

(7)

Date Referred: January 30, 1989

FURTHER REFERRALS:

Date of Committee Action: 2/6/89

The HEALTH, EDUCATION, & SOCIAL SERVICES Committee recommends that:

CS FOR SENATE BILL NO. 127 (State Affairs)

[EXEMPT HOME-BREW/REDEFINE ALCH. BEVERAGE]

"An Act relating to the private manufacture of an alcoholic beverage; and providing for an effective date."

[X] be replaced with HCS CSSB 127 (HESS) [X] the same title
[] a new title

[] have attached amendment(s)

[] do pass

[] do not pass

[] no recommendation

[X] individual recommendations

[] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

[] fiscal impact

[] zero fiscal note

[] zero with analysis

APPROVES PREVIOUS:

[] fiscal note(s) published:

[X] zero fiscal notes(s) published:

1/26/89

SIGNING DO PASS:

Walt Farvace
Peter J. Lee
John Ellis

SIGNING OTHER THAN DO PASS:

(Do Not Pass, No Recommendation, Amend)

Cheri Davis No Rec
Walt Farvace No Rec
MONCKEYMAN NO REC

John Ellis
Chairman's signature

[§ 23394]

(e) **ILLEGALLY PRODUCED WINE.**—Notwithstanding subsection (a), any wine produced in the United States at any place other than the bonded premises provided for in this chapter shall (except as provided in section 5042 in the case of tax-free production) be subject to tax at the rate prescribed in subsection (b) at the time of production and whether or not removed for consumption or sale.

[Sec. 5041 as amended by Act of June 30, 1959, P. L. 86-75, 73 Stat. 157; Act of June 30, 1960, P. L. 86-564, 74 Stat. 290; Act of June 30, 1961, P. L. 87-72, 75 Stat. 194; Act of June 28, 1962, P. L. 87-508, 76 Stat. 114; Act of June 29, 1963, P. L. 88-52; Act of June 30, 1964, P. L. 88-348; Act of June 21, 1965, P. L. 89-44, 79 Stat. 136; Act of Oct. 26, 1974, P. L. 93-490, 88 Stat. 1466; Act of Oct. 4, 1976, P. L. 94-455, 90 Stat. 1520; Act of Nov. 10, 1988, P. L. 100-647, 102 Stat. 3342, applicable to wine removed after Dec. 31, 1988.]

[§ 23395]

Sec. 5042. Exemption from Tax. (a) **TAX-FREE PRODUCTION.**—(1) **CIDER.**—Subject to regulations prescribed by the Secretary, the noneffervescent product of the normal alcoholic fermentation of apple juice only, which is produced at a place other than a bonded wine cellar and without the use of preservative methods or materials, and which is sold or offered for sale as cider and not as wine or as a substitute for wine, shall not be subject to tax as wine nor to the provisions of subchapter F.

(2) **WINE FOR PERSONAL OR FAMILY USE.**—Subject to regulations prescribed by the Secretary—

(A) **EXEMPTION.**—Any adult may, without payment of tax, produce wine for personal or family use and not for sale.

(B) **LIMITATION.**—The aggregate amount of wine exempt from tax under this paragraph with respect to any household shall not exceed—

(i) 200 gallons per calendar year if there are 2 or more adults in such household, or

(ii) 100 gallons per calendar year if there is only 1 adult in such household.

(C) **ADULTS.**—For purposes of this paragraph, the term "adult" means an individual who has attained 18 years of age, or the minimum age (if any) established by law applicable in the locality in which the

§ 23394 26 U. S. C. 5041

household is situated at which wine may be sold to individuals, whichever is greater.

(3) **EXPERIMENTAL WINE.**—Subject to regulations prescribed by the Secretary, any scientific university, college of learning, or institution of scientific research may produce, receive, blend, treat, and store wine, without payment of tax, for experimental or research use but not for consumption (other than organoleptical tests) or sale, and may receive such wine spirits without payment of tax as may be necessary for such production.

[§ 23396]

(b) **CROSS REFERENCES.**—

(1) For provisions relating to exemption of tax on losses of wine (including losses by theft or authorized destruction), see section 5370.

