

SCOMM

83:18

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. SB 183

Revision Date: _____ Department Affected: Revenue
 Title: Authority to stock alcoholic BRU: Alcoholic Beverage Control Board
beverages in guest rooms. Component: _____

Sponsor: Senate Labor & Commerce Comm.Requestor: Senate Labor & Commerce Comm.

COMPONENT SERIAL NO.

0	1	0	0
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
SUPPLIES	-0-	-0-	-0-	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS	-0-	-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Patrick L. Sharrock, DirectorPhone: 277-8638Division: Alcoholic Beverage Control BoardDate: March 12, 1991

Approved by Commissioner: _____

Agency: Department of RevenueDate: 3-18-91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. SB 183

Revision Date: _____ Department Affected: Commerce & Economic Development
 Title: "An act related to the authority of certain beverage dispensary licenses" BRU: Tourism
 Component: Tourism development
 Sponsor: Senate Labor Commerce Committee
 Requestor: Senator Drue Pearce COMPONENT SERIAL NO.

1	0	1	7
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

This bill does not impact operations of the Division of Tourism.

Prepared By: Wendy Wolf Phone: 465-2012
 Division: Division of Tourism Date: 3/20/91
 Approved by Commissioner: Glenn A. Clds *Glenn A. Clds* *ASST Comm*
 Agency: Department of Commerce & Economic Development Date: 3-21-91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

HOUSE SPECIAL COMMITTEE ON INTERNATIONAL TRADE AND TOURISM

ALASKA STATE LEGISLATURE

P.O. BOX V, JUNEAU 99811
(907) 465-2973



AGENDA

Monday, May 6, 5 p.m., Capitol Room 17

- **Consideration of SB183, relating to the authority of certain beverage dispensary licenses.**

Alaska State Legislature

Senator Drue Pearce, Chair
Senator Virginia Collins, Vice Chair
Senator Dick Eliason
Senator Rick Halford
Senator Jay Kerttula

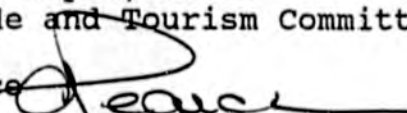


SENATE LABOR AND COMMERCE COMMITTEE

WHILE IN JUNEAU
P.O. BOX V
JUNEAU, ALASKA 99811
(907) 465-3844

3111 C STREET, SUITE 150
ANCHORAGE, ALASKA 99504
(907) 561-2018

To: Representative Tom Moyer, Chair
International Trade and Tourism Committee

From: Senator Drue Pearce 

Date: April 29, 1991

Re: Senate Bill 183, Alcohol Sales in Hotel Rooms.

Due to the short time left in the session this year could you please schedule this bill as soon as May 6th if possible.

Currently, the Alaska Alcohol Beverage Control Board does not allow alcoholic beverages to be stocked inside hotel or motel rooms.

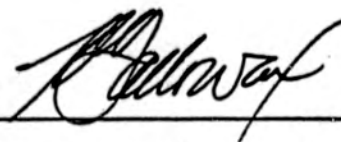
Senate Bill 183 seeks to authorize the Alcohol Beverage Control Board to allow beverage dispensary license holders the right to allow self serve liquor sales inside hotel and motel rooms. The current plan is to allow alcoholic beverages to be stocked in lockable refrigerators placed in the rooms. Once the motel or hotel staff has determined a registering guest to be at least 21 years of age, a key to the locked unit can be issued along with the room key.

This bill was introduced at the request of the Alaska Hotel and Motel Association and the Alaska Cabaret, Hotel, Restaurant & Retailers Association.

SB 183:

"An Act related to the authority of certain
beverage dispensary licensees to stock
alcoholic beverages in guest rooms."

The department has no opposition to this bill, as it does not affect
any of the department's programs.



Glenn A. Olds, Commissioner

Date: 3-22-91

STATE OF ALASKA

DEPARTMENT OF REVENUE

ALCOHOLIC BEVERAGE CONTROL BOARD

WALTER J. HICKEL, GOVERNOR

580 W. 7TH AVE
ANCHORAGE, ALASKA 99501-6896

March 26, 1991

The Honorable Drue Pearce, Chair
Labor and Commerce Committee
Alaska State Senate
P. O. Box V
Juneau, Alaska 99811

RE: SB 183

Dear Senator Pearce:

Ken Erickson of your office asked that I provide you with the ABC Board's position concerning SB 183.

The board has discussed the subject of mini-bars in hotel rooms on several occasions during the last few years. The board concluded that it neither supports nor opposes mini bars. However, it has indicated that it should have a role in reviewing proposals from licensees who want to provide mini-bar service in their facilities. Senate Bill 187 does provide for board approval.

Thank you for the opportunity to comment. If I can provide any additional information, please do not hesitate to call.

Sincerely,



Patrick L. Sharrock
Director, ABC Board

PS/cl

91-42

AVA

ALASKA VISITORS ASSOCIATION

501 West Northern Lights, Suite 201 • Anchorage, Alaska 99503

Tel: (907) 276-6663 • Fax: (907) 258-4036

**1988-89
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VANA Development Corp
Anchorage, Alaska

1st Vice-President
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Alaska Travel Adventures
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Seattle, Washington

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Discovery

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& Visitors Bureau

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Kodiak Island Convention
& Visitors Bureau

Richard West
Alaska Sightseeing

Dana Brockway
Executive Director

#89-1

A Resolution of the Board of Directors of the Alaska Visitors Association regarding:

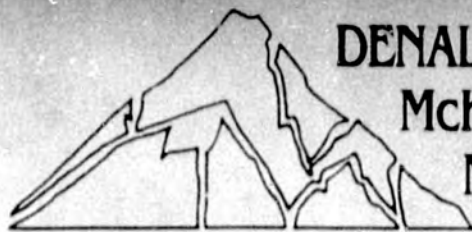
The presence of mini-bars in hotel and motel rooms.

WHEREAS, the Hotel/Motel Association of Alaska and CHARR are seeking passage of a statute by the Alaska legislature amending Alaska State liquor laws to permit the placement of mini-bars in hotel and motel rooms;

THEREFORE BE IT NOW RESOLVED, that the Board of Directors of the Alaska Visitors Association supports this legislation and encourages the Alaska State Legislature to amend the necessary laws to permit the use of hotel room mini-bars.

ADOPTED BY THE AVA BOARD OF DIRECTORS ON FEBRUARY 7, 1989.

APR 5 1991



DENALI NATIONAL PARK HOTEL
McKINLEY CHALET RESORT
McKINLEY VILLAGE LODGE

ARA Denali National Park Company

KEN

April 3, 1991

Senator Pearce
Box V
Juneau, AK 99811

Senator Pearce,

I wish to express our companies support of Senate Bill 183.
We find it to be a courtesy that traveller's are accustomed
to receiving such services in their Hotel Rooms.

Sincerely,

Carson W. Fleharty
ARA Denali Park Hotels

APR 2 1991



Hotel Seward

"Independently owned & operated"

221 5th Ave., P.O. Box 670 • Seward, Alaska 99664 • (907) 224-BEST (2378)



March 27th, 1991

SENATOR PEARCE
P. O. Box V
Juneau, Alaska 99811

Re: Senate Bill No. 183

Dear Senator Pearce;

We would like to take this opportunity to express our support of your Senate Bill No. 183.

