

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 86/2

3653 HSTA HB 34 - HB 35 329

## THOUGHTS

ectly documented the importance of social  
e the direct influence of alcohol beverage  
rlooked the significance of direct regula-  
ell as a desire to account for most of dis-  
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it is clear that the complexities of these  
even with a relatively sophisticated re-  
provides sufficient evidence of the  
bles to encourage additional efforts to  
this study points with greater confidence  
riables than much of the existing

## REFERENCES

verage control in alcohol abuse prevention, in  
*State and Local Designs for the 80's* (H.  
South Carolina, In Press.  
*al Effects of Alcoholic Beverage Control*  
Public Interest, Washington, D.C., Report  
*port to the U.S. Congress on Alcohol and*  
and Human Services, NIAAA, Rockville,  
*Legal Restraint on Drinking*, Addiction Re-  
y No. 581, 1973.

- [5] Bacon, S. D., The role of law in meeting problems of alcohol and drug use and abuse, in *International Congress on Alcoholism and Drug Dependency, Proceedings, 29th*, 1971, pp. 162-172.
- [6] Smart, R. G. The relationship of alcoholic beverages to per capita consumption and alcoholism rates, *J. Stud. Alcohol* 38(5):891-896 (1977).
- [7] Watts, R. K., and Rabow, J., The role of tourism in measures of alcohol consumption, alcohol availability and alcoholism, *J. Stud. Alcohol* 42(9):797-801 (1981).
- [8] Colon, I., et al. Alcohol control policies, alcohol consumption, and alcoholism, *Am. J. Drug Alcohol Abuse* 8(3):347-362 (1981).
- [9] Rabow, J., and Watts, R. K., Alcohol availability, alcoholic beverage sales and alcohol-related problems, *J. Alcohol Stud.* 44:767-801 (1983).
- [10] Makela, K., et al. *Alcohol, Society and the State: A Comparative Study of Alcohol Control*. Addiction Research Foundation, Toronto, 1981.
- [11] Single, E., et al. *Alcohol, Society, and the State: A Social History of Control Policy in Seven Countries*, Addiction Research Foundation, Toronto, 1981.
- [12] DeLint, J. E., Alcohol control policy as a strategy of prevention, *J. Public Health Policy* 1(1):41-49 (1980).
- [13] Beauchamp, D. E., *Beyond Alcoholism: Alcohol and Public Health Policy*, Temple University Press, Philadelphia; 1980.
- [14] Moore, M. H., and Gerstein, D. R. (eds.), *Alcohol and Public Policy: Beyond the Shadow of Prohibition*, National Academy Press, Washington, D.C.; 1981.
- [15] Raymond, A., Ten o'clock closing—The effect of the change in hotel bar closing time on road accidents in the metropolitan area of Victoria, *Aust. Road Res.* 3(10):3-17 (1969).
- [16] Popham, R. E., The urban tavern; Some preliminary remarks, *Addictions* 9(2):16-28 (1962).
- [17] Schmidt, W. *A Note on the Effect of Lowering the Legal Drinking Age on the Consumption of Alcoholic Beverages*, Addiction Research Foundation, Toronto; Substudy No. 525, 1972.
- [18] Schmidt, W., and Kornaczewski, A., *A Note on the Effect of Lowering the Legal Drinking Age on Alcohol-Related Motor Vehicle Accidents*, Addiction Research Foundation, Toronto; Substudy No. 552, 1973.
- [19] Schmidt, W., and Kornaczewski, A., *A Further Note on the Effect of Lowering the Legal Drinking Age on Alcohol-Related Motor Vehicle Accidents*, Addiction Research Foundation, Toronto; Substudy No. 558, 1973.
- [20] Schmidt, W., and Kornaczewski, A., The effect of lowering the legal drinking age in Ontario on alcohol-related motor vehicle accidents, in *Alcohol, Drugs and Traffic Safety* (S. Israelstam and S. Lamberg, eds.), Addiction Research Foundation, Toronto; 1975, pp. 763-770.
- [21] Smart, R. G., and Schmidt, W., Drinking and problems from drinking after a reduction in the minimum drinking age, *Br. J. Addict.* 70:347 (1975).
- [22] Douglass, R. L., et al., *The Effect of Lower Legal Drinking Age on Youth Crash Involvement*, Final report to the U.S. Department of Transportation, National Highway Traffic Safety Research Institute, The University of Michigan, 1974.
- [23] Whitehead, P. C., et al., The impact of change in drinking age on the collision behaviour of young drivers, in *Alcohol, Drugs and Traffic Safety* (S. Israelstam and S. Lamberg, eds.), Addiction Research Foundation, Toronto; 1975, pp. 771-774.
- [24] Maisto, S. A., and Rachal, J. V., Indications of the relationship among adolescent drinking practices, related behaviors, and drinking-age laws, in *Minimum Drinking-Age Laws* (H. Wechsler, ed.), Lexington Books, Lexington, Massachusetts, 1980, pp. 155-176.

- [25] Barsby, S. L., and Marshall, G. L., Short-term consumption effects of a lower minimum alcohol purchasing age, *J. Stud. Alcohol* 38(7):1665-1679 (1977).
- [26] Popham, R. F., et al., The prevention of alcoholism: Epidemiological studies of the effects of government control measures, in *Law and Drinking Behavior* (J. A. Frow and G. A. Rouse, eds.), Nelson-Hall, Chicago, 1974.
- [27] Luttrell, A. D., *The Relationship between the Number of Sales Outlets and the Consumption of Alcoholic Beverages in New York and Other States*, New York State Moraleland Commission of the Alcoholic Beverage Control Law, Study Paper #2, Albany, 1963.
- [28] Parker, D. A., et al., The prevention of alcoholism; An empirical report on the effects of outlet availability, *Alcohol Clin. Exp. Res.* 2:339-343 (1978).
- [29] Parker, D. A., and Wolz, M. W., Alcohol problems and the availability of alcohol, *Alcohol Clin. Exp. Res.* 3:309-312 (1979).
- [30] Harford, T. C., et al., Relationship between number of on-premise outlets and alcoholism, *J. Stud. Alcohol* 40:1053-1057 (1979).
- [31] Douplass, R. L., *Alcohol Availability, Consumption and the Incidence of Alcohol-Related Social and Health Problems in Michigan*, Highway Safety Research Institute, Ann Arbor, Michigan, 1979.
- [32] Katzper, M., et al., Alcoholic beverage advertisement and consumption, *J. Drug Issues* 8:339-353 (1978).
- [33] U.S. Senate, Subcommittee on Alcoholism and Narcotics of the Committee on Labor and Public Welfare, *The Effects of Advertising and Other Media on Alcohol Abuse*, Hearings held March 8 and 11, 1976, U.S. Government Post Office.
- [34] Atkin, C., and Block, M., *Content and Effects of Alcohol Advertising*, Michigan State University, East Lansing, Michigan, Report to Bureau of Alcohol, Tobacco, and Firearms, October 1981.
- [35] Osborne, A. C., and Smart, R. G., Will restrictions on alcohol advertising reduce alcohol consumption?, *Br. J. Addict.* 75:293-296 (1980).
- [36] Bourgeois, J. C., and Barnes, J. G., Does advertising increase alcohol consumption?, *J. Advert. Res.* 19:19-29 (1979).
- [37] Niscansen, W., *Taxation and the Demand for Alcoholic Beverages*, Rand Corp., Santa Monica, California, 1962.
- [38] Cook, P., The effect of liquor taxes on drinking, cirrhosis and auto fatalities, in *Alcohol and Public Policy* (M. H. Moore and D. Gerstein, eds.), National Academy Press, Washington, D.C., 1981.
- [39] Cook, P. J., and Tauchen, G., The effect of liquor taxes on heavy drinking, *Bell J. Econ.* 13(2):379-390 (1982).
- [40] Lau, H.-H., Cost of alcoholic beverages as a determinant of alcohol consumption, in *Research Advances in Alcohol and Drug Problems*, Vol. 2 (R. T. Gibbins et al., eds), Wiley, New York: 1975.
- [41] Johnson, J., and Oksanen, E., Estimation of demand for alcoholic beverages in Canada from pooled time series and cross sections, *Rev. Econ. Stat.* 59:113-118 (1977).
- [42] Hogarty, T. F., and Elzinga, K. G., The demand for beer, *Rev. Econ. Stat.* 54:195-198 (1972).
- [43] The Human Ecology Institute, *Investigation of Alcohol Abuse Prevention Strategies at the Community Level: Design of a Computer Model*, The Human Ecology Institute, Chapel Hill, North Carolina, Working paper prepared under a grant from NIAAA (see Chapter IV).
- [44] Keller, M., and Gurioli, C., *Statistics on Consumption of Alcohol and on Alcoholism*, Journal of Studies on Alcohol, New Brunswick, New Jersey, 1976.

rt-term consumption effects of a lower min-  
*Alcohol* 38(7):1665-1679 (1977).

of alcoholism: Epidemiological studies of  
 iures, in *Law and Drinking Behavior* (J. A.  
 Hall, Chicago; 1974.

in the Number of Sales Outlets and the Con-  
 w York and Other States, New York State  
 Beverage Control Law, Study Paper #2,

alcoholism; An empirical report on the  
 lin. *Exp. Res.* 2:339-343 (1978).

al problems and the availability of alcohol,  
 79).

veen number of on-premise outlets and  
 057 (1979).

Consumption and the Incidence of Alcohol-  
 Michigan, Highway Safety Research Institute,

advertisement and consumption, *J. Drug*

alism and Narcotics of the Committee on  
 : of Advertising and Other Media on Alcohol  
 1976, U.S. Government Post Office.  
 Effects of Alcohol Advertising, Michigan  
 n. Report to Bureau of Alcohol, Tobacco,

restrictions on alcohol advertising reduce  
 5:293-296 (1980).

as advertising increase alcohol consumption?,  
 nd for Alcoholic Beverages, Rand Corp.,

drinking, cirrhosis and auto fatalities, in  
 e and D. Gerstein, eds.), National Academy

ct of liquor taxes on heavy drinking, *Bell J.*

as a determinant of alcohol consumption, in  
 g Problems, Vol. 2 (R. T. Gibbins et al..

on of demand for alcoholic beverages in  
 ss sections, *Rev. Econ. Stat.* 59:113-118

: demand for beer, *Rev. Econ. Stat.* 54:195-

tion of Alcohol Abuse Prevention Strategies  
 Computer Model. The Human Ecology  
 Working paper prepared under a grant from

Consumption of Alcohol and on Alcoholism.  
 unswick, New Jersey, 1976.

- [45] National Institute on Alcohol Abuse and Alcoholism (NIAAA). *U. S. Apparent Consumption of Alcoholic Beverages Based on State Sales, Taxation, or Receipt Data*. Draft Version and Corrected Version, December 1980.
- [46] Distilled Spirits Council of the United States (DISCUS). *Fact Book*. DISCUS, Washington, D.C., 1979.
- [47] Brinkman, G., Moonshine; misery for sale, *Alcoholism*, p. 54 (March/April 1981).
- [48] DISCUS, *Annual Statistical Reviews*. Washington, D.C., 1955 through 1980.
- [49] Brown, M. M., and Wallace, P., *Alcoholic Beverage Taxation and Control Policies*, 4th ed., Brewers Assoc. of Canada, Ottawa, 1980 (see pp. 282-283).
- [50] Loeb, B. F., Relationships of state law to per capita liquor consumption, *Pop. Gov.*, pp. 11-19 (November 1971).
- [51] Ornstein, S. I., and Hanssens, D. M., *Alcohol Control Laws, Consumer Welfare and the Demand for Distilled Spirits and Beer*, UCLA Center for Marketing Studies, Los Angeles; Working Paper Series, Paper No. 102, 1981.
- [52] Nie, N., et al. *Statistical Package for the Social Sciences (SPSS)*, 2nd ed., McGraw-Hill, New York, 1975.
- [53] Henkel, R. E., *Tests of Significance*, Sage University Paper Series on Quantitative Applications in the Social Sciences 07-004, Sage Publications, Beverly Hills, California, 1976.
- [54] Pindyck, R. S., and Rubinfeld, D. L., *Econometric Models and Econometric Forecasts*, McGraw-Hill, New York, 1976 (see pp. 202-209).
- [55] Chatterjee, S., and Price, B., *Regression Analysis by Example*, Wiley, New York, 1977 (see pp. 96-100).
- [56] Hannan, M. T., and Young, A. A., Estimation in panel models: Results on pooling cross-sections and time series, in *Sociological Methodology 1977*, (D. R. Heise, ed.), Jossey-Bass, San Francisco, 1977, pp. 52-83.
- [57] Gill, G., and Maddala, G. S., Residential demand for electricity in the TVA area, in *Econometric Studies in Energy Demand and Supply* (G. S. Maddala et al., eds.), Praeger, New York, 1978, pp. 44-59.