(2) For provisions exempting from tax samples of wine, see section 5372.

(3) For provisions authorizing withdrawals of wine free of tax or without payment of tax, see section 5362.

[Sec. 5042 as amended by Act of Oct. 4, 1976, P. L. 94-455, 90 Stat. 1520; Act of Oct. 13, 1978, P. L. 95-458, 92 Stat. 1255.]

[§ 23397]

Sec. 5043. Collection of Taxes on Wines. (a) **PERSONS LIABLE FOR PAYMENT.**—The taxes on wine provided for in this subpart shall be paid—

(1) **BONDED WINE CELLARS.**—In the case of wines removed from any bonded wine cellar, by the proprietor of such bonded wine cellar; except that—

(A) in the case of any transfer of wine in bond as authorized under the provisions of section 5362(b), the liability for payment of the tax shall become the liability of the transferee from the time of removal of the wine from the transferor's premises, and the transferor shall thereupon be relieved of such liability; and

(B) in the case of any wine withdrawn by a person other than such proprietor without payment of tax as authorized under the provisions of section 5362(c), the liability for payment of the tax shall become the liability of such person from the time of the removal of the wine from the bonded wine cellar, and such proprietor shall thereupon be relieved of such liability.

(2) **FOREIGN WINES.**—In the case of foreign wines, by the importer thereof.

(3) **OTHER WINES.**—Immediately, in the case of any wine produced, imported, received, removed, or possessed otherwise than as authorized by law, by any person

brewers under common control where one or more of the brewers is not a corporation.

(3) **TOLERANCES.**—Where the Secretary finds that the revenue will not be endangered thereby, he may by regulations prescribe tolerances for barrels and fractional parts of barrels, and, if such tolerances are prescribed, no assessment shall be made and no tax shall be collected for any excess in any case where the contents of a barrel or a fractional part of a barrel are within the limit of the applicable tolerance prescribed.

§ 23412

(b) **ASSESSMENT ON MATERIALS USED IN PRODUCTION IN CASE OF FRAUD.**—Nothing contained in this subpart or subchapter G shall be construed to authorize an assessment on the quantity of materials used in producing or purchased for the purpose of producing beer, nor shall the quantity of materials so used or purchased be evidence, for the purpose of taxation, of the quantity of beer produced; but the tax on all beer shall be paid as provided in section 5054, and not otherwise; except that this subsection shall not apply to cases of fraud, and nothing in this subsection shall have the effect to change the rules of law respecting evidence in any prosecution or suit.

§ 23412A

(c) **ILLEGALLY PRODUCED BEER.**—The production of any beer at any place in the United States shall be subject to tax at the rate prescribed in subsection (a) and such tax shall be due and payable as provided in section 5054(a)(3) unless—

(1) such beer is produced in a brewery qualified under the provisions of subchapter G, or

(2) such production is exempt from tax under section 5053(e) (relating to beer for personal or family use).

[Sec. 5051 as amended by Act of June 30, 1959, P. L. 86-75, 73 Stat. 157; Act of June 30, 1960, P. L. 86-564, 74 Stat. 270; Act of June 30, 1961, P. L. 87-72, 75 Stat. 194; Act of June 28, 1962, P. L. 87-508, 76 Stat. 114; Act of June 29, 1963, P. L. 88-52; Act of June 30, 1964, P. L. 88-348; Act of June 21, 1965, P. L. 89-44, 79 Stat. 136; Act of Oct. 4, 1976, P. L. 94-455, 90 Stat. 1520, effective Feb. 1, 1977; Act of Oct. 17, 1976, P. L. 94-529, 90 Stat. 2485; Act of Oct. 13, 1978, P. L. 95-458, 92 Stat. 1255.]

§ 23413

Sec. 5052. Definitions. (a) **BEER.**—For purpose of this chapter (except when used

§ 23412 26 U. S. C. 5052

with reference to distilling or distilling material) the term "beer" means beer, ale, porter, stout, and other similar fermented beverages (including sake or similar products) of any name or description containing one-half of 1 percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor.