We operate the Best Western Hotel Seward, as well as the New Seward Hotel in Seward, Alaska, and would like to see this bill passed in the Senate as well as the House of Representatives.

If we can help you further, please do not hesitate to let us know.

Thank you.

Sincerely,

Brad Snowden
Owner/Manager

BS/dr

APR 17 1991

ALASKA HOTEL
PROPERTIES, INC.

*bill file - let's put
in floor packet*

April 15, 1991

Senator Drue Pearce
P. O. Box V
Juneau, AK 99811

Dear Senator Pearce:

Re: Senate Bill 183

Alaska Hotel Properties, Inc. owner of the Harper Lodge Princess at Denali National Park, the Kenai Princess Lodge, Cooper Landing and soon to be (1993) the Fairbanks Princess Hotel, support Senate Bill 183.

We feel that the hoteliers in Alaska will best serve the requirements of their guests and be on a par with the lodging industry in other states if this bill is enacted.

Yours Truly,

PRINCESS TOURS



Don Grandy
Vice President
Alaska Hotel Properties, Inc.

DWG:tm
DWG:068:91



THE ANCHORAGE HILTON

March 25, 1991

Senator Drue Pearce
P.O. Box V
Juneau, AK 99811

Dear Senator:

On behalf of the Anchorage Hilton, please accept our most vigorous plaudits for a marvelous opportunity to bring more business to the State of Alaska. Needless to say, we are strongly in favor of Senate Bill number 183.

As stated in SB183, travellers of all sophistications now expect first class and complete hospitality accommodations. In-room food and beverage availability was once a novelty. It is now a must!

As you know the State of Alaska competes with many destinations, not only for the summer tourist, but company meetings and conventions as well. We can ill afford to allow our competition the slightest edge.

Thank you again for your work on this long over due piece of legislation.

Sincerely,

Jim Garvin
Director of Food and Beverage

JG/eh





Ralph Nogai
Anchorage Hilton Hotel
Bill Elander
Anchorage Convention &
Visitors Bureau
Forest Paulson
Sheraton Anchorage Hotel
Bob Coe
Duty Free Shoppers
Gordon Godfred
Arctic Circle Enterprises
Wally Hickel, Jr.
Hotel Captain Cook
Masao Ishii
Japan Air Lines
Rolf Klug
Holland America Westours
Bill MacKay
Alaska Airlines
Jeff Ripley
Princess Tours
Shinobu Shimojima
Selbu Alaska, Inc.
Kay Sugimoto
A & P Tours

By FAX 463-5352

March 25, 1991

Senator Drue Pearce
P.O. Box V
Juneau, AK 99811

Dear Senator Pearce:

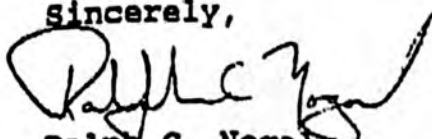
On behalf of the Alaska International Airport and Tourism Marketing Council, Inc., please be advised we strongly support Senate Bill No. 183 in order to offer more convenience to our international and domestic travelers.

In stocking alcoholic beverages and snacks, as well as cold drinks, in a room refrigerator, we will offer the same privileges our international and domestic guests have in locations other than Alaska. These units are separately keyed and only offered to persons 21 years of age or older.

Please also remember that these units only sell about 17% liquor and the balance is for snacks and non-alcoholic beverages.

Senator Pearce, passage of this bill will put us on a plane with other states and countries.

Sincerely,


Ralph C. Nogai
President

RCN/eh



*Alaska Cabaret, Hotel,
Restaurant & Retailers Association*

100 W. 10th Street • Anchorage, Alaska 99501
401 2K Street • (907) 272-8194 • Fax: (907) 272-8640

March 8, 1991

Position Paper on Hotel Mini-Bars

The Alaska Cabaret, Hotel, Restaurant & Retailers Association endorses legislation that amends Alaska State Liquor Laws to permit the placement of mini-bars in hotel and motel rooms. As a major part of the hospitality and visitor industry of the state, the Association feels that the availability of this amenity to the traveling public is necessary to maintain our competitive edge as a visitor destination. Mini-bars are available in hotel rooms in many areas of the world and we believe that Alaska's lodging industry should be able to participate fully in the modern world of hospitality.

Alaska State Legislature

Legislative Research Agency



P.O. Box Y
Juneau, AK 99811-3100
Phone: (907) 165-3991
Fax: (907) 163-3331

March 20, 1991

MEMORANDUM

TO: Senator Drue Pearce
FROM: Linda J. Snow *LJ Snow*
Legislative Analyst
RE: Regulation of Hotel Mini-Bars
Research Request 91.200

You asked this office how other states regulate hotel mini-bars. You specifically asked if other states require special licenses or permits for mini-bars, how they restrict access by minors and drunken persons, and how they control sale hours. You also asked if proposed mini-bar legislation would conflict with Alaska's "Happy Hour" law.

We spoke with representatives of alcoholic beverage control authorities in California, Illinois, Nevada, New York, Texas, and Wisconsin. Our discussions with these people are summarized below. Attached to this memorandum are relevant statutes from the various states.

California

According to David Wright, assistant chief of business practices for the California Department of Alcoholic Beverage Control, special controlled-access cabinet permits may be issued to California hotels which have an on-sale liquor license.¹ Mini-bar cabinets must be locked, and no access key may be issued to minors. Hotel employees allowed to stock the cabinets must be at least 21 years of age. Cabinets may not be stocked between 2:00 a.m. and 6:00 a.m., the hours during which the state prohibits sales of alcohol.

Illinois

Mr. Eric Wisette, chief of investigations for the Illinois Liquor Control Commission, reported that his state does not require separate mini-bar permits if hotels have a general liquor license. However, local municipalities have

¹On-sale refers to establishments which sell liquor for consumption on the premises (i.e., restaurants and bars). Off-sale refers to establishments which sell packaged liquor for consumption off the premises (i.e., grocery stores and liquor stores).

Senator Pearce
March 20, 1991
Page 2

the option to require permits or licenses for mini-bars. Illinois lacks legislation regarding mini-bars. The authority to regulate them comes from a Liquor Control Commission policy statement. The state has no regulations regarding hours of sale, although local governments may regulate them. Regarding access by drunken persons, the liquor license holder is ultimately responsible and risks the loss of his or her license if abuses occur. Illinois recently passed legislation (attached) which makes any person who rents a hotel room for the purpose of consumption of alcohol by minors guilty of a class C misdemeanor.

Nevada

The State of Nevada does not regulate alcoholic beverages. According to Jody Cummings of the Nevada Game and Control Board, both city and county governments regulate alcoholic beverages in Nevada. We spoke with Art Besser, chief of licensing for the Clark County Department of Business Licenses about mini-bars in Las Vegas. He reported that hotels with 100 or more rooms and a bar liquor license may receive "individual access licenses" (for mini-bars). Each license costs \$1,000 per three-month period. The cabinets are locked, and upon proof of age, a guest will be given a mini-bar key on a ring with the room key. The mini-bar key cannot be removed from the cabinet without locking it, so it is assured that the cabinet will be locked when the occupant is not in the room. Las Vegas allows sale of alcohol 24 hours a day, seven days a week. Employees of an establishment with a liquor license must take a course in liquor awareness training, which may help them identify abuses of mini-bars. According to Mr. Besser, Clark County has not had any serious problems with abuse of mini-bar privileges.