NOTICE OF PROPOSED CHANGES IN THE  
REGULATIONS OF THE  
ALCOHOLIC BEVERAGE CONTROL BOARD

The Alcoholic Beverage Control Board, under the authority of AS 04.06.100, proposes to amend regulations in Title 15 of the Alaska Administrative Code, dealing with (1) competing applications for alcoholic beverage licenses, (2) seating capacity requirements for restaurant and eating place licenses, and (3) room requirements for licenses issued to hotels and motels under AS 04.11.400(g), to implement and interpret AS 04.06.100, 04.11.100, 04.11.320(a), 04.11.400(a), 04.11.400(g), and 04.11.510.

15 AAC 104.112 is proposed to be amended by allowing the Board additional and alternative methods of choosing among competing applications for alcoholic beverage licenses. The methods may include random selection, comparing applications to determine which are more in the public interest, other methods determined by the Board, and any combination of the above. Specific criteria which may guide the Board's discretion in determining which applications are more in the public interest may also be adopted.

15 AAC 104.305 is proposed to be amended by adopting seating capacity requirements or guidelines for new restaurant or eating place licenses issued under AS 04.06.100.

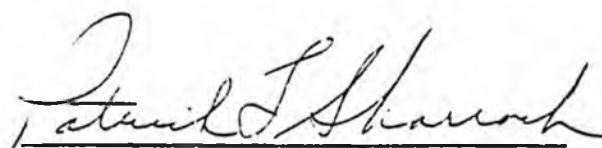
15 AAC 104.325 is proposed to be amended by adopting room requirements or guidelines in addition to those imposed by statute, for new licenses issued to hotels or motels under AS 04.11.400(g).

Any person interested may present oral or written statements or arguments relevant to the proposed action by appearing at a public hearing to be held in Anchorage, Alaska, on January 28, 1985, between the hours of 10 a.m. and 1 p.m., at 1049 West Fifth Avenue, Room 107. In addition, written statements or arguments may be sent to the Alcoholic Beverage Control Board, 201 East Ninth Avenue, Anchorage, Alaska, to be received no later than February 4, 1985.

This action is not expected to require an increased appropriation.

The Alcoholic Beverage Control Board, upon its own motion or at the instance of any interested person, may, on or after February 19, 1985, adopt proposals within the scope of the notice without further notice or may decide to take no action on them.

DATE: 1-16-85

  
Patrick L. Sharrock, Director  
Alcoholic Beverage Control Board

15 AAC 104.325 is amended as follows:

15 AAC 104.325. LICENSE ISSUED TO ENCOURAGE TOURISM.

(a) The board will, in its discretion, approve the issuance or transfer of ownership of a beverage dispensary or restaurant or eating place license under AS 04.11.400(g) only upon a showing that

(1) the approval will encourage the construction or improvement of a tourist facility which would not be financially feasible without a liquor license; and

(2) construction or improvement of the tourist facility will encourage tourism, and tourist business will constitute a substantial portion of the business of the tourist facility.

(b) In determining whether the tourist facility will encourage tourism, the board will, in its discretion, consider the size of the facility and the population of the established village, incorporated city, unified municipality, or five-mile radius in which the facility will be located. Except for good cause shown, the board will generally deny the license unless the facility will have at least

(1) 10 guest rooms, if the population is less than 1501;

(2) 15 guest rooms, if the population is between 1501 and 2500;

(3) 20 guest rooms, if the population is between 2501 and 5000;

(4) 25 guest rooms, if the population is between 5001 and 15,000;

(5) 30 guest rooms, if the population is between 15,001 and 25,000;

(7) 50 guest rooms, if the population is greater than 55,000;

(c)[b] The licensee must show upon application for renewal that issuance of the license encouraged tourism, that the facility was constructed or improved in accordance with the application, and that it continues to be operated by the licensee. If the licensee does not make the showings required by this subsection, renewal will be denied.

(d)[c] A license issued or transferred under AS 04.-11.400(g) may be transferred only to a person to whom the transferred tourist facility is also being transferred. The license will not be renewed and may be revoked if the tourist facility is transferred to a new owner without transfer of the license to the new owner.

(e)[d] A license issued under AS 04.11.400(g) may not be transferred to a new location.

(f)[e] In this section, "improvement" means expenditure of labor and capital which increases the value of the premises, and can be depreciated for federal income tax purposes.

(Eff. / / , Register )

Authority: AS 04.05.100

AS 04.11.400

15 AAC 104.112 is amended to read as follows:

15 AAC 104.112. SELECTION AMONG COMPETING APPLICATIONS WITHIN INCORPORATED CITIES AND UNIFIED MUNICIPALITIES.

(a) Within an incorporated city or unified municipality, all competing applications, as defined in 15 AAC 104.110(c), will be considered together by the board in accordance with this section.

(b) If affiliates, or persons who are related by birth or marriage, have filed competing applications for premises at a single location, the board will, in its discretion, deny all but one of those applications.

(c) The board will deny any competing applications which are required to be denied under AS 04.11.320, 04.11.340, or 04.11.480.

(d) If the denial of one or more competing applications under (b) or (c) of this section causes any other competing applications to cease to be mutually exclusive, the board will, in its discretion, approve the applications which are no longer mutually exclusive.

(e) If there continue to be competing applications after the steps in (b), (c), and (d) of this section are taken, the board will, in its discretion, grant any applications the board considers most in the public interest. The factors the board will, in its discretion, consider in determining the public interest include the safety, suitability, and proximity to other licensed premises of the location of the proposed premises; the size of the proposed premises; community amenities associated with the premises, including entertainment, dining facilities, and tourist accommodations; and preferences or priorities expressed by the local governing body.

# STATE OF ALASKA

## DEPARTMENT OF REVENUE

ALCOHOLIC BEVERAGE CONTROL BOARD

BILL SHEFFIELD, GOVERNOR

201 EAST 9TH AVENUE  
ANCHORAGE, ALASKA 99501

March 5, 1984

The Honorable Charlie Bussell, Chairman  
House Judiciary Committee  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811



Re: CSHB 158 (C&RA)

Dear Representative Bussell:

During our testimony on the above bill at the committee meeting held on January 27, members of the committee requested that I submit a letter outlining the ABC Board's alternative or preference concerning population limitations for issuance of liquor license. Simply stated, the board would prefer merely amending present law to raise population from 1,500 persons for each type of license to 2,500 persons. The board believes there is currently a sufficient number of issued licenses to serve the needs of the public. If in the future an application warrants and public need is shown, the board may grant a license under AS 04.11.400(j), public convenience and necessity.

A draft bill showing the board's proposed amendment is attached. Thank you for extending additional time for the board to respond. If I can provide the committee with any additional information, please do not hesitate to call.

Sincerely,

A handwritten signature in cursive script that reads "Patrick L. Sharrock".

Patrick L. Sharrock  
Director

PLS:vk  
Enc.

cc: Representative Mike M. Miller, Sponsor  
Robert D. Heath, Commissioner of Revenue  
Members, ABC Board  
Kay Gouwens, Asst. Attorney General



SIX HUNDRED TWENTY SEVEN  
WEST THIRD AVENUE  
ANCHORAGE, ALASKA 99501  
TELEPHONE 278-2133 or 277-MARX

FEB 17 1985

January 31, 1985

Hon. Katherine T. Hurlery  
Alaska State Representative  
Pouch Z  
Juneau, Ak. 99801

Re: Title 4, Alcoholic  
Beverages - license  
Quotas

Dear Representative Hurlery,

There has been much public debate concerning the issuance of liquor licenses in order to deal with various problems caused by alcohol abuse. One way of dealing with the problem which many are advocating is to reduce the number of available licenses. This has already been taken place to some extent due to an interpretation by the ABC board which excluded military and prison populations from the computation of the quota of licenses.

Other proposals have been put forward in the form of new legislation that would further decrease the number of licenses per population. The problem with Sec. 04.11.400 which mandates the population quota is that it is applied uniformly to all license types, so that even though reducing the number of bars may be desirable, the number of licenses available to restaurants is also reduced. Due to the recent change in the population figures, Anchorage has reached its limit of beer-wine licenses. This means that a person who wants to open a small restaurant must purchase one from another license holder for a price that is now upwards of \$25,000. Is this really what is desired? We should be encouraging, not discouraging the service of alcohol with meals as an alternative to bars. In addition, a beer and wine license is an economic necessity to the survival of the small, independently owned restaurant. Since our state encourages and depends on tourist dollars to a great extent, it makes no sense to pass laws which would restrict the restaurant trade unnecessarily. What we will have in the urban areas of our state if we pursue the present course is nothing but chain type restaurants owned and run by large corporations.

We propose that the population limitations be separated by license type, since we certainly don't need the same number of wholesale licenses as restaurant licenses for a given population. As a starting point for debate, we encourage the legislature to adopt a quota of 1 beer-wine license for every 750 people, or no quota at all. In small places like Homer, the population limitation has been a definite discouragement to anyone opening up a new restaurant.



SIX HUNDRED TWENTY SEVEN  
WEST THIRD AVENUE  
ANCHORAGE, ALASKA 99501  
TELEPHONE 278-2133 or 277-MARX

As an indirect effect, the population limitations have created a situation of many equally-qualified applicants applying for a few available licenses when the population increases, forcing the board to come up with criteria to select one business over another. Their current proposals to do this are vague and arbitrary. One of these proposals would limit beer and wine licenses to establishments that have a minimum of 70 seats in populous areas, and a 50 seat minimum in small towns. There is no defensible rationale for this that we can see. This regulation, if adopted will eventually eliminate the small, independently owned restaurant. There are many, many restaurants in the Anchorage area that would never have opened had this regulation been previously in effect. Small gourmet restaurants and wine bars, most pizza parlors, many Chinese, Mexican and other ethnic restaurants also would not meet the criteria.

There are alternatives to the over-simplistic and short-sighted proposals which have been made to date. Let's not ruin an important facet of our cultural life in our zeal to stop problems with drunk drivers. Please don't further restrict the restaurant trade in your effort to reduce the number of bars. Effort would be much better spent on stricter sanctions against drunk drivers, public education, and some sort of safe driving incentives. (Flat fare tokens which patrons could use to take cabs, and some means of allowing people to leave their car parked in an urban area without fear of being towed away should be considered). This is a complex and far-reaching issue, please give it the thorough consideration it deserves before reaching your conclusions.

Thank You,

Van Hale, Jack Amon, and Ken Brown  
Owners, Marx Bros Cafe

627 West Third Avenue  
Anchorage, Ak. 99501  
278-2133, 277-6279

M E M O R A N D U M  
February 14, 1985

TO: Rep. Mike Miller  
FROM: denise zachary  
RE: For Your Information: LIQUOR LICENSE FEES

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BEVERAGE DISPENSARY: AS 04.11.090 \$1,250.00 annual fee  
. authorizes holder to serve or sell alcoholic beverages for consumption on licenses premises only  
. applicant must file with application a cash bond or surety bond by a surety company approved by the Board, bond = \$2,100.00  
. upon revocation of license (under AS 04.11.370(4)) the bond is forfeited and deposited into state's G.F.