§ 23414

(b) **GALLON.**—For purposes of this subpart, the term "gallon" means the liquid measure containing 231 cubic inches.

§ 23415

(c) **REMOVED FOR CONSUMPTION OR SALE.**—Except as provided for in the case of removal of beer without payment of tax, the term "removed for consumption or sale," for the purposes of this subpart, means—

(1) **SALE OF BEER.**—The sale and transfer of possession of beer for consumption at the brewery; or

(2) **REMOVALS.**—Any removal of beer from the brewery.

§ 23416

(d) **BREWER.**—

For definition of brewer, see section 5022.

[Sec. 5052 as amended by Act of Jan. 12, 1971, P. L. 91-673, 84 Stat. 2056.]

§ 23417

Sec. 5053. Exemptions. (a) **REMOVALS FOR EXPORT.**—Beer may be removed from the brewery, without payment of tax, for export, in such containers and under such regulations, and on the giving of such notices, entries, and bonds and other security, as the Secretary may by regulations prescribe.

§ 23418

(b) **REMOVALS WHEN UNFIT FOR BEVERAGE USE.**—When beer has become sour or damaged, so as to be incapable of use as such, a brewer may remove the same from his brewery without payment of tax, for manufacturing purposes, under such regulations as the Secretary may prescribe.

§ 23419

(c) **REMOVALS FOR LABORATORY ANALYSIS.**—Beer may be removed from the brewery, without payment of tax, for laboratory analysis, subject to such limitations and under such regulations as the Secretary may prescribe.

[§ 23419A]

(d) **REMOVALS FOR RESEARCH, DEVELOPMENT, OR TESTING.**—Under such conditions and regulations as the Secretary may prescribe, beer may be removed from the brewery without payment of tax for use in research, development, or testing (other than consumer testing or other market analysis) of processes, systems, materials, or equipment relating to beer or brewery operations.

[§ 23419B]

(e) **BEER FOR PERSONAL OR FAMILY USE.**—Subject to regulation prescribed by the Secretary, any adult may, without payment of tax, produce beer for personal or family use and not for sale. The aggregate amount of beer exempt from tax under this subsection with respect to any household shall not exceed—

(1) 200 gallons per calendar year if there are 2 or more adults in such household, or

(2) 100 gallons per calendar year if there is only 1 adult in such household.

For purposes of this subsection, the term "adult" means an individual who has attained 18 years of age, or the minimum age (if any) established by law applicable in the locality in which the household is situated at which beer may be sold to individuals, whichever is greater.

[§ 23420]

(f) **REMOVAL AS SUPPLIES FOR CERTAIN VESSELS AND AIRCRAFT.**—

For exemption as to supplies for certain vessels and aircraft, see section 308 of the Tariff Act of 1930, as amended (19 U. S. C. 1308).

[Sec. 5053 as amended by Act of June 21, 1965, P. L. 89-44, 79 Stat. 136; Act of Jan. 12, 1971, P. L. 91-673; 84 Stat. 2056; Act of Oct. 4, 1976, P. L. 94-455, 90 Stat. 1520; Act of Oct. 13, 1978, P. L. 95-458, 92 Stat. 1255.]

[§ 23421]

Sec. 5054. Determination and Collection of Tax on Beer. (a) **TIME OF DETERMINATION.**—(1) **BEER PRODUCED IN THE UNITED STATES.**—Except as provided in paragraph (3), the tax imposed by section 5051 on beer produced in the United States shall be determined at the time it is removed for consumption or sale, and shall be paid by the brewer thereof in accordance with section 5061.

(2) **BEER IMPORTED INTO THE UNITED STATES.**—Except as provided in paragraph (4), the tax imposed by section 5051 on beer imported

into the United States shall be determined at the time of importation thereof, or, if entered for warehousing, at the time of removal from the 1st such warehouse.

(3) **ILLEGALLY PRODUCED BEER.**—The tax on any beer produced in the United States shall be due and payable immediately upon production unless—

(A) such beer is produced in a brewery qualified under the provisions of subchapter G, or

(B) such production is exempt from tax under sections 5053(a) (relating to beer for personal or family use).