New York

New York law does not require special licenses or permits for hotel mini-bars beyond a general hotel liquor license. The law requires that mini-bar cabinets have a lock, and that keys will not be issued to minors or persons who are visibly intoxicated. According to Steven Kalinsky, attorney with the New York State Liquor Authority, nothing in the New York law addresses regulation of hours when the mini-bar may be used.

Texas

Ms. Jeannene Fox, director of licensing for the Texas Alcoholic Beverage Commission, reported that Texas legislation passed in 1989 requires a special permit to operate mini-bars in hotels with a current "mixed beverage" liquor license. Fees for these permits begin at \$2,000 annually, and decrease incrementally to \$750 annually for the third and all subsequent renewals. Local governments have the authority to charge up to the same amount for permits that the state charges. Prior to issuance of a permit, mini-bars must

Senator Pearce
March 20, 1991
Page 3

be inspected. The cabinets must lock with a key separate from the room key, and the drinks in the cabinets must be miniature (between one and two fluid ounces) for hotels to pass inspection. Upon registration for a room with a mini-bar, every occupant of the room must present proof of age. Restocking of mini-bars cannot occur between 9:00 p.m. and 9:00 a.m. daily, or all day Sunday, and employees who restock must be at least 18 years of age.

According to Ms. Fox, Texas law views hotel rooms more like residences than licensed premises. Persons may become intoxicated, as long as they remain in their hotel room. Also, Texas law allows minors to consume alcohol in their home under the supervision of a parent or legal guardian. This pertains to hotel rooms as well. Ms. Fox also reported that prior to passage of the 1989 legislation, the commission researched control of mini-bars in other states, and found that no other states had trouble regulating access of alcohol from mini-bars by minors and drunken persons.

Wisconsin

We interviewed Roger Johnson, a representative of Alcohol and Tobacco Enforcement in the Wisconsin Department of Revenue. He reported that Wisconsin authorities initially had concerns about the control of alcoholic beverages sold in hotel mini-bars, but that no major problems have occurred.

Hotels with a general bar liquor license may operate mini-bars without any special permits or licenses. Generally, only expensive resort hotels in Wisconsin have mini-bars. According to Mr. Johnson, this tends to preclude minors from obtaining access to them simply because few minors can afford to rent the rooms. The mini-bar cabinets must be locked and proof of age is required before a key will be issued. Some hotels have remote locking devices and can therefore control access to the liquor during certain hours. However, Wisconsin law states that although liquor may be furnished at the time the guest occupies the room, the sale of the liquor furnished is considered to occur at the time and place the guest pays for it. Most state laws address only hours of sale of liquor, not hours of consumption.

Bob Frohling, an analyst with the National Conference of State Legislatures who specializes in alcohol issues, stated that he has no knowledge of problems in controlling access to mini-bars by minors and drunken people. David Wright of the California Department of Alcoholic Beverage Control stated that new technology is emerging which will make control of mini-bar access easier. Hotels are now able to lock mini-bar cabinets remotely, stopping access during prohibited hours or when questions arise about the age or drunkenness of a room guest. Also, mini-bar cabinets may now be equipped with remote sensors which indicate exactly what liquor has been removed from a cabinet.

Senator Pearce
March 20, 1991
Page 4

Conflict with Alaska's "Happy Hour" Law

We spoke with Mike Ford, an attorney with the Legislative Affairs Agency Legal Services Division, who is familiar with state liquor laws. He stated that the "happy hour" law prohibits delivery of a drink to a person with two or more drinks already in his possession. Technically, a guest serving himself a drink from an open-access mini-bar could not be considered delivery. Therefore, it appears there would be no conflict with Alaska's "happy hour" law.

I hope this information is sufficient to answer your questions. If you need further assistance, please call this office.

Attachments

BUSINESS AND PROFESSIONS CODE

ending
or ves-
tent 360.00 per year
the for
d rest
..... 56.00 per year
in 1985 ch 519 § 1.

(1)(a) which read: "(a) Steam beer manufacturer exclusively

(2) substituted "7,000" for "10,000" in (35).

complimentary alcoholic beverages to any interested adult
at the same time charging for product provided or service
thereby necessitating alcoholic beverage license. (1985) 68

existing liquor statutes, 100 ALR3d 850.

on 23320, each license shall bear an annual renewal
Section 23320. All money collected from the fees
ctly into the General Fund in the State Treasury,
as provided in Section 25761.

licable to the annual fees provided for in Section

proportionate to the fee charged to each licensee
nount which is sufficient to pay the actual costs
istrative Hearings for administrative hearings. The
nual fees provided for in Section 23320, but shall
ient amounts are collected to pay these costs.

in this section shall be deposited directly into the
e Alcoholic Beverage Control Fund as provided in

ion 23320, the department shall collect a surcharge

eposited in the Motor Vehicle Account in the State
Department of the California Highway Patrol's
Department of the California Highway Patrol for

blic eating place intermittent dockside license to

rmittent dockside license for vessels of more than
of more than 7,000 tons displacement with cabin
usable under this section shall be used only in the
section may be issued such a license in more than
23397, the licensee under each such license shall
ral public aboard the vessel respecting which the
berth in the county for which the license is issued,
r operations of such vessel and such beverages are
rages for resale in this state. In no event shall the
any during more than 100 calendar days in any
le 2 (commencing with Section 23815) of Chapter
than provided in this section, on the number of
pplicants who meet its requirements. Except as
visions of this division shall apply to any license
rovisions apply to an on-sale general license issued
ster's permit may be issued pursuant to Section
provided further that any duplicate license issued
bear the same fee specified by subdivision (35) of

BUSINESS AND PROFESSIONS CODE

CALIFORNIA

§ 23356.2

Amendments

1981 Amendment: Substituted "100" for "45" before "calendar days" in the fourth sentence.

1983 Amendment: Amended the first sentence by (1) substituting "7,000" for "10,000" wherever it appears; and (2) deleting ", respecting which vessel a duplicate license has also been issued under Section 23321.6" at the end of the sentence.

License fee: B & P C § 23954.7.

§ 23355.2. Sale of alcoholic beverages by hotel or motel by means of controlled access beverage cabinet

(a) For purposes of this section, "controlled access alcoholic beverage cabinet" means a closed container, either refrigerated, in whole or in part, or nonrefrigerated, and access to the interior of which is (1) restricted by means of a locking device which requires the use of a key, magnetic card, or similar device, or (2) controlled at all times by the licensee.

(b) Notwithstanding any other provision of this division, a hotel or motel having an on-sale license may sell alcoholic beverages to its registered guests by means of a controlled access alcoholic beverage cabinet located in the guestrooms of those registered guests, provided that each of the following conditions is met:

(1) Access to a controlled access alcoholic beverage cabinet in a particular guestroom is provided, whether by furnishing a key, magnetic card, or similar device, or otherwise, only to the adult registered guest, if any, registered to stay in the guestroom.

(2) Prior to providing a key, magnetic card, or other similar device required to attain access to the controlled access alcoholic beverage cabinet in a particular guestroom to the registered guest thereof, or prior to otherwise providing access thereto to the registered guest, the licensee shall verify, in accordance with Article 3 (commencing with Section 25657), of Chapter 16 of this division, that each registered guest to whom a key, magnetic card, or similar device is provided, or to whom access is otherwise provided, is not a minor.