RESTAURANT/ EATING PLACE: AS 04.11.100 \$300.00 annual fee  
. license authorizes sale of wine or beer for consumption on premises

CLUB: AS 04.11.110 \$600.00 annual fee  
. authorizes club or organization to sell alcohol for consumption on premises

BOTTLING WORKS: AS 04.11.120 \$250.00 annual fee  
. authorizes holder to operate bottling works where beer and wine may be bottled and sold  
. sales may be made only to a person licensed under this title and only in quantities of more than 5 wine gallons

BREWERY: AS 04.11.130 \$500.00 annual fee  
. authorizes holder to operate a brewery where beer is manufactured and bottled or barrelled for sale  
. holder may sell beer in quantities of more than 5 wine gallons

WINERY: AS 04.11.140 \$250.00 annual fee  
. authorizes holder to operate a winery where wine is manufactured and bottled or barrelled for sale  
. holder may sell wine in quantities of more than 5 wine gallons

PACKAGE STORE: AS 04.11.150 \$750.00 annual fee  
. sale of alcohol beverages on premises, consumption on premises is prohibited  
. package store license holder may also be holder of beverage dispensary license

WHOLESALE: AS 04.11.160 \$1,000 for first \$100,000 of business  
. authorizes holder to sell alcoholic beverages in original package; wine in bulk, in quantities of not less than 5 gal.  
. wholesaler must obtain general wholesale license for each distributing point  
. no later than Feb. 28 of each year following year license was issued, licensee shall file an affidavit showing total business transacted; at time of filing affidavit, licensee shall pay license fees  
. additional fees are outlined in AS 04.11.160: see fee schedule

DISTILLERY: AS 04.11.170 \$500.00 annual fee  
. authorizes operation of a distillery where alcoholic beverages are distilled and bottled or barrelled for sale  
. holder may sell in quantities of more than 5 gal.

COMMON CARRIER: AS 04.11.180 \$350.00/ each carrier annual fee  
. authorizes sale for consumption aboard vehicles, boats, aircraft, or railroad licensed by state or federal agency

RETAIL STOCK: AS 04.11.200 \$400.00  
. authorizes holder to sell remaining stock of package liquor store when owner terminates business  
. license is issued for 90 days and is non-renewable

RECREATIONAL SITE: AS 04.11.210 \$400.00  
. holder may sell beer and wine at recreational site during and one hour before and after event (not to include school event)

PUB: AS 04.11.220 \$400.00 annual fee  
. sale of beer and wine for consumption only at a designated premises on campus of accredited college or university  
. only 1 pub license may be issued or renewed on campus  
. must have written approval from governing body of college

CATERER'S: AS 04.11.230 \$50.00  
. authorizes holder of beverage dispensary license to sell or dispense alcoholic beverages at conventions, picnics, social gatherings, sporting events  
. permit is issued for designated premises for special occasions, and for limited periods of time

SPECIAL EVENTS: AS 04.11.240 \$50.00/ day  
. authorizes holder to sell or dispense beer or wine at designated premises for special occasions for limited periods of time  
. only non-profit organizations are eligible for this permit; profits going to organization  
. no more than 5 special event permits allowed in one calendar year  
. no transfer or renewal

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Additionally, for your information:

LICENSE RENEWALS:

- . on or before Nov. 1, director will mail renewal application to each licensee
- . renewal may be filed on or before Dec. 31 and shall be accompanied by annual fee
- . renewal filed after Dec. 31 and on or before Feb. 28 shall have annual fee plus penalty equal to annual fee or \$100.00, whichever is less

Public Convenience licenses (AS 04.11.330 (9)) do not require renewal.

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 15, 1985

SUBJECT: Comparison of amendments to  
AS 04.11.400 contained  
in HB 34 and HB 150

TO: Representative Katie Hurley  
Chair, House State Affairs Committee

FROM: George W. Edwards *GWE*  
Legislative Counsel

This is in response to your request for an analysis of the differences between amendments to AS 04.11.400 proposed within HB 34 and HB 150.

The comparison between proposed amendments to AS 04.11.400 is presented according to subsections or designated paragraphs as follows:

Subsection (a): In HB 34 the first paragraph recognizes the repeal of subsection (j) and limits the application of the section to premises licensed as beverage dispensaries or package stores. It uses the term "may not be relocated" to replace the existing language prohibiting transfer of location.

In HB 150 the only change within the initial paragraph is the substitution of "nor" for "or."

Paragraph (a)(1) In HB 34 the term "relocation" is substituted for "transfer" and the population requirement for each license issued or relocated is increased from the existing 1500 to 3000.

In HB 150 this paragraph is amended by adding "organized borough" as a relevant area. It excludes from the population base used in licensing decisions the populations of established villages, incorporated cities, unified municipalities, and organized boroughs that are wholly or in

part within the five mile radius used for determining the population base.

Paragraph (a)(2) In HB 34 the term "relocation" is again substituted for "transfer" and the population requirement for each license issued or relocated is increased from the existing 1500 to 3000.

In HB 150 language has been added specifying that the population base used for licensing is the population inside the established village, incorporated city, or unified municipality in which the license may be located.

Paragraph (a)(3) This is a new paragraph unique to HB 150. It pertains to licenses that may be issued within an organized borough but outside of an established village or incorporated city within that borough. It prohibits the issuance or relocation of such a license under subsections (a)(g) or (h) if more than one of each type of license is already in effect for each 1500 people or fraction of that number inside the organized borough excluding the populations of established villages that have held local option elections and incorporated cities when the villages or cities are within the borough.

Subsection (b) This subsection is not addressed in HB 34. In HB 150 language concerning the application for a license is stricken and the political subdivisions effected are more precisely described.

Subsections (c) and (d) HB 34 does not address these. HB 150 does not change them.

Subsection (e) HB 34 does not address this subsection. HB 150 establishes guidelines for determining the population base applicable to a particular licensing situation as "persons residing inside the radius not later than the date the application is received by the board and not earlier than 60 days before the application is received . . . ." It strikes language excluding the portion of a population base in an established village, incorporated city or unified municipality and establishing the controlling date of December 31 of each year for computing the population base.

Subsection (f) This subsection is not addressed in HB 34.

Representative Katie Hurley  
February 15, 1985  
page 3

In HB 150 it is amended to reflect the applicability of the proposed subsection (a)(3) and to include "organized borough" as a designated political subdivision.

Subsection (g) In HB 34 the term relocation is substituted for transfer. The minimum number of rental rooms necessary for an applicant to qualify for a liquor license under this subsection is raised from the existing 10 to 50. This subsection is not addressed in HB 150.

Subsection (h) This subsection is not addressed in HB 34. HB 150 amends subparagraph (1) by adding "an incorporated" before "city".

Subsection (i) This subsection is not addressed in HB 34. HB 150 includes a substitution of "must" for "shall".

Subsection (j) This subsection is repealed in HB 34, section 7.

HB 150 expands the applicability of the subsection from municipalities to incorporated cities, unified municipalities and organized boroughs.

The additional sections of HB 34 not found in HB 150 contain minor changes from existing law intended to clarify meaning. They do not contain substantive changes.

In essence HB 34 concerns changes in AS 04.11.400. Changes limit its applicability from all license types to beverage dispensary and package store licenses only and increase the population minimums necessary to qualify for the issuance or relocation of either of these latter two types. The sale of existing licenses of the specified types are not effected as long as relocation is not involved. Another change raises the rental room minimum from 10 to 50 in subsection (g). No further delineation of political or population areas in which licenses may be issued or relocated is attempted.

GWE:ojb  
J11/099

Original sponsor: M.M.Miller

1 IN THE HOUSE

BY THE <sup>57</sup>JUDICIARY COMMIT

2 CS FOR HOUSE BILL NO. 34 (STATE AFFAIRS)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the administration of liqu  
7 licenses; and providing for an effective date."

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

9 \* Section 1. AS 04.11.100 is amended by adding a new subsection  
10 read:

11 (e) A license may be renewed under this section only if th  
12 licensee provides evidence to the board's satisfaction that gross  
13 receipts from the sale of food upon the licensed premises constitut  
14 no less than 50 percent of the gross receipts of the licensed premise  
15 for the preceding license year.

16 \* Sec. 2. AS 04.11.340 is amended to read:

17 Sec. 04.11.340. DENIAL OF REQUEST FOR RELOCATION [TRANSFER O  
18 LOCATION]. An application requesting approval for the relocation [O  
19 A TRANSFER OF LOCATION] of licensed premises shall be denied if

20 (1) the board finds, after review of all relevant informa-  
21 tion, that relocation [TRANSFER OF LOCATION] of the license would not  
22 be in the best interests of the public;

23 (2) the relocation [TRANSFER OF LOCATION OF THE LICENSE] is  
24 prohibited under AS 04.11.400(a) or (b) [AS 04.11.400(a) OF  
25 PROHIBITION OF TRANSFER IS FOUND NECESSARY UNDER AS 04.11.400(b)];

26 (3) the license would be relocated [TRANSFERRED] out of the  
27 established village, incorporated city, unified municipality, or  
28 population area established under AS 04.11.400(a) [ELECTION DISTRICT]  
29 within which it is located [WAS ORIGINALLY ISSUED, UNLESS THE ELECTION

1 DISTRICT INTO WHICH THE LICENSE WOULD BE TRANSFERRED IS WITHIN THE  
2 INCORPORATED CITY, ORGANIZED BOROUGH OR UNIFIED MUNICIPALITY WITHIN  
3 WHICH THE LICENSE WAS ORIGINALLY ISSUED];

4 (4) transfer of ownership is to be made concurrently with  
5 the relocation [TRANSFER OF THE LOCATION] of the licensed premises and  
6 a ground for denial of the transfer of ownership under AS 04.11.360 is  
7 presented;

8 (5) the application has not been completed in accordance  
9 with AS 04.11.290;

10 (6) relocation [TRANSFER OF LOCATION] of the license would  
11 result in violation of a local zoning law;

12 (7) relocation [TRANSFER OF LOCATION] of the license would  
13 violate the restrictions pertaining to the particular license imposed  
14 by this title;

15 (8) relocation [TRANSFER OF LOCATION] of the license is  
16 prohibited under this title as a result of an election conducted in  
17 accordance with AS 04.11.502;

18 (9) the licensed premises are to be located in a municipal  
19 ity, the type of license sought to be relocated [TRANSFERRED] is a  
20 beverage dispensary or package store license, and that type of license  
21 is already in effect in the municipality under a community liquor  
22 license, unless the relocation [TRANSFER] is to become effective after  
23 the community liquor license is no longer effective, whether as the  
24 result of a local option election or otherwise;

25 (10) the license was issued under AS 04.11.400(g), (h), or  
26 (i) [AS 04.11.400(j)].

27 \* Sec. 3. AS 04.11.400(a) is amended to read:

28 (a) Except as provided in (g), (h), (i), and (j) of this sec-  
29 tion, a new license may not be issued and the board may prohibit

1 relocation of [OR] an existing license [TRANSFERRED TO A NEW LOCATIC

2 (1) outside an established village, incorporated city, [  
3 unified municipality, or organized borough [AN ESTABLISHED VILLAGE]  
4 after the issuance or relocation [TRANSFER] there would be more th  
5 one license of each type [FOR EACH 1,500 POPULATION OR FRACTION  
6 1,500 POPULATION], including licenses which have been issued under (  
7 or (h) of this section, for each 3,000 population or fraction of 3,0  
8 population in a radius of five miles of the licensed premises  
9 location of premises sought to be licensed, excluding the population  
10 of established villages, incorporated cities, unified municipalities  
11 and organized boroughs that are wholly or partly included within th  
12 radius;

13 (2) inside an established village, [AN] incorporated city  
14 or [A] unified municipality if after the issuance or relocations  
15 [TRANSFER] there would be inside the established village, incorporate  
16 city, or unified municipality more than one license of each type [FC  
17 EACH 1,500 POPULATION OR FRACTION OF 1,500 POPULATION], includin  
18 licenses which have been issued under (g) or (h) of this section, fo  
19 each 3,000 population or fraction of 3,000 population inside th  
20 established [BOUNDARIES OF THE] village, incorporated city, or unifie  
21 municipality;

22 (3) inside an organized borough but outside an establishe  
23 village or incorporated city located within the borough, if after th  
24 issuance or relocation there would be inside the borough, but outsid  
25 the established villages and incorporated cities located within th  
26 borough, more than one license of each type, including licenses tha  
27 have been issued under (g) or (h) of this section, for each 3,00  
28 population or fraction of 3,000 population inside the borough, exclud  
29 ing the population of those established villages that have conducted

1 an election on a question set out in AS 04.11.490, 04.11.496,  
2 04.11.500, and excluding the population of incorporated cities locate  
3 within the organized borough.