(4) **UNLAWFULLY IMPORTED BEER.**—Beer smuggled or brought into the United States unlawfully shall, for purposes of this chapter, be held to be imported into the United States, and the internal revenue tax shall be due and payable at the time of such importation.

[§ 23422]

(b) **TAX ON RETURNED BEER.**—Beer which has been removed for consumption or sale and is thereafter returned to the brewery shall be subject to all provisions of this chapter relating to beer prior to removal for consumption or sale, including the tax imposed by section 5051. The tax on any such returned beer which is again removed for consumption or sale shall be determined and paid without respect to the tax which was determined at the time of prior removal of the beer for consumption or sale.

[§ 23424]

(c) **APPLICABILITY OF OTHER PROVISIONS OF LAW.**—All administrative and penal provisions of this title, insofar as applicable, shall apply to any tax imposed by section 5051.

[Sec. 5054 as amended by Act of Oct. 4, 1976, P. L. 94-455, 90 Stat. 1520; Act of Oct. 13, 1978, P. L. 95-458, 92 Stat. 1255; Act of Oct. 21, 1986, P. L. 99-509, 9100 Stat. 2786, applicable to removals during semi-monthly periods ending on or after Dec. 31, 1986.]

[§ 23425]

Sec. 5055. Drawback of Tax. On the exportation of beer, brewed or produced in the United States, the brewer thereof shall be allowed a drawback equal in amount to the tax found to have been paid on such beer, to be paid on submission of such evidence, records and certificates indicating exportation, as the Secretary may by regula-

BET

certain, or according as a question disputed between them is settled in one way or the other. *Coulter v. State*, 122 Tex.Cr.R. 9, 53 S.W.2d 477, 480.

A contract by which two or more parties agree that a sum of money, or other thing, shall be paid or delivered to one of them on the happening or not happening of an uncertain event. *Grooms v. Knox*, 25 Ala.App. 185, 142 So. 582.

In a "bet" or "wager" money belongs to the persons posting it, each of whom has a chance to win it, but, in the case of a "purse" or "premium," money belongs to the person offering it, who has no chance to win it, but is certain to lose it. *Toomey v. Penwell*, 76 Mont. 166, 245 P. 943, 945, 43 A.L.R. 993.

Bet and wager are synonymous terms. *Woodcock v. McQueen*, 11 Ind. 16; *Shumate v. Com.*, 15 Grat. (Va.) 660.

BETHLEHEM. See *Bedlam*.

BETTING BOOK. A book kept for registering bets on the result of a race as operated on race track. In a broader sense, the "betting book" is that book which enables the professional bettor to carry on his business, and to promote a race, and it includes the book, the making book and the bookmaker. *State v. Austin*, 142 La. 384, 76 So. 809, 810; *People v. Semmler*, 345 Ill. 272, 178 N.E. 100, 101.

BETRAYAL. A "betrayal," as of a professional secret on the part of a physician, signifies a wrongful disclosure in violation of the trust imposed by the patient. *Simonsen v. Swenson*, 104 Neb. 224, 177 N.W. 831, 832, 9 A.L.R. 1250.

BETROTHED. One who has exchanged promises to marry. The term may be synonymous with "intended wife." *Mace v. Grand Lodge*, A. O. U. W. of Massachusetts, 234 Mass. 299, 125 N.E. 569.

BETROTHMENT, BETROTHAL. Mutual promise of marriage; the plighting of troth; a mutual promise or contract between a man and woman competent to make it, to marry at a future time.

BETTER DESCRIBED. More fully delineated or more fully pictured or painted. *Katzin v. Kravant*, 99 N.J.Eq. 619, 133 A. 516, 517.

BETTER EQUITY. See *Equity*.

BETTERMENT. An improvement put upon an estate which enhances its value more than mere repairs. The improvement may be either temporary or permanent. *People v. Klee*, 282 Ill. 440, 119 N.E. 754, 757.

Also applied to denote the additional value which an estate acquires in consequence of some public improvement, as laying out or widening a street, etc. *Chase v. Sioux City*, 86 Iowa, 603, 53 N.W. 133.