(3) All employees handling the alcoholic beverages to be placed in the controlled access alcoholic beverage cabinet in any guestroom, including, but not limited to, any employee who inventories or restocks and replenishes the alcoholic beverages in the controlled access alcoholic beverage cabinet, shall be at least 21 years of age.

(4) There is no replenishing or restocking of the alcoholic beverages in any controlled access alcoholic beverage cabinet between the hours of 2 a.m. and 6 a.m. of the same day.

(c) Notwithstanding any other provision of this division, a hotel or motel having an on-sale general license may, upon issuance of a permit from the department, sell from its controlled access alcoholic beverage cabinets distilled spirits in containers of 50 milliliters or less, or in containers of comparable size. The department shall charge an annual fee for a permit issued pursuant to this subdivision, equal to the annual renewal fee applicable to an off-sale general license pursuant to Section 23320.

(d) Notwithstanding any other provision of this division, a hotel or motel having an on-sale general license and an off-sale general license may sell from its controlled access alcoholic beverage cabinets distilled spirits in containers of 50 milliliters or less, or in containers of comparable size, without having to obtain the permit specified in subdivision (c).

(e) A controlled access alcoholic beverage cabinet may be part of another cabinet or similar device, whether refrigerated, in whole or in part, or nonrefrigerated, from which nonalcoholic beverages or food may be purchased by the guests in hotel or motel guestrooms. However, in that event, the portion of the cabinet or similar device in which alcoholic beverages are stored shall be a controlled access alcoholic beverage cabinet, as defined in this section.

(f) For purposes of this section, "hotel" or "motel" shall mean an establishment which is licensed to sell alcoholic beverages and which contains guestroom accommodations with respect to which the predominant relationship existing between the occupants thereof and the owner or operator of the establishment is that of innkeeper and guest. For purposes of this subdivision, the existence of other legal relationships as between some occupants and the owner or operator thereof shall be immaterial.

Added Stats 1985 ch 280 § 1; Amended Stats 1986 ch 458 § 1.

Amendments

1986 Amendment: (1) Added "having an on-sale license" in the introductory clause of subd (b); (2) deleted former subd (b)(5) which read: "(5) Distilled spirits shall not be sold by means of a controlled access alcoholic beverage cabinet unless an off-sale general license is also issued for the premises."; (3) added subds (c) and (d); and (4) redesignated former subds (c) and (d) to be subds (e) and (f).

Note—Stats 1985 ch 280 provides:

SEC. 2. The Legislature declares that nothing in this act shall be construed in any manner whatsoever as modifying, revoking, repealing, or otherwise altering the prohibitions of Article 2 (commencing with Section 25631) of Chapter 16 of this division.

Hours of sale and delivery of alcoholic beverages: B & P C §§ 25631 et seq.

§ 23356.2. Beer manufactured for personal or family use

No license or permit shall be required for the manufacture of beer for personal or family use, and not for sale, by a person over the age of 21 years. The aggregate amount of beer with respect to any household shall not exceed (a) 200 gallons per calendar year if there are two or more adults in such household, or (b) 100 gallons per calendar year if there is only one adult in such household.

Any beer manufactured pursuant to this section may be removed from the premises where manufactured

DRAM SHOPS

P.A. 84-551, which revised terminology and extended a statute of limitations (ch. 10, § 13-214), in the third from the last paragraph, substituted "allow" for "suffer".

P.A. 84-816 inserted the paragraph relating to provision of alcohol in long term care facilities.

P.A. 84-1081, in the first paragraph, added sentence relating to sales in fire protection district buildings.

P.A. 84-1111, which incorporated the amendments to this paragraph by all earlier Acts of the 84th General Assembly, inserted two paragraphs relating to sales of alcoholic liquor at the Willard Ice Building; and also inserted the paragraph relating to the use of catering establishments to sell or dispense alcoholic liquors at authorized functions.

Section 2 of P.A. 84-1111, approved Feb. 28, 1986, provided:

"This Act takes effect upon becoming a law."

P.A. 84-1228, which incorporated the amendments to this paragraph by all earlier Acts of the 84th General Assembly, inserted the paragraph relating to beer and wine sales at entertainment events on premises owned by the Kane County Forest Preserve District.

Section 2 of P.A. 84-1228, approved July 24, 1986, provided:

"This Act shall take effect upon becoming law."

References

Decisions

Individual who leases concession space in a state park must obtain both local and state license before selling alcoholic liquors. 1979 Op.Atty.Gen. No. S-1469.

This paragraph merely constitutes an exemption from general prohibition against sale or delivery of alcoholic beverages in any building belonging to or under control of state or any political subdivision thereof; it does not provide exemption from licensing. Id.

An Illinois Municipal Corporation may not lease or otherwise permit its facilities to be used by a charitable organization for function where alcoholic beverages will be distributed either by the sale of tickets or

LIQUOR CONTROL ACT

gratuitous disbursement. 1976 Op.Atty. Gen. No. S-1139.

131. Sales to and possession by persons under 21, intoxicated persons, persons under legal disability or in need of mental treatment—Proof of identity and age—Gatherings where one or more persons are under 18—Violations and penalties—Renting hotel or motel rooms

§ 6-16. (a) No licensee nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of 21 years, or to any intoxicated person or to any person known by him or her to be under legal disability or in need of mental treatment. No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person under the age of 21 years, except in the performance of a religious ceremony or service. Whoever violates the provisions of this paragraph of this subsection (a) is guilty of a Class A misdemeanor.

For the purpose of preventing the violation of this section, any licensee, or his agent or employee, may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is over the age of 21 years.

Adequate written evidence of age and identity of the person is a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act,¹ or an identification card issued to a member of the Armed Forces. Proof that the defendant-licensee, or his employee or agent, demanded, was shown and reasonably relied upon such written evidence in any transaction, forbidden by this Section is competent evidence and may be considered in any criminal prosecution therefor or to any proceedings for the suspension or revocation of any license based thereon.

Any person who sells, gives, or furnishes to any person under the age of 21 years any false or fraudulent written, printed, or photostatic evidence of the age and identity of such person or who sells, gives or furnishes to any person under the age of 21 years evidence of age and identification of any other person is guilty of a Class A misdemeanor.

Any person under the age of 21 years who presents or offers to any licensee, his agent or employee, any written, printed or photostatic evidence of age and identity which is false, fraudulent, or not actually his own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, or who has in his possession any false or fraudulent written,

printed, or photostatic evidence of age and identity, is guilty of a Class B misdemeanor.

Any person under the age of 21 years who has any alcoholic beverage in his possession on any street or highway or in any public place or in any place open to the public is guilty of a Class B misdemeanor. This Section does not apply to possession by a person under the age of 21 years making a delivery of an alcoholic beverage in pursuance of the order of his or her parent or in pursuance of his or her employment.

(b) Except as otherwise provided in this Section whoever violates this Section shall, in addition to other penalties provided for in this Act, be guilty of a Class B misdemeanor.

(c) Any person shall be guilty of a petty offense where he or she knowingly permits a gathering at a residence which he or she occupies of two or more persons where any one or more of the persons is under 18 years of age and the following factors also apply:

(1) the person occupying the residence knows that any such person under the age of 18 is in possession of or is consuming any alcoholic beverage; and

(2) the possession or consumption of the alcohol by the person under 18 is not otherwise permitted by this Act; and

(3) the person occupying the residence knows that the person under the age of 18 leaves the residence in an intoxicated condition.