4 \* Sec. 4. AS 04.11.400(b) is amended to read:

5 (b) If [THE APPLICATION IS FOR A LICENSE OUTSIDE OF AN ESTAB  
6 LISHED VILLAGE, INCORPORATED CITY, OR UNIFIED MUNICIPALITY AND] th  
7 radius described in (a)(1) of this section encompasses all of an [THE  
8 established village, incorporated city, or unified municipality an  
9 the population resident inside and outside the established village  
10 incorporated city, or unified municipality but inside the radiu  
11 described in (a)(1) of the section is less than 3,000 [1,500], th  
12 board may deny the issuance or relocation [TRANSFER] of the license.

13 \* Sec. 5. AS 04.11.400(e) is amended to read:

14 (e) In (a)(1) of this section, "population" includes only thos  
15 persons residing inside the radius not later than the date the appli  
16 cation is received by the board and not earlier than 60 days before  
17 the application is received by the board [BUT OUTSIDE OF AN ESTAB  
18 LISHED VILLAGE, AN INCORPORATED CITY, OR A UNIFIED MUNICIPALITY AS O  
19 DECEMBER 31 OF THE YEAR PRECEDING THE DATE OF APPLICATION].

20 \* Sec. 6. AS 04.11.400(f) is amended to read:

21 (f) In (a)(2) and (3) of this section, "population" include:  
22 only those persons residing inside the [AN] established village, [AN  
23 incorporated city, [OR A] unified municipality, or organized borough  
24 as of December 31 of the year preceding the date of application.

25 \* Sec. 7. AS 04.11.400(g) is repealed and reenacted to read:

26 (g) The board may approve the issuance or transfer of ownership  
27 of a beverage dispensary or restaurant or eating place license without  
28 regard to (a) of this section if it appears that the issuance or  
29 transfer will encourage the tourist trade by encouraging the

1 construction or improvement of

2 (1) a hotel, motel, resort, or similar business relating  
3 the tourist trade with a dining facility or having kitchen facilities  
4 in a majority of its rental rooms and at least a minimum number  
5 rental rooms required according to the population of the establish-  
6 village, incorporated city, unified municipality or population area  
7 established under AS 04.11.400(a) in which the facility will be  
8 located, as follows:

9 (A) 15 rental rooms if the population is less than  
10 1,501;

11 (B) 20 rental rooms if the population is between 1,501  
12 and 2,500;

13 (C) 25 rental rooms if the population is between 2,501  
14 and 5,000;

15 (D) 30 rental rooms if the population is between 5,001  
16 and 15,000;

17 (E) 35 rental rooms if the population is between  
18 15,001 and 25,000;

19 (F) 40 rental rooms if the population is between  
20 25,001 and 50,000; and

21 (G) 50 rental rooms if the population is greater than  
22 50,000; or

23 (2) an airport terminal.

24 \* Sec. 8. AS 04.11.400(h) is amended to read:

25 (h) The board may approve the issuance or transfer of ownership  
26 of a [A] restaurant or eating place license without regard to [MAY BE  
27 ISSUED OR TRANSFERRED NOTWITHSTANDING] (a) of this section if

28 (1) the premises of the restaurant or eating place are more  
29 than 18 miles from the corporate limits of a city or unified

1 municipality;

2 (2) the premises will serve food to the traveling public  
3 and

4 (3) the board finds that the public convenience will be  
5 served by the issuance or transfer.

6 \* Sec. 9 AS 04.11.400(i) is amended to read:

7 (i) An application requesting a transfer of location of license  
8 premises limited under (a) or (b) of this section shall be granted  
9 without regard to [NOTWITHSTANDING] (a) of this section if the new  
10 location is less than one mile from the original location and

11 (1) no ground for denial exists under AS 04.11.340(1) or  
12 (3); and

13 (2) relocation of the licensed premises is necessary due to

14 (A) termination of a lease or rental agreement;

15 (B) condemnation of the premises;

16 (C) the substantial destruction of the premises by any  
17 cause.

18 \* Sec. 10. AS 04.11.400(j) is amended to read:

19 (j) The board may approve the issuance or transfer of ownership  
20 of [ISSUE] a restaurant or eating place [NEW] license in a municipal  
21 ity without regard to [NOTWITHSTANDING THE PROVISIONS OF] (a) of this  
22 section if the board finds that issuance or transfer of the license is  
23 necessary for the public convenience.

24 \* Sec. 11. AS 04.11.504(a) is amended to read:

25 (a) If a prohibition imposed on the issuance, renewal, [OR  
26 transfer, or relocation of licenses between holders and location  
27 under AS 04.11.490 - 04.11.500 is removed by a vote of "no" on a  
28 question for which the majority of the people voted "yes" in an  
29 earlier election, the board shall, upon application, issue the same

1 number and type of licenses which were in effect in the municipalit  
2 or established village on the date of certification of the earlie  
3 election. If the prohibition imposed on issuance, renewal, [OR  
4 transfer, or relocation of licenses between holders and locations is  
5 removed by a "yes" vote on a question set out in AS 04.11.492 and  
6 04.11.500, the board may issue the types of licenses specified in the  
7 question presented to the voters in the subsequent election. Licenses  
8 may be issued for the same or other premises within the municipality  
9 or established village which were licensed on the date of certifica-  
10 tion of the earlier election. However, if the local governing body  
11 requests that fewer licenses of a particular type be issued than would  
12 otherwise be issued if the provisions prescribing the ratio of popu-  
13 lation to licensed premises in AS 04.11.400(a) are applied, only the  
14 number of licenses of that particular type requested by the local  
15 governing body may be issued by the board. Priority shall be given  
16 applicants who were formerly licensees and whose licenses were not  
17 renewed because of the results of the previous election. However,  
18 these applicants have no legal right to a license and the board is not  
19 required to approve the application.

20 \* Sec. 12. This Act takes effect immediately in accordance with AS 01.-  
21 10.070(c).  
22  
23  
24  
25  
26  
27  
28  
29

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: 2/22/85

REQUEST

Bill/Resolution No.: CSHB 34  
Title: AN ACT RELATING TO THE  
ADMINISTRATION OF LIQUOR LICENSES  
Sponsor: REP. M. M. MILLER  
Requestor: HOUSE STATE AFFAIRS COM.  
Date of Request: 2/21/85

FISCAL DETAIL

Agency Affected: DEPARTMENT OF REVENUE  
Program Category Affected: \_\_\_\_\_  
PUBLIC PROTECTION  
BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
ALCOHOLIC BEVERAGE CONTROL BOARD

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

<b>CAPITAL</b>						
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<b>REVENUE</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Patrick L. Sharrock Phone: 277-8638  
Division: Alcoholic Beverage Control Board Date: 2/22/85  
Approved by Commissioner: Marv A. Nordale Date: 2/22/85  
Agency: Department Of Revenue

Distribution (by Agency preparing fiscal note):

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



# Alaska State Legislature

## House of Representatives

### Committee on State Affairs

Official Business

Pouch V  
State Capitol  
Juneau, Alaska 99811

(907) 465-4963

Representative Mike M. Miller  
Chair Judiciary Committee  
House of Representatives  
Room 124 Capitol  
Juneau, Alaska

February 25, 1985

Dear Representative Miller:

The House State Affairs Committee had for consideration HB 34 "An Act relating to the limitation of certain types of liquor licenses." The Committee passed out a committee substitute for HB 34 incorporating the intention of HB 150 "An Act relating to alcoholic beverage licenses; and providing for an effective date."

CSHB 34 (sa) "An Act relating to the administration of liquor licenses; and providing for an effective date" is legislation limiting liquor licenses in the state of Alaska. However, the committee has some concerns with CSHB 34 (sa) that it would like the Judiciary committee to look into.

- 1) Should the population ratio used to determine the amount of beer and wine license in an area be the same population figures for all other types of liquor licenses?
- 2) Should there be language included to set up a system to verify that at least 50% of the earnings from a restaurant with a beer and wine license, are from the sale of food?

The House State Affairs Committee appreciates the House Judiciary Committee looking into these concerns.

Sincerely,

A handwritten signature in cursive script that reads "Katie Hurley".

Katie Hurley, Chair  
House State Affairs Committee

STATE OF ALASKA 1985 LEGISLATIVE SESSION

FISCAL NOTE

Revision Date: 2/22/85

REQUEST

Bill/Resolution No.: CSHB 34  
 Title: AN ACT RELATING TO THE  
ADMINISTRATION OF LIQUOR LICENSES.  
 Sponsor: REP M M MILLER  
 Requestor: HOUSE STATE AFFAIRS COM.  
 Date of Request: 2/21/85

FISCAL DETAIL

Agency Affected: DEPARTMENT OF REVENUE  
 Program Category Affected: PUBLIC PROTECTION  
 BRU, Program or Subprogram(s) Affected: ALCOHOLIC BEVERAGE CONTROL BOARD

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

CAPITAL						
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Patrick L. Sharrock Phone: 277-8638  
 Division: Alcoholic Beverage Control Board Date: 2/22/85  
 Approved by Commissioner: *Marv A. Nordale* Date: 2/22/85  
 Agency: Department Of Revenue

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

7/1/84

M E M O R A N D U M

February 14, 1985

TO: Rep. Mike Miller

FROM: denise zachary

RE: For Your Information: LIQUOR LICENSE FEES

---

BEVERAGE DISPENSARY: AS 04.11.090 \$1,250.00 annual fee

. authorizes holder to serve or sell alcoholic beverages for consumption on licenses premises only

. applicant must file with application a cash bond or surety bond by a surety company approved by the Board, bond = \$2,500.00

. upon revocation of license (under AS 04.11.370(4)) the bond is forfeited and deposited into state's G.F.

RESTAURANT/ EATING PLACE: AS 04.11.100 \$300.00 annual fee

. license authorizes sale of wine or beer for consumption on premises

CLUB: AS 04.11.110 \$600.00 annual fee

. authorizes club or organization to sell alcohol for consumption on premises

BOTTLING WORKS: AS 04.11.120 \$250.00 annual fee

. authorizes holder to operate bottling works where beer and wine may be bottled and sold

. sales may be made only to a person licensed under this title and only in quantities of more than 5 wine gallons

BREWERY: AS 04.11.130 \$500.00 annual fee

. authorizes holder to operate a brewery where beer is manufactured and bottled or barrelled for sale

. holder may sell beer in quantities of more than 5 wine gallons

WINERY: AS 04.11.140 \$250.00 annual fee

. authorizes holder to operate a winery where wine is manufactured and bottled or barrelled for sale

. holder may sell wine in quantities of more than 5 wine gallons

PACKAGE STORE: AS 04.11.150 \$750.00 annual fee

. sale of alcohol beverages on premises, consumption on premises is prohibited

. package store license holder may also be holder of beverage dispensary license

WHOLESALE: AS 04.11.160 \$1,000 for first \$100,000 of business  
. authorizes holder to sell alcoholic beverages in original package; wine in bulk, in quantities of not less than 5 gal.  
. wholesaler must obtain general wholesale license for each distributing point  
. no later than Feb. 28 of each year following year license was issued, licensee shall file an affidavit showing total business transacted; at time of filing affidavit, licensee shall pay license fees  
. additional fees are outlined in AS 04.11.160: see fee schedule

DISTILLERY: AS 04.11.170 \$500.00 annual fee  
. authorizes operation of a distillery where alcoholic beverages are distilled and bottled or barrelled for sale  
. holder may sell in quantities of more than 5 gal.