BETTERMENT ACTS. Statutes which provide that a bona fide occupant of real estate making lasting improvements in good faith shall have a lien upon the estate recovered by the real owner to the extent that his improvements have increased the value of the land. Also called "occupying claimant acts." *Jones v. Hotel Co.*, 86 F. 384, 30 C.C.A. 108.

BETWEEN. A space which separates. *Hobson v. Postal Telegraph-Cable Co.*, 161 Tenn. 419, 32 S.

W.2d 1046. Strictly applicable only with reference to two things, but this may be understood as including cases in which a number of things are discriminated collectively as two wholes, or as taken in pairs, or where one thing is set off against a number of others. In *re McShane's Will*, 286 N.Y.S. 680, 682, 158 Misc. 777. Sometimes used synonymously with "among". In *re Moore's Estate*, 157 Pa.Super. 296, 43 A.2d 359.

As a measure or indication of distance, this word has the effect of excluding the two termini. *Morris & E. R. Co. v. Central R. Co.*, 31 N.J.Law. 212.

If an act is to be done "between" two certain days, it must be performed before the commencement of the latter day. In computing the time in such a case, both the days named are to be excluded. *Hodges v. Filstrup*, 94 Fla. 943, 114 So. 521, 522. But a clause in a contract of sale to the effect that the purchaser could require the vendor to repurchase between the fifth and sixth year from a certain date means during the sixth year. *Van Demark v. California Home Extension Ass'n*, 43 Cal.App. 685, 185 P. 866, 868.

In case of a devise to A. and B. "between them," these words create a tenancy in common. *Lashbrook v. Cock*, 2 Mer. 70.

Between equal equities the law must prevail. This is hardly of general application.

BEVERAGE. A liquor or liquid for drinking. *Burnstein v. U. S.*, C.C.A.Cal. 55 F.2d 599, 603. Especially pleasant or refreshing drink, or a habitual one. *Tennant v. F. C. Whitney & Sons*, 133 Wash. 581, 234 P. 666, 670.

This term is properly used to distinguish a sale of liquors to be drunk for the pleasure of drinking, from liquors to be drunk in obedience to a physician's advice, *Falstaff Corporation v. Allen*, D.C.Mo., 278 F. 643, 645; or from a liquid which it is possible to swallow, but which is not reasonably palatable or fit for drinking, *Tennant v. F. C. Whitney & Sons*, 133 Wash. 581, 234 P. 666. Thus, it is held that pure alcohol is not a "beverage" but a violent irritant. *Chas. L. Joy & Co. v. Carlson*, 23 Idaho 445, 134 P. 640, 641.

This term sometimes has a narrower meaning signifying a drink artificially prepared. *Climax Dairy Co. v. Mulder*, 78 Colo. 407, 242 P. 666, 669. *United States v. Robason*, D.C.Kan., 38 F.Supp. 991, 992.

BEWARED. O. Eng. Expended. Before the Britons and Saxons had introduced the general use of money, they traded chiefly by exchange of wares. *Wharton*.

BEYOND A REASONABLE DOUBT. In evidence means fully satisfied, entirely convinced, satisfied to a moral certainty; *State v. Harris*, 28 S.E.2d 232, 237, 223 N.C. 697; and phrase is the equivalent of the words clear, precise and indubitable. *Ferguson Packing Co. v. Mihalle*, 99 Pa.Super. 158, 162.

An accused's guilt must be established "beyond a reasonable doubt," which means that facts proven must, by virtue of their probative force, establish guilt. *People ex rel. Schubert v. Pinder*, 9 N.Y.S.2d 311, 312, 170 Misc. 345.

BEYOND SEA. Beyond the limits of the Kingdom of Great Britain and Ireland; outside the United States; out of the state.

Beyond sea, beyond the four seas, beyond the seas, and out of the realm, are synonymous. Prior to the union of the two crowns of England and Scotland, on the accession of James I., the phrases "beyond the four seas," "beyond the seas," and "out of the realm," signified out of the

SUMMARY

CS SB 127 - "An Act relating to the private manufacture of an alcoholic beverage"

In 1986 the definition of alcoholic beverage was rewritten to encompass privately produced alcoholic beverages to eliminate a perceived loop hole in local option statutes. Although it is within the ABC Board's authority to issue licenses for the private manufacture of homebrew, the Board has declined to do so.