For the purposes of this subsection (c) where the residence has an owner and a tenant or lessee, there is a rebuttable presumption that the residence is occupied only by the tenant or lessee.

(d) Any person who rents a hotel or motel room from the proprietor or agent thereof for the purpose of or with the knowledge that such room shall be used for the consumption of alcoholic liquor by persons under the age of 21 years shall be guilty of a Class C misdemeanor.

Laws 1933-34, 2nd Sp.Sess., p. 57, art. VI, § 12, eff. Jan. 31, 1934. Amended by Laws 1951, p. 1557, § 1, eff. July 16, 1951; Laws 1953, p. 1182, § 1, eff. July 13, 1953; Laws 1961, p. 2479, § 1, eff. Aug. 1, 1961; Laws 1963, p. 2529, § 1, eff. Aug. 7, 1963; P.A. 77-2410, § 1, eff. Jan. 1, 1973; P.A. 78-26, art. VI, § 1, eff. Oct. 1, 1973; P.A. 78-630, § 1, eff. Oct. 1, 1973; P.A. 78-1297, § 15, eff. March 4, 1975; P.A. 81-212, § 1, eff. Jan. 1, 1980. Renumbered § 6-16 and amended by P.A. 82-783, Art. VI, § 2, eff. July 13, 1982. Amended by P.A. 83-706, § 27, eff. Sept. 23, 1983; P.A. 83-834, § 1, eff. July 1, 1984; P.A. 83-1362, Art. II, § 54, eff. Sept. 11, 1984; P.A. 84-272, § 6, eff. Jan. 1, 1986; P.A. 84-1379, § 1, eff. Jan. 1, 1987.

¹ 50 U.S.C.A. App. § 451 et seq.

Historical Note

This paragraph is derived from R.S. 1874, p. 438, §§ 6, 6½.

As originally enacted the paragraph read:

"No licensee shall sell, give or deliver alcoholic liquor to any minor, or to any intoxicated person or to any person known

and identity, is guilty of a Class B

who has any alcoholic beverage
vay or in any public place or in
f a Class B misdemeanor. This
y a person under the age of 21
c beverage in pursuance of the
ance of his or her employment.
his Section whoever violates this
ties provided for in this Act, be

petty offense where he or she
ence which he or she occupies of
more of the persons is under 18
also apply:

ice knows that any such person
f or is consuming any alcoholic

the alcohol by the person under
ct; and

ce knows that the person under
intoxicated condition.

(c) where the residence has an
rebuttable presumption that the
t or lessee.

motel room from the proprietor
ith the knowledge that such room
lcoholic liquor by persons under
Class C misdemeanor.

12, eff. Jan. 31, 1934. Amended by
Laws 1953, p. 1182, § 1, eff. July 13,
1961; Laws 1963, p. 2529, § 1, eff.
1973; P.A. 78-26, art. VI, § 1, eff.
1973; P.A. 78-1297, § 15, eff. March
1973. Renumbered § 6-16 and amended
1982. Amended by P.A. 83-706,
eff. July 1, 1984; P.A. 83-1362, Art.
§ 6, eff. Jan. 1, 1986; P.A. 84-1379,

Note

"No licensee shall sell, give or deliver
coholic liquor to any minor, or to any
toxicated person or to any person known

by him to be an habitual drunkard, spend-
thrift or insane, feeble-minded or distracted
person."

The 1951 amendment substituted "men-
tally ill, mentally deficient or in need of
mental treatment" for "feeble-minded or
distracted person".

The 1953 amendment made the para-
graph applicable to officers, agents, employ-
ees and others acting for a licensee, and it
provided a penalty for violation of the para-
graph.

The 1961 amendment substituted "person
under the age of 21 years" for "minor".

The 1963 amendment in the first para-
graph added what is now the second sen-
tence.

P.A. 77-2410 provided that a person vi-
olating the paragraph was guilty of a Class B
misdemeanor.

The amendment by P.A. 77-2410 was
necessary to conform penalties under this
paragraph with the Unified Code of Correc-
tions, see ch. 38, § 1001-1-1 et seq.

Section 2 of P.A. 77-2410 provided an
effective date of January 1, 1973.

P.A. 78-26 designated the subdivisions of
the paragraph; inserted subd. (b) which
read:

"(b) Subsection (a) of this Section does
not apply to the sale, gift or delivery of beer
and wine to persons under the age of 21
years but at least 19 years of age."
and in subd. (a) referred to the exception of
subd. (b).

P.A. 78-630 in what is now the first para-
graph of subd. (a) following "21 years"
inserted "or in the case of beer and wine,
under the age of 19 years"; and in subd. (a)
added the second to sixth paragraphs.

P.A. 78-1297, the 1974 Revisory Act,
declared in its title that it related to "certain
nonsubstantive revisions of the law to re-
solve differences among the several forms of
certain Sections amended by more than one
Act of the 78th General Assembly".

P.A. 81-212, in subd. (a), in the first,
second, fifth and sixth paragraphs deleted
"or in case of beer and wine, under the age
of 19 years" where it appeared following
"21 years"; deleted former subd. (b) as
added by P.A. 78-26, and designated a
penalty provision as subd. (b).

P.A. 82-783, Art. VI renumbered Sec-
tions of the Liquor Control Act of 1934 and
amended other Acts to revise cross referenc-
es to the renumbered Sections.

For provisions of P.A. 82-783, Art. I,
§ 1 relating to intent and supersedure and
Art. XII, § 1 relating to effective dates and
extension or revival of repealed Acts, see
Historical Note following ch. 23, ¶ 4-2.

P.A. 83-706 revised statutory terminolo-
gy related to persons under legal and devel-
opmental disabilities; deleted references to
conservators or substituted references to
guardians; and inserted gender references.

P.A. 83-834, in subd. (b), inserted "Ex-
cept as otherwise provided in this Section";
and added subd. (c).

P.A. 83-1362, Art. II, the 1984 Revisory
Act provided in § 0.1:

"This Article provides for the nonsub-
stantive revision or renumbering or repeal
of Sections of Acts necessitated by the
amendment, addition or repeal of Sections
by two or more Public Acts of the 83rd
General Assembly, which multiple action
was not resolved by one of the Acts of the
83rd General Assembly affecting the partic-
ular Section."

For provisions of P.A. 83-1362, Art. I,
§ 1 relating to intent and Art. V, § 1 relat-
ing to effective date and nonacceleration,
see Historical Note following ch. 5, ¶ 55.19.

P.A. 84-272, in the first paragraph of
subd. (a), added "Whoever violates the pro-
vision of this paragraph of this subsection
(a) is guilty of a Class A misdemeanor."

P.A. 84-1379, which incorporated the
amendment by P.A. 84-272, added subd.
(d).

Cross References

Liquor in jails, see ch. 75, ¶ 118.

Local licenses, revocation or suspension, see ¶ 149 of this chapter.

State licenses, revocation or suspension, see ¶ 108 of this chapter.