COMMON CARRIER: AS 04.11.180 \$350.00/ each carrier annual fee  
. authorizes sale for consumption aboard vehicles, boats, aircraft, or railroad licensed by state or federal agency

RETAIL STOCK: AS 04.11.200 \$400.00  
. authorizes holder to sell remaining stock of package liquor store when owner terminates business  
. license is issued for 90 days and is non-renewable

RECREATIONAL SITE: AS 04.11.210 \$400.00  
. holder may sell beer and wine at recreational site during and one hour before and after event (not to include school event)

PUB: AS 04.11.220 \$400.00 annual fee  
. sale of beer and wine for consumption only at a designated premises on campus of accredited college or university  
. only 1 pub license may be issued or renewed on campus  
. must have written approval from governing body of college

CATERER'S: AS 04.11.230 \$50.00  
. authorizes holder of beverage dispensary license to sell or dispense alcoholic beverages at conventions, picnics, social gatherings, sporting events  
. permit is issued for designated premises for special occasions, and for limited periods of time

SPECIAL EVENTS: AS 04.11.240 \$50.00/ day  
. authorizes holder to sell or dispense beer or wine at designated premises for special occasions for limited periods of time  
. only non-profit organizations are eligible for this permit; profits going to organization  
. no more than 5 special event permits allowed in one calendar year  
. no transfer or renewal

\*\*\*\*\*

\*\*\*\*\*

\*\*\*\*\*

Additionally, for your information:

LICENSE RENEWALS:

- . on or before Nov. 1, director will mail renewal application to each licensee
- . renewal may be filed on or before Dec. 31 and shall be accompanied by annual fee
- . renewal filed after Dec. 31 and on or before Feb. 28 shall have annual fee plus penalty equal to annual fee or \$100.00, whichever is less

Public Convenience licenses (AS 04.11.330 (9)) do not require renewal.



JUNEAU ALASKA

# Alaska State Legislature

## House

### MEMORANDUM

February 14, 1985

TO: Rep. Mike Miller

FROM: Denise Zachary, A.A.

RE: staff analysis/ HB 34: Limitation Liquor Licenses

---

CS for HB 34 (State Affairs) WORK DRAFT

Section 1. AS 04.11.100: Adds new language to restaurant section;  
"50% of gross receipts must be from sale of food"  
(prior to 1981 statute changes, above language was included as well as  
"no alcohol consumption on premises unless served with sale of food")

Section 2. AS 04.11.340: Amended adding relocation [TRANSFER OF LOCATION]  
to make language consistent throughout bill

Section 3 and 4. AS 04.11.400(a) and (b): Adds language from HB 150 (Gov's)  
but ups population limits to 3000 [1500]. Adds areas outside of a city,  
municipality, or village, but inside an organized borough -- provides that such  
areas will be governed by same quota formula as inside established villages,  
incorporated cities, and unified municipalities.

\*\* SHORT TERM EFFECT: no package store or beverage dispensary licenses will be  
available in immediate future or until areas have sufficient population growth.  
The Board may, in their discretion, continue to issue special licenses for  
public convenience or to promote tourism.

Section 5. AS 04.11.400(e): Changes date for determining population where  
"5 Mile Rule" is used. Current law = use population statistics from Dec. 31,  
preceding the year of date of application. CSHB 34 = population will be  
determined as of the date application is filed with A.B.C. Board, or another  
date not more than 60 days earlier.

Section 6. AS 04.11.400(i): Technical changes adding HB 150 amendments.

Section 7. AS 04.11.400(g): Issue or transfer of beverage dispensary or restaurant license may be approved by Board if it appears to encourage tourist trade by construction or improvement of hotel, motel, or resort.

Sets up population standards for Board determination of hotel-motel licenses. (A.B.C. Board draft regulations increased by 5 rooms each population unit.)

Section 8. AS 04.11.400(h): Technical changes.

Section 9. AS 04.11.400(i): Ups population limits to 3000 [1500].

Relocation allowed if less than one mile from original location.  
No ground for Board denial if relocation necessary due to termination of lease agreement, condemnation, or destruction of premises by any cause.

Section 10. AS 04.11.400(j): Pertains to issuance or transfer of restaurant or eating place licenses. Board has public convenience discretion.

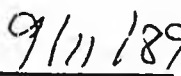
Section 11. Adds Immediate Effective Date.



# RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

  
Signature of Camera Operator

  
Date

H

B

3

5

# STATE OF ALASKA THE LEGISLATURE

## LEGISLATIVE AFFAIRS AGENCY

### LEGISLATIVE REFERENCE LIBRARY

POUCHY - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House State Affairs Committee	2/1/85,	3:00 pm
" "	2/8/85,	3:00 pm
" "	3/14/85,	3:00 pm

COMMITTEE REPORT  
HOUSE

(7)

FURTHER: Judiciary

1/14/85

Date: 3/14/85

The Committee on State Affairs has had HB 35

"An Act relating to state regulation of fireworks; and providing for an effective date."

under consideration and recommends:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HB 35  same title  
 new title
- and recommends Do Pass
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

[Signature]

[Signature]

[Signature]

[Signature]

\_\_\_\_\_

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MEMBERS HAVING  
OTHER RECOMMENDATIONS:

[Signature]

[Signature]

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[Signature]  
CHAIRMAN



# Alaska State Legislature

## House of Representatives

### Committee on State Affairs

Pouch V  
State Capitol  
Juneau, Alaska 99811

(907) 465-4963

Official Business

To: Representative Katie Hurley  
Chair, House State Affairs Committee

From: Nevette Bowen  
Committee Aide

Date: 3/14/85

Re: Proposed Committee Substitute for House Bill 35

The proposed committee substitute for House Bill 35 "An Act relating to state regulation of fireworks" contains the following changes:

°The effective date has been changed to July 15, 1985 to enable retailers to dispose of their inventories before any restriction on salable fireworks occurs.

°The definition of salable fireworks is expanded to include ground spinners and flitter sparklers. This was done at the suggestion of Mr. Jerry Farley, a fireworks wholesaler representative from Seattle, to bring the bill into conformity with laws in other states which allow the full range of "safe and sane fireworks."

°The other amendments were suggested by the Department of Law:

Section 1 (a) was modeled after language from other statutes which restrict use of controlled substances.

Section 4 brings the bill into conformity with accepted drafting style for criminal statutes and specifically defines the class of penalties involved.

A class A misdemeanor will result in a \$5000 fine or 1 year in jail, or both.

A class B misdemeanor will result in a \$1000 fine or 90 days in jail, or both.

The Department of Law has no position on the amount of penalty imposed. Their suggestion is that the legislation specifically define the class of penalties involved. Representative Pourchot's office has suggested that the penalty upon conviction be a class A misdemeanor.

Draft

Hein

Original sponsor: Pourchot

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 35 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to state regulation of fireworks;  
7 and providing for an effective date."

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

9 \* Section 1. AS 18.72.010(a) is amended to read:

10 (a) The sale, ~~[OR]~~ offer to sell, possession with intent to  
11 sell, or manufacture of dangerous fireworks at wholesale or retail for  
12 a [ANY] purpose other than industrial, agricultural, wildlife control  
13 or public display purposes is prohibited.

14 \* Sec. 2. AS 18.72.010(c) is amended to read:

15 (c) All dangerous fireworks shall be purchased from a fireworks  
16 wholesaler licensed as such in this state. A [NO] fireworks whole-  
17 saler may not sell dangerous fireworks to anyone, unless the wholesal-  
18 er [HE] has a currently valid permit required by the fire safety code,  
19 the number of which shall be affixed to each record of sale by the  
20 [FIREWORKS] wholesaler, and maintained as a permanent record of the  
21 sale.

22 \* Sec. 3. AS 18.72.030(a) is amended to read:

23 (a) A person who desires to sell fireworks at wholesale in the  
24 state shall first make verified application for a license to the state  
25 fire marshal on forms provided by the state fire marshal [HIM]. The  
26 application shall be accompanied by an annual license fee of \$50.

27 \* Sec. 4. AS 18.72.040 is amended to read:

28 Sec. 18.72.040. PENALTIES [VIOLATION] A person who recklessly  
29 [KNOWINGLY AND WILFULLY] fails to comply with a provision of this

1 chapter or fireworks regulations adopted in the fire safety code is  
2 guilty of a class A misdemeanor [AND UPON CONVICTION IS PUNISHABLE BY  
3 A FINE OF NOT MORE THAN \$500, OR BY IMPRISONMENT FOR NOT MORE THAN SIX  
4 MONTHS, OR BY BOTH]; Each day of noncompliance constitutes a separate  
5 offense.

6 \* Sec. 5. AS 18.72.050 is repealed and reenacted to read:

7 Sec. 18.72.050. DEFINITIONS. In this chapter and in fireworks  
8 regulations adopted in the state fire safety code

9 (1) "cone fountain" means a cardboard or heavy paper cone  
10 containing not more than 50 grams of pyrotechnic composition and that  
11 has the same effect as a cylindrical fountain;

12 (2) "cylindrical fountain" means a cylindrical tube not  
13 more than three-fourths of an inch (19 mm) inside diameter, containing  
14 up to 75 grams of pyrotechnic composition, that may be supported on a  
15 base or spike or may be hand-held and that, upon ignition, produces a  
16 shower of colored sparks and, sometimes, a whistling effect;

17 (3) "dangerous fireworks" includes all fireworks that are  
18 not defined as salable fireworks;

19 (4) "dipped stick" means a stick or wire coated with not  
20 more than 100 grams of pyrotechnic composition, or if containing  
21 perchlorate or chlorate salts, not more than five grams of pyrotechnic  
22 composition, and that produces a shower of sparks upon ignition;

23 (5) "fire safety code" means the fire safety code of the  
24 state adopted and administered by the division of fire prevention of  
25 the Department of Public Safety;

26 (6) "fireworks" means a composition or device designed to  
27 produce a visible or an audible effect by combustion, deflagration or  
28 detonation, and that meets the definition of "common" or "special"  
29 fireworks as set out in the hazardous materials regulations of the

1 United States Department of Transportation, but does not include

2 (A) toy pistols, toy canes, toy guns, or other devices  
3 in which paper or plastic caps manufacture, packed, and shipped  
4 in accordance with United States Department of Transportation  
5 regulations; and

6 (B) model rockets and model rocket motors designed,  
7 sold, and used for the purpose of propelling recoverable aero  
8 models;

9 (7) "flitter sparkler" means a narrow paper tube filled  
10 with pyrotechnic composition that produces color and sparks upon  
11 ignition; this device does not have a fuse for ignition; the paper at  
12 one end of the tube is ignited to make the device function;

13 (8) "ground spinner" means a small device similar to wheel  
14 in design and effect and placed on the ground and ignited; a shower of  
15 sparks and color is produced by the rapidly spinning device;

16 (9) "illuminating torch" means a cylindrical tube contain-  
17 ing not more than 100 grams of pyrotechnic composition, that may be  
18 supported on a base or spike or may be hand-held and that, upon igni-  
19 tion, produces a colored fire;

20 (10) "recklessly" has the meaning given in AS 11.81.900(a)-  
21 (3);

22 (11) "salable fireworks" includes only the following United  
23 States Department of Transportation common fireworks:

24 (A) cone fountains;

25 (B) cylindrical founta.

26 (C) dipped sticks;

27 (D) flitter sparklers;

28 (E) ground spinners;

29 (F) illuminating torches;

1 (G) wheels;

2 (12) "wheel" means a pyrotechnic device attached to a post  
3 or tree by means of a nail or string, containing a total pyrotechnic  
4 composition of not more than 60 grams in each driver unit or 240 grams  
5 in each complete wheel, and that, upon ignition, revolves and produces  
6 a shower of color and sparks and, sometimes, a whistling effect.