The Great Northern Brewers Club has specifically requested statute changes in time for this year's annual Fur Rendezvous wine and beer judging competition which has been temporarily cancelled awaiting statutory clarification.

CS SB 127 would exempt "homebrewing" from most statutes governing alcoholic beverages - mainly those related to licensing. Homebrewing would still be prohibited in both "damp" and "dry" local option areas; municipalities would continue to have the authority to regulate "homebrewing"; sale and possession or consumption of "homebrew" to a person under age 21 would still be prohibited.



Alaska State Legislature

SENATE

Official Business

SENATE STATE AFFAIRS COMMITTEE

P.O. Box V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

DATE: January 27, 1989

TO: Members of the Senate

FROM: Senator Pat Pourchot, Chair *Pat*
Senate State Affairs Committee

RE: CS SB 127 - "An Act relating to the private manufacture of an alcoholic beverage; and providing for an effective date."

In 1986 the definition of alcoholic beverage was rewritten to encompass privately produced alcoholic beverages to eliminate a perceived loop hole in local option statutes. Inadvertently, this has been interpreted to ban "homebrewing" in all areas of the state. Although it is within the ABC Board's authority to issue licenses for the private manufacture of homebrew, the Board has declined to do so.

This year's annual Fur Rendezvous wine and beer judging competition has been temporarily cancelled awaiting statutory clarification. Homebrew organizations have requested prompt action to enable this important contest to continue.

CS SB 127 would exempt "homebrewing" from most provisions governing alcoholic beverages - mainly those related to licensing. Homebrewing would still be prohibited in both "damp" and "dry" local option areas; municipalities would continue to have the authority to regulate "homebrewing"; and possession, consumption or sale of "homebrew" to a person under age 21 would be prohibited.

The bill has received no opposition, has a zero fiscal note and is supported by the Department of Revenue.

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: Private manufacture and derivation
of alcoholic beverage.
 Sponsor: Senate State Affairs Committee
 Requestor: Senate State Affairs Committee

Agency Affected: Department of Revenue
 BRU: Alcoholic Beverage Control Board

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Patrick L. Sharrock, Director Phone: 477-8839
 Division: Alcoholic Beverage Control Board Date: January 25, 1990

Approved by Commissioner: Hugh Malone Date: January 25, 1990
 Agency: Department of Revenue

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

STEVE COWPER, GOVERNOR

DEPARTMENT OF REVENUE

550 W. 7TH AVE
ANCHORAGE, ALASKA 99501-6E98

ALCOHOLIC BEVERAGE CONTROL BOARD

January 23, 1989

The Honorable Pat Pourchot, Chairman
Senate State Affairs Committee
Alaska State Senate
P.O. Box V
Juneau, AK 99811

RE: Position Paper - CSSB 127

Dear Senator Pourchot:

This letter intends to express the Alcoholic Beverage Control Board's position concerning CSSB 127. The board fully supports the legislation and believes the bill remedies problems in present law prohibiting private manufacture of beer and wine.

Thank you for this opportunity to comment. If you have any questions, please do not hesitate to call.

Sincerely,



Patrick L. Sharrock
Director
(907) 277-8638

PLS:cr

cc: Michael W. Gordon, Chairman
Alcoholic Beverage Control Board

Board Members

CTS: 89-18

STATE OF ALASKA
THE LEGISLATURE

FOUCHY STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 24, 1989

SUBJECT: Private manufacture of alcohol -
CSSB 127(SA)

TO: Senator Pat Pourchot

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

The following is a sectional analysis of the above referenced bill:

Section 1 - Exempts private manufacture of an alcoholic beverage from the statutory provisions of title 4, except as provided in subsection (b) of Sec. 04.21.015. Under subsection (b) the exemption for private manufacture is not applicable to

- (1) the prohibition against a person under 21 possessing or consuming alcohol;
- (2) the prohibition against a person furnishing alcohol to a person under 21;
- (3) municipal regulation of private manufacture;
- (4) the civil immunity provisions of AS 04.21.020;
- (5) alcohol privately manufactured in excess of federal law;
or
- (6) an area that has adopted a local option law.