Reprint of
Chapter 8.20
LIQUOR LICENSE REGULATIONS

CLARK COUNTY CODE
NEVADA
1990

BOOK PUBLISHING COMPANY
201 Westlake Avenue North
Seattle, Washington 98109

8.20.020

INDIVIDUAL ACCESS LICENSE. "Individual access license" means a license which allows a hotel to stock a locked cabinet or refrigerator in a hotel room or suite with alcoholic liquor, the key to which is given to the adult transient guest. The liquor cabinet key must be on the keyring to which the room key is attached and the liquor cabinet lock must be so designed that the key may not be removed therefrom without first locking the cabinet. The hotel must have at least one hundred rooms or suites, a full-service twenty-four-hour restaurant with a service bar and a tavern or main bar, room service of meals to all guestrooms, a recreation facility as defined in Section 8.04.010(X)(6) and a convention pavilion as part of the same operation and complex.

LEWD. "Lewd" means:

(a) The showing of the human male or female genital, pubic area or buttocks with less than a fully opaque covering, or the showing of the covered male genital in a discernibly turgid state with the intent to arouse or excite the sexual desire of the viewer;

(b) The touching of the genitals, buttocks or female breast of oneself or another person for purposes of sexual arousal, gratification or affront;

(c) An act of sexual intercourse, including actual or simulated, genital-genital, oral-genital, anal-genital or oral-anal, with or between persons of the same sex or opposite sex, or an act of masturbation, bestiality or sado-masochistic abuse.

LICENSEE. "Licensee" means any corporation or association or a natural person to whom a valid alcoholic liquor license and/or import-wholesale alcoholic liquor license has been issued and is used herein in the plural as well as the singular sense.

LIQUOR CATERER LICENSE. A liquor caterer license permits the operator of a portable bar at events for which the caterer has obtained a permit.

LIQUOR STORE. "Liquor store" is a specialty retail store which deals exclusively in alcoholic liquors and related items including magazines, newspapers and packaged snack foods. Minors are not allowed entry into liquor stores. A liquor license shall not be granted to a liquor store if it is located within a one-thousand-five-hundred-foot radius of the entry door of any other liquor store.

LOUNGE. "Lounge" means a room or designated and separate area adjacent to and operated in connection with a hotel, supper club, casino or tavern wherein the patrons of said businesses meet in an informal setting at tables, booths or easy chairs for conversation or entertainment, and into which room or area minors are not permitted entry.

MANAGER/GENERAL MANAGER. A "manager" is the individual responsible for liquor sales and code compliance whose responsibilities are limited to a shift. "General manager" means a key employee who is designated by the licensee as the individual responsible for all liquor sales, employee supervision and liquor code requirement compliance.

MAIN BAR. "Main bar" means a bar where alcoholic liquors are dispensed by the drink by retail sales to customers at such bar in an establishment licensed for gaming other than Class A slot machines, resort hotel, or to a hotel having at least one hundred fifty rooms, providing sleeping accommodations to transient guests for valid consideration, and a restaurant.

MINOR. "Minor" means, for the purposes of this chapter, a natural person under the age of twenty-one years.

MORAL TURPITUDE. "Moral turpitude" is defined as any crime, including conspiracy to commit the crime, which:

parking lot over which the licensee has ownership or contractual parking privileges. (Ord. L-92-89 §, 1989; Ord. L-89-89 § 1, 1989; Ord. L-81-88 § 4, 1988; Ord. L-55-85 § 1, 1985)

8.20.470 License fees. It is unlawful for any person, firm, association or corporation to engage in the retail business of selling, distributing, dispensing or giving away intoxicating, spirituous, vinous, malt (fermented) or other liquors, wines or beers in the county, outside the incorporated cities and towns therein, without first having procured a license and paid the applicable fees in advance to the county department of business license as follows:

(a) For retail liquor licenses:

(1) For each and every main bar operated by an establishment for on-premises consumption, including room service of package goods to hotel guests in rooms by a porter within the establishment, a fee of five hundred twenty-five dollars per quarter-annual period;

(2) For each and every service bar and portable bar operated by an establishment a fee of three hundred dollars per quarter-annual period;

(3) For each and every individual access license, the fee of one thousand dollars per quarter-annual period;

(4) For a tavern, a fee of three hundred dollars per quarter-annual period;

(5) For retail beer, a fee of one hundred twenty-five dollars per quarter-annual period;

(6) For retail beer and wine, a fee of one hundred fifty dollars per quarter-annual period;

(7) For a club liquor license, a fee of thirty-four dollars and seventy-five cents per quarter-annual period;

(8) For a supper club license, a fee of three hundred dollars per quarter-annual period;

(9) For a liquor caterer license, the fee of one hundred fifty dollars per quarter-annual period and a semiannual fee based on gross revenue pursuant to Title 6, with a permit fee of ten dollars for each portable bar operated per day at each event.

(b) For package licenses:

(1) For package liquor, a fee of four hundred fifty dollars per quarter-annual period unless operated in conjunction with a tavern by the same licensee at the same location, in which case the fee shall be one hundred fifty dollars per quarter-annual period;

(2) For package beer, a fee of one hundred twenty-five dollars per quarter-annual period;

(3) For package beer and wine, a fee of one hundred seventy-five dollars per quarter-annual period;

(c) Import-wholesale. For an import-wholesale alcoholic license, a fee of six hundred fifty dollars per quarter-annual period.

(d) For a special events permit, the fee shall be the same fee as set forth above for a quarter-annual period for the type of service for which the special events permit is issued, except that charitable organizations which meet the requirements for issuance of special events permits shall not be required to pay any fee.

A separate license is required for each fictitious name used by an entity in the conduct of liquor sales, distribution or gift. (Ord. L-96-89 § 3, 1989; Ord. L-62-87 §

or permit such premises to become disorderly, any part thereof, for the sale of lottery tickets, or as a simulcast facility or simulcast theater wagering and breeding law, when duly authorized, shall not constitute gambling within the

consumption shall suffer or permit any
the health, safety, and welfare of any person
violation of this section shall be subject to the
ee's license to sell alcoholic beverages for on-
es of this section, the term "dwarfism" means
all which is caused by heredity, endocrine
efficiency or skeletal diseases that result in
lt height of less than four feet ten inches.

operated on regularly scheduled flights by a
 used to sell liquors and/or wines for on-
 mitted to sell liquors and/or wines only to
 except that a railroad operating licensed cars
 wines from portable carts located on station
 rand Central Station, Jamaica, *Hunterspoint*
 licensed railroad cars depart.

consumption shall be interested, directly or
rs, wines or beer are manufactured or sold at
ocking directors, mortgage or lien on any
er means, except that liquors, wines or beer
: by the person licensed as a manufacturer or
ed by an interstate railroad corporation or a
i retail license for on-premises consumption,
usiness constituting an overnight lodging and
he boundaries of the town of North Elba,
ard's survey, great lot numbers two hundred
e, two hundred eight, two hundred ninety-
e hundred, three hundred eighteen, three
enty, three hundred thirty-five and three
ve, Thorn's survey, great lot numbers one
as shown on the Adirondack map, compiled
state of New York - nineteen hundred sixty-
: at page twenty-seven in the Essex county
k, provided that such facility maintains not
d suites for overnight lodging. Any lien,
w held by said retail licensee on or in the
acturer or wholesaler, which mortgage, lien,
fore December thirty-first, nineteen hundred
the provisions of this subdivision; provided,
the time of the accrual of the interest.

comprehended by this subdivision shall be upon the person who claims to be entitled to the protection and exemption afforded hereby.