7 \* Sec. 6. AS 18.72.060 is amended to read:

8 Sec. 18.72.060. APPLICATION OF CHAPTER. This chapter and fire-  
9 works regulations adopted under the fire safety code supersede the  
10 provisions of an ordinance adopted by a city or borough, whether  
11 before or after May 23, 1969, that [WHICH] are less restrictive than  
12 this chapter or the code. However, nothing in this section affects  
13 the authority of a city or organized borough under other law to pro-  
14 hibit or regulate more restrictively than this chapter the offering  
15 for sale, exposure for sale, sale, use, or explosion of fireworks.

16 \* Sec. 7. AS 18.72.060 is amended by adding a new subsection to read:

17 (b) This chapter does not apply to

18 (1) the sale, and use in emergency situations, of pyro-  
19 technic signaling devices and distress signals for marine, aviation,  
20 and highway use;

21 (2) the retail sale and use of explosives or signaling  
22 flares used in the course of ordinary business or industry;

23 (3) gold star producing sparklers that contain no magnesium  
24 or chlorate;

25 (4) toy snakes that contain no mercury;

26 (5) smoke novelties and party novelties that contain less  
27 than 0.25 grain of explosive mixture;

28 (6) shells or cartridges used as ammunition in firearms;

29 (7) blank cartridges used for a theatrical or other

1 entertainment production, or for signal or ceremonial purposes in  
2 sporting events or by military organizations.

3 \* Sec. 8. This Act takes effect July 15, 1985.  
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INTRODUCTION OF BILLS, (cont'd)

HB 34, (cont'd)

The bill also changes population requirements for issuance of a new beverage dispensary or package store license or for relocation of that license. Currently a license may not be issued or transferred to a new location outside an incorporated city, a unified municipality, or an established village in a radius of five miles of the licensed premises or location of premises sought to be licensed if after issuance or transfer there would be more than one license for each 1,500 population. Rep. Miller's bill would prohibit issuance or relocation of the license outside those boundaries if there would be more than one license for each 3,000 population. The same increase in population limits would apply to licenses inside an established village, incorporated cities or unified municipalities if after the issuance or relocation, there would be more than one license for each 3,000 population inside the boundaries of the village, city or municipality (currently 1,500).

Introduced January 14 and referred to State Affairs, Judiciary, then Finance.

Fireworks  
(rewriting  
state law)

HOUSE BILL NO. 35, by Rep. Pourchot. Rewrites state law regulating the sale of fireworks. Would no longer allow sale of roman candles, skyrocket, helicopter type rockets, mines and shells, firecrackers with soft casings, and novelties consisting of two or more of the listed devices. The section of law defining the various types of fireworks is rewritten to more specifically describe those devices, and a new section is added to the law stating that the law does not apply to the sale and use in emergency situations of pyrotechnic devices and distress signals, the retail use of explosives, and certain types of novelty items that do not contain chemicals used in making fireworks. The law also does not apply to ammunition and blank cartridges.

Violation section is changed stating that a person who knowingly fails to comply with the law or fireworks regulations is guilty of a misdemeanor (currently a person who knowingly or wilfully fails to comply is guilty of a misdemeanor). Takes effect immediately.

Introduced January 14 and referred to State Affairs, then to Judiciary.

Appropriation  
(special)  
(Willow Creek  
road access)

HOUSE BILL NO. 36, by Reps. Larson and Hurley. Makes a special appropriation in the amount of \$2,600,000 for payment as a grant to the Matanuska-Susitna Borough to provide road access to Willow Creek, and to provide parking, camping, and boat launch facilities. Requires appropriation to be disbursed in accordance with law governing grants to municipalities. Takes effect immediately.

Introduced January 14 and referred to Community & Regional Affairs, then Finance.

116 Johnson

Position Paper

House Bill 35 - An act relating to state regulation of fireworks and providing for an effective date.

The Alaska Fire Chiefs Association supports the concept of this Bill in its effort to reduce the Alaska fire loss and injury rate.

It is without question that fireworks when mishandled do cause fires and injuries. But there is concern among the State Fire Chiefs as to whether this Bill will resolve the problem or become another unenforcible statute on the books. Of major concern also "is denial of unsafe things better then education of the user?" Our concern is not with the responsible user but with the uneducated and the irresponsible.

When we look in depth at available statistics, we find the problem is with noise late at night and early in the morning. Should there be a curfew?

The injury to the young (under age 16) is due to lack of supervision. Generally possession of fireworks by the young is unknown by responsible adults. Should we prohibit sales to ages under 16? Injuries to ages 16 and older are due to lack of education.

Fires are caused mostly by the uneducated and the young. Why? The thoughts of the Fire Service are that anybody can buy, locally or with little effort, anything they want. If what they got was illegal, it will be used illegally by young people, without parent's knowledge and by older persons in defiance of the law.

It is well recognized that there is point and counterpoint to every issue. The structure of this Bill is of vital concern to the Fire Service. This Bill has great merit in its concept to protect people and property but it challenges the people's right they have had for centuries, to celebrate with "gusto".

There is no question that bottle rockets, sky rockets, and firecrackers should not be allowed in the State. We also believe the Bill should be carefully worded to state what cannot be sold, with less concentration on what can be sold.

FEB 5 1985

City of Valdez



VALDEZ FIRE DEPARTMENT  
OFFICE OF THE CHIEF  
January 29, 1985

The Honorable Pat Pourchot  
House of Representatives  
Pouch V (Mail Stop 3100)  
Juneau, Alaska 99811

Dear Representative Pourchot:

I am writing in support of HB 35. The City of Valdez has banned the use and possession of fireworks within its corporate boundaries for many years by adopting and enforcing the Uniform Fire Code.

Enforcement in the past three years has become very difficult as several fireworks stands set up just outside the city limits and sell to whomever passes by.

In August of 1983 the Valdez city council considered the repeal of the section pertaining to fireworks at the request of citizens wishing to use them. The council determined at that time that many more people were against fireworks, and, due to the serious injuries caused by them let the ordinance stand.

I highly support any legislation that will ban or severely restrict the use of fireworks in the State of Alaska. The damage done to the peace of mind of our citizens, their animals, injuries suffered and the fires that are started by fireworks are not justified by the so-called enjoyment of a few.

Sincerely,

Thomas W. McAlister  
Fire Chief

House Bill 35

An Act Relating to State Regulation of Fireworks

House Bill 35 does:

- Prohibit the sale of certain fireworks, such as firecrackers, skyrocketes, bottle rockets and other aerial exploding devices.

House Bill 35 does not:

- Restrict the permitted public displays of fireworks which have been approved by the State Fire Marshall;
- Prohibit the sale of cone and cylindrical fountains, dipped sticks, sparklers, and wheels;
- Prohibit the sale of smoke and party novelties, including toy snakes;
- Prohibit the sale of toy cap pistols, toy canes, or toy guns;
- Prohibit the sale and use of emergency signaling devices; nor
- Prohibit the sale and use of recoverable model rockets and their propellants.

sparklers, ground fountains, wheels, i.e., safe, nonexploding fireworks would be allowed.

Thirty-five other states have restrictions on fireworks equal to or more restrictive than that which HB 35 proposes. This bill is modeled after Kentucky's statutes, the most recent state to revise its fireworks laws.

#### INJURIES/FIRES

- Fireworks have become a significant public safety problem.

##### United States

- In 1983, 8,277 injuries resulted from fireworks; 60 percent injured were children under age 15. (Consumer Product Safety Commission)
- From 1974 to 1983, 74,000 fireworks related injuries. (Consumer Product Safety Commission)

##### Alaska

- From 1980 to 1984, 141 fireworks-caused fires resulted in \$669,400 in damages. [Alaska National Fire Incidence Reporting System (ANFIRS)]

HB 35: JUSTIFICATION

Most municipalities in Alaska prohibit the use and sale of all fireworks. These municipalities include: the Municipality of Anchorage, the City of Fairbanks, the Fairbanks North Star Borough, the Matanuska-Susitna Borough, the Ketchikan Gateway Borough and the Cities of Ketchikan, Seward, Cordova, Soldotna, and Valdez. However, the unorganized areas of the state do not restrict use and sale. Without exception, there are violations in the municipalities due to availability of fireworks just across their boundaries.

HB 35 is intended to give substance to the restrictions imposed by these municipalities, by prohibiting on a statewide basis, firecrackers, bottle rockets, and skyrockets. The bill does not restrict the permitted public fireworks displays, approved by the State Fire Marshall. It allows for the sale and use of novelty fireworks, including glow worms and snakes, toy pistols, and toy cap guns.

The state statutes would not be as restrictive as most of the municipal prohibitions already on the books which provide for total bans on fireworks. The sale of

- \$400,000 fire in Metlakatla--fireworks were the cause (ANFIRS).
- A 339 acre fire near Soldotna cot \$90,000 to extinguish (ANIFRS).

#### Anchorage

- 1984, 632 complaints to the Anchorage Police Department relating to the illegal use of fireworks. (Anchorage Police Department)
- 26 minor fires on July Fourth in a 24 hour period--caused by fireworks.

Fireworks retailers are not going to be put out of business. The 49 licensed retailers may continue to sell cones, fountains, sparklers, and novelties, which are among the primary sources of their income.

There are 49 fireworks retailers, holding 130 permits. Retail permits are \$5.00 each. Of the ten wholesale permit holders, five are from out-of-state. These permits are \$50.00 each.

POSITION PAPER

HOUSE BILL 35

For "An Act relating to state regulation of fireworks; and providing for an effective date."

The Department of Health and Social Services supports the intent of this bill for two reasons:

- 1) Fireworks contribute to fire losses, as documented by the State Fire Marshall;
- 2) Fireworks cause injuries, often to children, although no one as yet has documented fireworks injuries in Alaska.

BACKGROUND

According to the Centers for Disease Control of the United States Public Health Service, the State of Washington experienced a significant increase in burns, eye injuries, lacerations, and other injuries in 1982, after fireworks were made legally available outside Indian reservations. Based on reports from 14 hospitals in nine counties on July 4, the total number of fireworks injuries increased from 39 in 1981 to 88 in 1982. Burns, which increased from 17 to 46, accounted for most of the difference, with eye injuries increasing from 10 to 15, and lacerations from 3 to 8.

The Consumer Product Safety Commission estimates that 11,400 fireworks related injuries were treated at hospitals in 1981, with 8.8% subsequently being hospitalized. Approximately 45% of these injuries involved children under 14 years of age. Approximately 60% of the injuries were burns, and 25% were contusions, abrasions, and lacerations. Eye injuries account for some of the most disabling fireworks-related injuries.

The trend in fireworks-related injuries has been generally upward since 1975, when approximately 4,700 fireworks injuries were treated at hospitals.

Since 1966, the sale to consumers of large, Class B firecrackers, such as "cherry-bombs" and "M-80's," has been banned by Federal law because of the large amount of explosives they contain. In 1976, the Consumer Product Safety Commission lowered the permissible explosive charge in firecrackers to no more than 50 mg (0.772 grains) of powder and mandated performance, construction, and labeling specifications for all fireworks intended for public sale (collectively designated as Class C fireworks).

According to the National Fire Protection Association, the rate of injuries in States allowing many types of fireworks is more than seven times greater than that of states that ban all fireworks or allow only sparklers or snakes. The rate of fireworks related fires is 52 times greater.

POSITION PAPER

HOUSE BILL 35

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**POSITION PAPER/Department of Health & Social Services**

Position Paper HB 35  
Page Two

The National Safety Council also reported 10 fireworks related deaths in 1980, verses 7 in 1979.

**POSITION**

The Department of Health and Social Services believes that restricting the sale of fireworks will result in reduced injuries, especially among children.