The exemption against regulation under title 4 would also not apply to the requirement contained in AS 28.35.029 that a person cannot drive a motor vehicle with an open container of alcohol in the vehicle.

Section 2 - Effective date.

MFF:gc
WKG6/036

Original sponsor: State Affairs
Committee

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

1 IN THE SENATE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 127 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the private manufacture of an
7 alcoholic beverage; and providing for an effective
8 date."

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

10 * Section 1. PRIVATE MANUFACTURE OF ALCOHOLIC BEVERAGES. The provi-
11 sions of AS 04 do not apply to alcoholic beverages that are privately
12 manufactured before February 8, 1989, and used in a public exhibit or
13 contest of private manufacturing skills in a home rule municipality before
14 February 20, 1989, except that the provisions of AS 04.16.050, 04.16.051,
15 AS 04.21.010, 04.21.020, any limit imposed on private manufacture under
16 federal law, and local option laws adopted under AS 04.11.490 - 04.11.500
17 that are applicable to privately manufactured alcoholic beverages remain in
18 effect.

19 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).
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Original sponsor: State Affairs
Committee

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

1 IN THE SENATE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 127 (HESS)

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4 SIXTEENTH LEGISLATURE - FIRST SESSION

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8 date."

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

10 * Section 1. PRIVATE MANUFACTURE OF ALCOHOLIC BEVERAGES. [From February
11 8, 1989, through February 19, 1989,] ^{before February 8, 1989} the provisions of AS 04 do not apply to
12 alcoholic beverages that are privately manufactured and [intended only for
13 ^{used} [use] in a public exhibit or contest of private manufacturing skills, ^{in a home rule municipality, prior to February 10, 1989,} except
14 that the provisions of AS 04.16.050, ^{AS} 04.16.051, AS 04.21.010, ^{AS} 04.21.020,
15 any limit imposed on private manufacture under federal law, and local
16 option laws adopted under AS 04.11.490 - ^{AS} 04.11.500 that are applicable to
17 privately manufactured alcoholic beverages remain in effect.

18 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).
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WORK DRAFT

WORK DRAFT

WORK DRAFT

6-0483J
Ford
2/3/89

Original sponsor State Affairs
Committee

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

1 IN THE SENATE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 127 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

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12 alcoholic beverages that are privately manufactured and intended only for
13 use in a public exhibit or contest of private manufacturing skills except
14 that the provisions of AS 04.16.050, 04.16.051, AS 04.21.010, 04.21.020,
15 any limit imposed on private manufacture under federal law, and local
16 option laws adopted under AS 04.11.490 - 04.11.500 that are applicable to
17 privately manufactured alcoholic beverages remain in effect.

18 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).
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6-0483J ✓
Ford
2/1/89

Original sponsor: State Affairs
Committee

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

1 IN THE SENATE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 127 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the private manufacture of an
7 alcoholic beverage; and providing for an effective
8 date."

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

10 * Section 1. PRIVATE MANUFACTURE OF ALCOHOLIC BEVERAGES. (a) Except
11 as provided in (b) of this section, the provisions of AS 04 do not apply to
12 alcoholic beverages that are privately manufactured and that are intended
13 only for use in a public exhibit or contest of private manufacturing
14 skills.

15 (b) This section does not apply to AS 04.16.050, 04.16.051; AS 04.-
16 21.010, 04.21.020; alcoholic beverages manufactured in a quantity that
17 exceeds the limit imposed on private manufacture under federal law; or an
18 area that has adopted a local option law under AS 04.11.490 - 04.11.500.

19 * Sec. 2. *Section 1 of this act*
~~AS 04.21.015~~ is repealed.

20 * Sec. 3. Section 1 of this Act takes effect immediately under AS 01.-
21 10.070(c).

22 * Sec. 4. Section 2 of this Act takes effect March 1, 1989.