[For sub 14, see parent volume]

15. All retail licensed premises shall be subject to inspection by any peace officer, acting pursuant to his special duties, or police officer and by the duly authorized representatives of the liquor authority, or the appropriate board during the hours when the said premises are open for the transaction of business.

(Added, L 1988)

16. No retail license to sell liquor and/or wine for consumption on the premises shall be granted for any public billiard or pocket billiard room, or for establishments of any description in which billiards is played or which maintains any apparatus or paraphernalia for the playing of billiards or pocket billiards and is conducted as a public place of business for profit. Notwithstanding any prohibition to the contrary, a license may be issued to an establishment wherein billiards or pocket billiards are played or may be played on a table which measures not more than three feet by six feet provided that not more than two such tables are in the establishment at any one time and further provided that the cue sticks used, and available for use, are made of light plexiglass or some similar light material.

(Added, L 1989)

17. Notwithstanding any other provision of law, a retail licensee for on-premises consumption that is a person or corporation operating a hotel shall be permitted to sell liquors, beer, and/or wines through a mechanical device or vending machine placed in the lodger's rooms and to which access to such device or machine is restricted by means of a locking device which requires the use of a key, magnetic card or similar device provided, however, that no such key, card or similar device shall be provided to any person under the age of twenty-one or to any person who is visibly intoxicated.

HISTORY:

- Sub 1, amd, L 1985, ch 48, § 3, eff June 16, 1985.
Sub 6, amd, L 1986, ch 919, § 22, eff Dec. 29, 1986.
Sub 6-b, add, L 1990, ch 759, § 1, eff Aug 21, 1990.
Sub 11, amd, L 1983, ch 445, § 1, eff July 15, 1983, L 1985, ch 545, § 1, eff July 24, 1985.
Sub 13, amd, L 1988, ch 209, § 3, eff July 1, 1988.
Sub 15, amd, L 1980, ch 843, § 108, eff Sept 1, 1980.
Sub 16, add, L 1988, ch 64, § 20, eff April 24, 1988.
Sub 17, add, L 1989, ch 217, § 1, eff June 26, 1989.

NOTES:

Editor's Notes:

See 1988 note under § 101.

CROSS REFERENCES:

This section referred to in §§ 64-b, 97, 98, 130.

RESEARCH REFERENCES AND PRACTICE AIDS:

Annotations:

Criminal liability of member or agent of private club or association, or of owner or lessor of its premises, for violation of state or local liquor or gambling laws thereon. 98 ALR3d 694.

§ 50.02

TEXAS

LICENSES AND PERMITS Title 3

§ 50.02. Fee

(a) The annual state fee for an original limousine service beverage permit is \$100 for each limousine operated by the limousine service.

(b) The annual state fee for the renewal of a limousine service beverage permit is \$50 for each limousine operated by the limousine service.

Added by Acts 1987, 70th Leg., ch. 482, § 1, eff. Sept. 1, 1987.

§ 50.03. Recordkeeping; Display of Permit; Rulemaking

The commission shall adopt rules governing the conduct of the holder of a limousine service beverage permit, including defining the term "limousine service," requirements for recordkeeping, display of the permit, and prohibitions against removal from a limousine of alcoholic beverages in their original containers in which purchased.

Added by Acts 1987, 70th Leg., ch. 482, § 1, eff. Sept. 1, 1987.

§ 50.04. Taxes

(a) The taxes imposed by this code shall be paid on all alcoholic beverages in a limousine or in a storage area maintained by a limousine service beverage permittee in accordance with rules prescribed by the commission.

(b) The preparation and service of alcoholic beverages by the holder of a limousine service beverage permit is exempt from the tax imposed by the Limited Sales, Excise, and Use Tax Act (Section 151.001 et seq., Tax Code). A limousine service beverage fee of five cents is imposed on each individual serving of an alcoholic beverage served by the permittee inside the state. The fee accrues at the time the container containing the alcoholic beverage is delivered to the passenger. The permittee shall remit the fees to the commission each month under a reporting system prescribed by rules of the commission.

Added by Acts 1987, 70th Leg., ch. 482, § 1, eff. Sept. 1, 1987.

§ 50.05. Operation in Dry Area

A limousine service beverage permit is inoperative in a dry area.

Added by Acts 1987, 70th Leg., ch. 482, § 1, eff. Sept. 1, 1987.

CHAPTER 51. MINIBAR PERMIT [NEW]

Section

- 51.01. Eligibility for Permit.
- 51.02. Authorized Activities.
- 51.03. Limited Access to Minibar.
- 51.04. Stocking Restrictions.
- 51.05. Fee.

Section

- 51.06. Prohibited Interests.
- 51.07. Mixed Beverage Permit is Primary.
- 51.08. Distilled Spirits Purchases.
- 51.09. Coin-Operated Machines Prohibited.
- 51.10. Commission May Adopt Rules.

§ 51.01. Eligibility for Permit

The commission or the administrator may issue a minibar permit only to the holder of a mixed beverage permit issued for operation in a hotel.

Added by Acts 1989, 71st Leg., ch. 692, § 2, eff. June 14, 1989.

§ 51.02. Authorized Activities

The holder of a minibar permit may sell the following alcoholic beverages out of a minibar:

- (1) distilled spirits in containers of not less than one ounce nor more than two ounces;
- (2) wine and vinous liquors in containers of not more than 13 fluid ounces; and
- (3) beer, ale, and malt liquor in containers of not more than 12 fluid ounces.

Added by Acts 1989, 71st Leg., ch. 692, § 2, eff. June 14, 1989.

§ 51.03. Limited Access to Minibar

(a) Minibars shall be of such design as to prevent access to alcoholic beverages to all persons who do not have a minibar key. The minibar key shall be different from the hotel

LICENSES AND PERMITS

Title 3

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service beverage permit is \$50

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[NEW]

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to alcoholic beverages to all
all be different from the hotel

LICENSES AND PERMITS

Title 3

§ 51.07

guestroom key, and the permittee shall not provide the minibar key to any person who is not of legal drinking age.

(b) A permittee may not provide a minibar key to any person other than an employee of the permittee or a registered guest of the hotel.

Added by Acts 1989, 71st Leg., ch. 692, § 2, eff. June 14, 1989.

§ 51.04. Stocking Restrictions

(a) All employees handling distilled spirits, wine, beer, ale, and malt liquor being stocked in the minibar must be at least 18 years of age.

(b) A minibar may not be restocked or replenished between the hours of 9 p.m. and 9 a.m. or on any Sunday, and it may contain no more than 40 individual containers of alcoholic beverages at any one time.

(c) A minibar may only be maintained, serviced, or stocked with alcoholic beverages by a person who is an employee of the holder of a minibar permit, and no other person shall be authorized to add alcoholic beverages to a minibar or, with the exception of a registered hotel guest consumer, to remove alcoholic beverages from a minibar.

(d) The holder of a minibar permit shall adhere to standards of quality and purity of alcoholic beverages prescribed by the commission and shall destroy any alcoholic beverages contained in a minibar on the date which is considered by the manufacturer of the alcoholic beverage to be the date the product becomes inappropriate for sale to a consumer.

Added by Acts 1989, 71st Leg., ch. 692, § 2, eff. June 14, 1989.