Recommended by: David Bruce for  
Robert I. Fraser, M.D.  
Director  
Division of Public Health

Date: 1/28/85

Approved by: John R. Pugh  
John R. Pugh, Commissioner  
Department of Health and  
Social Services

Date: 1/30/85

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

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

REQUEST

Bill/Resolution No.: HB 35  
 Title: An Act Relating to State regulation of fireworks,...  
 Sponsor: Representative Pourchot  
 Requestor: \_\_\_\_\_  
 Date of Request: 1/25/85

FISCAL DETAIL

Agency Affected: Health & Social Services  
 Program Category Affected: Public Health  
 BRU, Program or Subprogram(s) Affected: State Health Services BRU, Adm. Services Emergency Medical Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: <sup>RIC/DIS</sup> Robert I. Fraser, M.D., Director  
 Division: Public Health

Phone: 465-3090  
 Date: January 25, 1985

Approved by Commissioner: *Jim R. ...*  
 Agency: Health & Social Services

Date: 1/30/85 *JCC*

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

7/1/84

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

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

REQUEST

Bill/Resolution No.: HB 35  
 Title: State Regulation of  
Fireworks  
 Sponsor: Representative Pourchot  
 Requestor: House State Affairs  
 Date of Request: 1-28-85

FISCAL DETAIL

Agency Affected: Public Safety  
 Program Category Affected: Public Protection  
 BRU, Program or Subprogram(s) Affected: Fire Prevention

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

POSITIONS:

FULL-TIME	-0-					
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: G.E. Brunton *Gurb* Phone: 465-4331  
 Division: Fire Prevention Date: 1/23/85  
 Approved by: Commissioner *Michael J. Chen* Date: 1-28-85  
 Agency: Public Safety

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

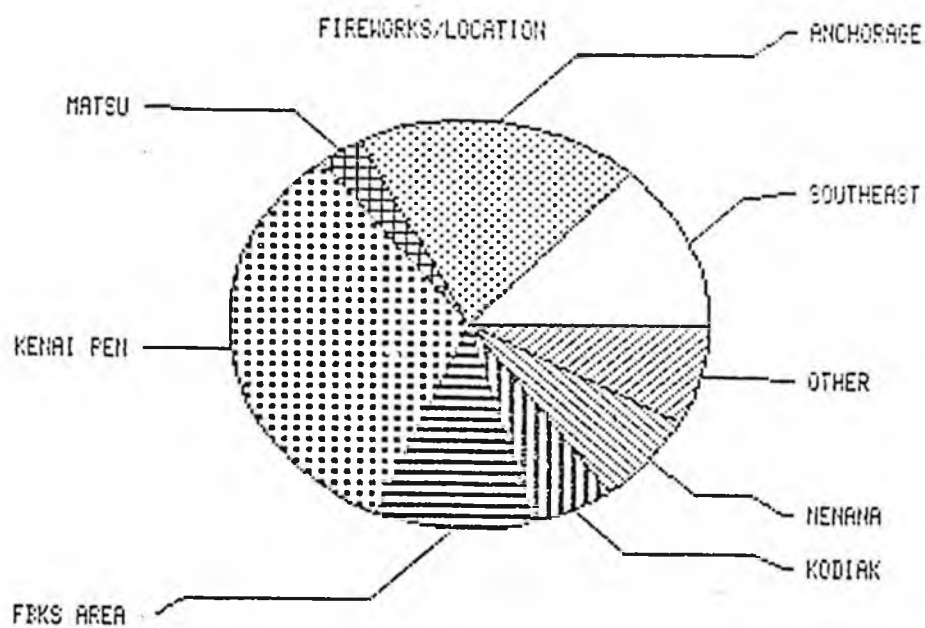
7/1/84

LOCATION OF FIRES CAUSED

BY

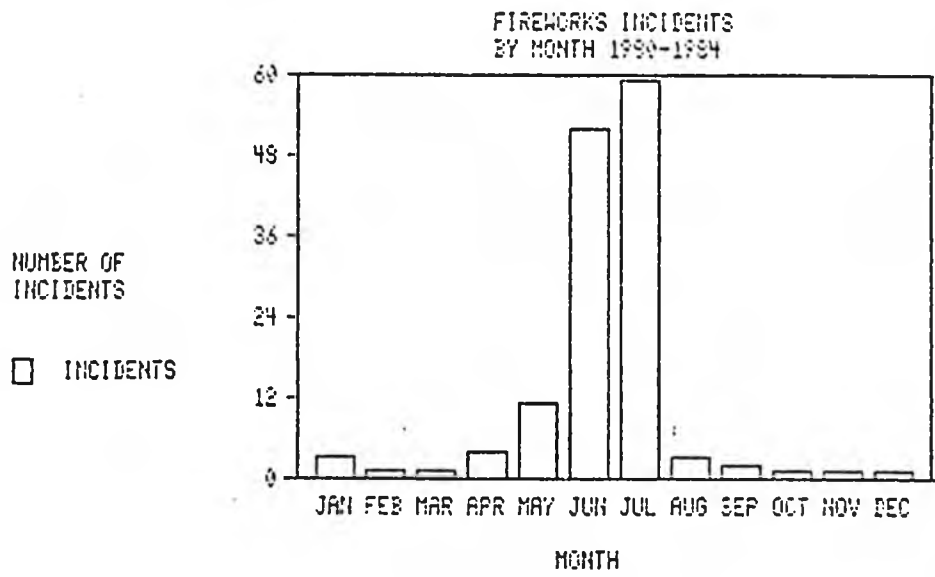
FIREWORKS

1980-1984



Source: ANFIRS

FIRES CAUSED BY  
FIREWORKS  
BY MONTH



Source: ANFIRS

ANFIRS ONLINE MASTERFILE  
SPECIAL REPORT  
ALL INCIDENTS WITH FIII = 60, 63, OR 69 (FIREWORKS)

	FDID	INCIDENT ID	INCIDENT DATE	FIXED PROP. USE	EST. DOLLAR LOSS	CASUALTY NUMBER	FORM OF IGN.	TALLY	
<i>JUNEAU</i>	11100	280127	7/29/82	661	600		63		
	FDID TOTAL							600	1
<i>ILLINOIS</i>	12100	400036	7/05/84	931			63		
	FDID TOTAL								1
<i>KENTUCKY</i>	13000	000198	6/11/80	664			63		
	FDID TOTAL								1
<i>POND RICE</i>	13100	090003	7/07/80	661			63		
	FDID TOTAL								1
<i>METROKATZ</i>	13400	000036	6/18/80	931			63		
	13400	000037	6/19/80	856			63		
	13400	000038	6/21/80	411	3,000		63		
	13400	000043	6/29/80	931			63		
	13400	100078	6/09/81	411	100		63		
	13400	100080	6/13/81	411	100		63		
	13400	100090	7/17/81	591	515,000		63		
	FDID TOTAL							518,200	7
<i>CRANE</i>	13500	300002	7/04/83	411			63		
	FDID TOTAL								1
<i>SIRK</i>	14000	000068	7/04/80	965			63		
	14000	100060	5/03/81	661			63		
	14000	280112	7/05/82	411	3,500		63		
	14000	400097	7/05/84	163	300		63		
	FDID TOTAL							3,800	4
<i>PETERSBURG</i>	15000	280030	7/03/82	964			63		
	15000	300022	7/04/83	411			63		
	FDID TOTAL								2
<i>YAKUTAT</i>	16000	000003	6/14/80	591	2,000		69		
	FDID TOTAL							2,000	1
<i>SEWINGFIELD</i>	20000	090072	7/01/80	915			63		
	20000	300001	6/26/83	549	2,300		63		
	FDID TOTAL							2,300	2
<i>AMHERST</i>	23100	006635	2/02/80	962	20,000		60		
	23100	001501	5/14/80	964			63		
	23100	101607	5/30/81	931			69		
	23100	101917	6/21/81	911			63		
	23100	102174	7/10/81	213	10,000		60		
	23100	102699	8/25/81	931			63		
	23100	103125	10/02/81	809	2,000		60		
	23100	200193	1/16/82	884	15,000		60		

ANFIRS ONLINE MASTERFILE  
SPECIAL REPORT  
ALL INCIDENTS WITH FHI = 60, 63, OR 69 (FIREWORKS)

FDID	INCIDENT ID	INCIDENT DATE	FIXED PROP. USE	EST. DOLLAR LOSS	CASUALTY NUMBER	FORM OF IGH.	TALLY
23100	202131	6/21/82	946	100		63	
23100	202317	7/03/82	910	100		60	
23100	300001	1/01/83	965			63	
23100	301701	5/13/83	936			63	
23100	302628	7/04/83	936			63	
23100	302796	7/15/83	936			63	
23100	303063	7/31/83	965			63	
23100	401418	4/20/84	614			63	
23100	401959	5/18/84	917	60,000		63	
23100	402704	6/30/84	931			63	
23100	402770	7/04/84	965	2,700		63	
23100	402787	7/04/84	965			63	
23100	402793	7/04/84	936			63	
23100	402821	7/05/84	931			63	
FDID TOTAL				109,900			22
<i>BRIDGEWOOD</i>	23160	100021	7/05/81	931		63	
	23160	400030	7/05/84	931		63	
	23160	400031	7/05/84	931		63	
	23160	400035	7/07/84	931		63	
FDID TOTAL							4
<i>SOUTH FORK</i>	23500	280041	7/06/82	936		60	
FDID TOTAL							1
<i>VAL DE Z.</i>	24100	300166	12/09/83	411		63	
FDID TOTAL							1
<i>GLENNVILLE</i>	24300	400012	5/27/84	661		63	
FDID TOTAL							1
<i>LAKE'S</i>	25150	400043	3/28/84	936		63	
	25150	400062	4/28/84	931		63	
FDID TOTAL							2
<i>WILLOW</i>	25220	400003	7/01/84	931		63	
	25220	400010	7/01/84	931		63	
FDID TOTAL							2
<i>KENNA</i>	26100	181055	6/25/81	931		63	
	26100	181061	7/02/81	936		63	
	26100	181062	7/04/81	936		63	
	26100	181063	7/04/81	936		63	
	26100	300042	6/22/83	931		63	
	26100	300045	6/25/83	936		63	
	26100	300049	7/04/83	931		63	
	26100	300053	7/10/83	936		63	
	26100	400051	7/06/84	936		63	
FDID TOTAL							9

ANFIRS ONLINE MASTERFILE  
SPECIAL REPORT  
ALL INCIDENTS WITH FHI = 60, 63, OR 69 (FIREWORKS)

	FDID	INCIDENT ID	INCIDENT DATE	FIXED PROP. USE	EST. DOLLAR LOSS	CASUALTY NUMBER	FORM OF IGH.	TALLY
<i>NIKISKI</i>	26200	100032	7/04/81	931			63	
	26200	100033	7/04/81	931			63	
	26200	100034	7/06/81	931			63	
	26200	100036	7/08/81	931			63	
	26200	100038	7/08/81	931			63	
	26200	300050	6/06/83	931			63	
	26200	400043	7/06/84	422			63	
	26200	400044	7/06/84	931	1,000		63	
	26200	400049	8/12/84	915			63	
	FDID TOTAL				1,000			9
<i>SOLDOTNA</i>	26300	300027	6/02/83	931			63	
	26300	400032	5/18/84	931			63	
	26300	400035	6/02/84	931			63	
	26300	400036	6/03/84	931			63	
	26300	400041	6/12/84	931			63	
	26300	400055	7/16/84	931			63	
	26300	400064	8/14/84	931			63	
		FDID TOTAL						
<i>COOPER LANDING</i>	26310	400005	6/14/84	664			63	
	26310	400007	6/21/84	664			63	
	26310	400008	6/30/84	664			63	
		FDID TOTAL						
<i>RIDGEWAY</i>	26320	280011	7/05/82	899	10,000		63	
	26320	300020	6/20/83	661			63	
	26320	300022	6/25/83	661			63	
	26320	400012	5/27/84	661			60	
	26320	400013	6/03/84	661			60	
		FDID TOTAL			10,000			
<i>SEWARD</i>	26400	400017	6/02/84	411			63	
	26400	400021	7/03/84	931			63	
	26400	400022	7/03/84	939			63	
		FDID TOTAL						
<i>BEAR CREEK</i>	26401	181010	6/20/81	936			63	
	26401	400014	6/21/84	661			63	
		FDID TOTAL						
<i>MOOSE PASS</i>	26410	400003	6/13/84	931			63	
	FDID TOTAL							1
<i>HOMER</i>	26500	079050	6/08/80	931			63	
	26500	180061	6/22/81	931			63	
	26500	180066	6/23/81	931			63	
	26500	300087	9/11/83	931			63	
	26500	400071	5/27/84	931			63	
		FDID TOTAL						