§ 51.05. Fee

The annual state fee for an original minibar permit is \$2,000. The annual state fee for the first renewal of a minibar permit is \$1,500. The annual state fee for the second renewal of a minibar permit is \$1,000. The annual state fee for the third and each subsequent renewal of a minibar permit is \$750.

Added by Acts 1989, 71st Leg., ch. 692, § 2, eff. June 14, 1989.

§ 51.06. Prohibited Interests

The holder of a minibar permit may not have a direct or indirect interest in a package store permit, and no package store may be located on the premises of a hotel in which a mixed beverage permittee holds a minibar permit.

Added by Acts 1989, 71st Leg., ch. 692, § 2, eff. June 14, 1989.

§ 51.07. Mixed Beverage Permit is Primary

All purchases made by a minibar permittee shall be made under the authority of and subject to the limitations imposed on the mixed beverage permit held by the permittee. All sales made by a minibar permittee shall, for tax purposes, be considered sales under the mixed beverage permit held by the permittee and shall be taxed accordingly. To ensure that the marketing of alcoholic beverages for stocking minibars is not used by suppliers for purposes of inducement or unauthorized or illegal advertising, it is further provided that:

(1) No person who holds a permit or license authorizing sale of any alcoholic beverage to mixed beverage permittees may sell or offer to sell alcoholic beverages to a minibar permittee at a cost less than the seller's laid-in cost plus the customary and normal profit margin applicable to other container sizes. The laid-in cost shall be defined as the manufacturer's or supplier's invoice price, plus all applicable freight, taxes, and duties.

(2) Proof of laid-in cost shall become a part of the permanent records of each permittee or licensee supplying alcoholic beverages to minibar permittees and be available for a period of two years for inspection by the commission.

(3) No alcoholic beverages offered for use in a minibar may be sold in connection with or conveyed as part of any promotional program providing a discount on the purchase of any other type, size, or brand of alcoholic beverage.

(4) Distilled spirits in containers with a capacity of more than one but less than two fluid ounces must be invoiced separately from any other alcoholic beverage, and the price must be shown on the invoice.

(5) Distilled spirits in containers with a capacity of more than one but less than two fluid ounces may not be returned by the holder of a minibar permit. Neither may the beverages be exchanged by the holder of a minibar permit or redeemed for any reason other than damage noted at the time of delivery and approved by the commission. Claims for breakage or shortage after delivery to a minibar permittee shall not be allowed.

(6) No person holding a wholesaler's, local distributor's, or package store permit may participate in the cost of producing any room menu, beverage list, table tent, or any other device or novelty, written or printed, relating to the sale of distilled spirits in containers with a capacity of more than one but less than two fluid ounces. No permittee or licensee authorized to sell alcoholic beverages to a minibar permittee may pay for or contribute to the cost of providing in-house television or radio announcements to be used by any holder of a minibar permit to promote the sale of alcoholic beverages.

Added by Acts 1989, 71st Leg., ch. 692, § 2, eff. June 14, 1989.

§ 51.08. Distilled Spirits Purchases

Distilled spirits purchased for resale in a minibar must be purchased in unbroken cases, and the cases shall bear the appropriate identification stamps.

Added by Acts 1989, 71st Leg., ch. 692, § 2, eff. June 14, 1989.

§ 51.09. Coin-Operated Machines Prohibited

Nothing in this chapter shall be construed as authorizing nor may the commission or administrator authorize the sale of any alcoholic beverage from a coin-operated machine or similar device.

Added by Acts 1989, 71st Leg., ch. 692, § 2, eff. June 14, 1989.

§ 51.10. Commission May Adopt Rules

The commission may adopt rules necessary to regulate the use and operation of minibars.

Added by Acts 1989, 71st Leg., ch. 692, § 2, eff. June 14, 1989.

SUBTITLE B. LICENSES

Cross References

Judges of County Courts at Law Nos. 2 and 3 of Bexar County, grants or denials of licenses

under this code, see V.T.C.A. Government Code, § 25.0172(b).

CHAPTER 61. PROVISIONS GENERALLY APPLICABLE TO LICENSES

SUBCHAPTER B. APPLICATION AND ISSUANCE OF LICENSES

Section

- 61.311. Masters in Certain Counties.
- 61.312. Delegation of Duties of County Judge. [New]
- 61.381. Notice by Sign.

Section

SUBCHAPTER C. CANCELLATION AND SUSPENSION OF LICENSES

- 61.711. Retail Dealer: Conviction of Offense Relating to Discrimination.
- 61.712. Grounds for Cancellation or Suspension: Sales Tax.

Cross References

Food service establishments, standards enforced by counties and public health districts, conflict with provisions of this code, see Vernon's Ann.Civ.St. art. 4476-6g, § 5.

WESTLAW Electronic Research

See WESTLAW Electronic Research Guide following the Preface.

WISCONSIN

the original package or container. In addition, wine may be sold in the original package or container in any quantity to be consumed off the premises where sold. This paragraph does not apply in municipalities in which the governing body elects to come under par. (b) or to a winery that has been issued a "Class B" license. Paragraph (am) applies to all wineries that have been issued a "Class B" license.

(am) A "Class B" license issued to a winery authorizes the sale of wine to be consumed by the glass or in opened containers only on the premises where sold and also authorizes the sale of wine in the original package or container to be consumed off the premises where sold, but does not authorize the sale of fermented malt beverages or any intoxicating liquor other than wine.

(b) In all municipalities electing by ordinance to come under this paragraph, a retail "Class B" license authorizes the sale of intoxicating liquor to be consumed by the glass only on the premises where sold and also authorizes the sale of intoxicating liquor in the original package or container, in multiples not to exceed 4 liters at any one time, and to be consumed off the premises where sold. Wine, however, may be sold for consumption off the premises in the original package or otherwise in any quantity. This paragraph does not apply to a winery that has been issued a "Class B" license. Paragraph (am) applies to all wineries that have been issued a "Class B" license.

125.51(3)(a) (bm) Notwithstanding pars. (a) and (b) and s. 125.04 (3) (a) 3 and (9), a "Class B" license authorizes a person operating a hotel to furnish a registered guest who has attained the legal drinking age with a selection of intoxicating liquor in the guest's room which is not part of the "Class B" premises. Intoxicating liquor furnished under this paragraph shall be furnished in original packages or containers and stored in a cabinet, refrigerator or other secure storage place. The cabinet, refrigerator or other secure storage place must be capable of being locked. The cabinet, refrigerator or other secure storage place shall be locked, or the intoxicating liquor shall be removed from the room, when the room is not occupied and when intoxicating liquor is not being furnished under this paragraph. A key for the lock shall be supplied to a guest who has attained the legal drinking age upon request at registration. The hotel shall prominently display a price list of the intoxicating liquor in the hotel room. Intoxicating liquor may be furnished at the time the guest occupies the room, but for purposes of this chapter, the sale of intoxicating liquor furnished under this paragraph is considered to occur at the time and place that the guest pays for the intoxicating liquor. Notwithstanding s. 125.68 (4) (c), the guest may pay for the intoxicating liquor at any time if he or she pays in conjunction with checking out of the hotel. An individual who stocks or accepts payment for alcohol beverages under this paragraph shall be the licensee, the agent named in the license if the licensee is a corporation or the holder of a manager's or operator's license or be supervised by one of those individuals.