ANFIRS ONLINE MASTERFILE  
SPECIAL REPORT  
ALL INCIDENTS WITH FHI = 60, 63, OR 69 (FIREWORKS)

	FDID	INCIDENT ID	INCIDENT DATE	FIXED PROP. USE	EST. DOLLAR LOSS	CASUALTY NUMBER	FORM OF IGN.	TALLY
	26500	400088	6/26/84	931			63	
	26500	400096	7/04/84	931			63	
	FDID TOTAL							7
<i>Seldovia</i>	26600	400006	7/04/84	949			63	
	FDID TOTAL							1
<i>Kodiak</i>	28100	000082	6/22/80	931			63	
	28100	000087	6/28/80	931			63	
	28100	100080	6/23/81	931			63	
	28100	100081	6/25/81	573			63	
	28100	100083	7/01/81	931			63	
	28100	100088	7/04/81	965			63	
	28100	100090	7/06/81	931			63	
	28100	200002	1/05/82	424			63	
	FDID TOTAL							8
<i>DILLINGHAM</i>	29100	100002	7/04/81	931			63	
	29100	100003	7/04/81	931			63	
	29100	100005	7/05/81	931			63	
	29100	100006	7/06/81	931			63	
	FDID TOTAL							4
<i>ELLESBANKS</i>	31100	000183	4/03/80	411	18,500		63	
	31100	000667	11/04/80	422			63	
	31100	200432	6/22/82	648			69	
	31100	200641	9/24/82	215	300		69	
	31100	400587	7/11/84	933	30		63	
	FDID TOTAL				18,830			5
<i>U OF A FIRE</i>	31300	400281	7/05/84	965			63	
	FDID TOTAL							1
<i>FT. WASHINGTON</i>	31400	100406	4/17/81	931			69	
	31400	100598	6/10/81	931			69	
	FDID TOTAL							2
<i>NORTH POLE</i>	31500	100047	6/11/81	424			63	
	31500	280051	5/21/82	215	100		63	
	31500	280053	5/26/82	215	600		63	
	FDID TOTAL				700			3
<i>NORTH STAR</i>	31600	300096	6/24/83	931	1,500		63	
	31600	400068	5/14/84	931			63	
	31600	400123	7/18/84	936			63	
	FDID TOTAL				1,500			3
<i>CHENA GOLDSTREAM</i>	32500	280038	6/30/82	939	650		63	
	FDID TOTAL				650			1

ANFIRS ONLINE MASTERFILE  
 SPECIAL REPORT  
 ALL INCIDENTS WITH FHI = 60, 63, OR 69 (FIREWORKS)

	FDID	INCIDENT ID	INCIDENT DATE	FIXED PROP. USE	EST. DOLLAR LOSS	CASUALTY NUMBER	FORM OF IGH.	TALLY
<i>NEWARK</i>	34210	080052	7/02/80	951			63	
	34210	100011	6/17/81	931			63	
	34210	100012	6/21/81	931			63	
	34210	100013	6/23/81	931			63	
	34210	100014	7/04/81	931			63	
	34210	100015	7/04/81	931			63	
	34210	280016	6/06/82	931			63	
	34210	280017	6/26/82	931			63	
	34210	300027	6/24/83	961			63	
	34210	400010	5/25/84	931			63	
	FDID TOTAL							10
<i>TRI-VALLEY (NEWARK)</i>	34300	300031	6/25/83	642			63	
	FDID TOTAL							1
<i>TOK</i>	38100	000003	6/04/80	936			63	
	38100	000004	6/16/80	936			63	
	FDID TOTAL							2
FINAL TOTALS					669,480			141

141 RECORDS TOTALED

## FIREWORKS CONTROL LAWS

(as of 3/1/84)

- I. States which allow Class C fireworks as approved by enforcing authority, or as specified in law (total of 26 states plus the District of Columbia):
- |                      |              |                |
|----------------------|--------------|----------------|
| Alabama              | Louisiana    | Oregon         |
| Alaska               | Michigan     | South Carolina |
| Arkansas             | Mississippi  | South Dakota   |
| California           | Missouri     | Tennessee      |
| District of Columbia | Montana      | Texas          |
| Idaho                | Nebraska     | Utah           |
| Indiana              | New Mexico   | Virginia       |
| Kansas               | North Dakota | Washington     |
| Kentucky             | Oklahoma     | Wyoming        |
- II. States having no fireworks laws, except at county level (total is 2):
- |        |        |
|--------|--------|
| Hawaii | Nevada |
|--------|--------|
- III. States which allow only sparklers and/or snakes (total is 8):
- |                          |                                |
|--------------------------|--------------------------------|
| Colorado (sparklers)     | Iowa (sparklers & snakes)      |
| Florida (sparklers)      | Wisconsin (sparklers & snakes) |
| Illinois (sparklers)     |                                |
| Maine (sparklers)        |                                |
| Maryland (sparklers)     |                                |
| Pennsylvania (sparklers) |                                |
- IV. States which ban all Class C fireworks (total is 14):
- |               |                |               |
|---------------|----------------|---------------|
| Arizona       | Minnesota      | Ohio          |
| Connecticut   | New Hampshire  | Rhode Island  |
| Delaware      | New Jersey     | Vermont       |
| Georgia       | New York       | West Virginia |
| Massachusetts | North Carolina |               |



- State law permits fireworks of some type
- State law does not permit fireworks of any type

## POSITION PAPER

HOUSE BILL 35 - An act relating to state regulation of fireworks, and providing for an effective date.

The Department of Public Safety supports this bill and any other measures that would help reduce Alaska's fire losses that keep our state first on the lists of property losses and deaths by fire in the entire United States. However, we believe this bill falls short of what is really needed; that is a total ban on the sale of "salable" or so-called "safe and sane" fireworks. Short of that, we will offer an amendment that will tighten up on the sale of fireworks.

The Alaska-National Fire Incident Reporting System (ANFIRS) indicates that, over the last 5 years, 141 fireworks caused fires occurred, with property losses approaching \$700,000. No casualties were reported. Unfortunately, we do not have a burn/injury registry program, so we cannot give you data on the numbers of people who are injured by fireworks and seek treatment at hospital, clinics and doctor's offices. The Consumer Products Safety Commission reported 8,277 fireworks caused injuries nationwide in 1983. 74,000 were injured over the 1974-1983 10 year period.

California and Oregon report that 1.5 percent of their fire losses are fireworks related. When you consider Alaska's losses, please remember our small statistical base. There were 130 retail sales permits and 7 wholesale permits issued in 1983 in Alaska. We do not know the quantities sold.

So, what is the answer? It is apparent that local control to enforce bans on the use of fireworks has failed. The following items highlight some of the more graphic incidents that have occurred over the last several years (see also copies of news clippings, attached):

- \* Wildlands fire caused by fireworks costs \$5,000 to extinguish near Hope.

- \* 339 acre fire near Soldotna costs \$90,000 to extinguish.

- \* \$400,000 + structure in Metlakatla destroyed by fireworks caused fire.

- \* 26 "minor" fires reported in Anchorage during a 24 hour period--cause?--fireworks.

- \* Anchorage couple awakened when bottle rockets shot through window, igniting bed and living room carpet.

Public education will be suggested to teach the safe use of fireworks. The Journal of the American Medical Association (June 15, 1984) reports that "public education doesn't seem to help curtail the burns, cuts, and other injuries resulting from

fireworks accidents." When Washington changed its laws in 1982, legalizing fire crackers and some aerial devices, "they had a fair amount of public awareness," with a large fireworks safety education campaign. But, during the July 4 holiday after that change there were 82 injuries requiring emergency care--up from 39 a year earlier.

The National Safety Council says that a total ban on all fireworks--except those used by a professional pyrotechnician under controlled circumstances--is the best way to minimize fireworks-related injuries.

We cannot document any fireworks-related injuries in Alaska, but we have the details on property losses. Is more fire protection the answer? It seems ironic for the state to hand out millions of capital dollars for fire stations and equipment each year, and, at the same time to permit the sale of fireworks. That's like taking birth control pills after you're pregnant.

If legislation cannot be written to effect a total ban on the sale of "salable" fireworks, then we suggest this bill be amended to provide:

1. An increase in the amounts of public and property liability insurance.
2. A prohibition on the retail sale of "salable" fireworks by mail or telephone.
3. A limitation on the period of sales.
4. Sales to children under 16 years of age be prohibited.

Because the state licenses fireworks sales, we can be liable. Wrongful deaths create lawsuits of \$500,000; injuries such as the loss of eyesight are being settled for \$1,000,000 or more. The current limits of at least \$200,000 and \$50,000 are grossly inadequate.

The ability to purchase "salable" fireworks over the phone or by "mail order" totally destroys a local community's ability to ban sales and use.

A time limitation on the period of sales, such as from June 15 to July 6 of a calendar year will decrease the availability of fireworks, limiting their sales to the traditional holiday period.

Over 50 percent of the incidents in Alaska are attributable to "children with" as the ignition factor. Limiting sales to those persons over 15 years of age may reduce the number of incidents.

\* \* \* \* \*

Most of the facts are here. The public (silent majority) seems to regard the use of fireworks as, not only a danger, but a nuisance. The Department of Public Safety is charged with the responsibility of developing ways and means of preventing fires. Give us the tools to do our job, if not a total ban, then a strengthening of the law.

STATE OF ALASKA  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF FORESTRY  
Position Paper

House Bill 35 - An act relating to State regulation of fireworks and providing for an effective date.

The Division of Forestry supports the intent of this bill in that it would help reduce the number of wildland fires caused by fireworks and, subsequently, reduce the threat to human life, property, and the cost associated with suppression action for those fires.

The Division of Forestry has consolidated statistics of fires which were confirmed starts by fireworks. These statistics are derived from the Division of Forestry, the U.S. Bureau of Land Management, and the U.S. Forest Service, thus representing the primary wildland fire suppression agencies of Alaska.

During 1982, 1983, and 1984, 73 fires were started by fireworks in the above listed agencies' protection areas. They burned over 389 acres and accumulated suppression costs over \$73,500.00. These fires typically occur in and near urban areas, posing a high risk threat to life and property.

Annually, over 400 wildland fires are started by human carelessness in Alaska with suppression costs averaging over \$3 million. House Bill 35 supports the fire prevention objectives for reducing human-caused fires and suppression costs.

Department of Public Safety  
Position Paper

HOUSE BILL 35 - An act relating to state regulation of fireworks, and providing for an effective date.

The Department of Public Safety supports this bill and any other measures that would help reduce Alaska's fire losses that keep our state first on the lists of property losses and deaths by fire in the entire United States.

The Alaska-National Fire Incident Reporting System (ANFIRS) indicates that, over the last 5 years, 141 fireworks caused fires occurred, with property losses approaching \$700,000. No casualties were reported. Unfortunately, we do not have a burn/injury registry program, so we cannot give you data on the numbers of people who are injured by fireworks and seek treatment at hospitals, clinics and doctor's offices. The Consumer Products Safety Commission reported 8,277 fireworks caused injuries nationwide in 1983. 74,000 were injured over the 1974-1983 10 year period.

California and Oregon report that 1.5 percent of their fire losses are fireworks related. When you consider Alaska's losses, please remember our small statistical base. There were 130 retail fireworks sales permits and 7 wholesale fireworks permits issued in 1983 in Alaska. We do not know the quantities of fireworks sold.

- \* Wildlands fire caused by fireworks costs \$5,000 to extinguish near Hope.
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- \* 26 "minor" fires reported in Anchorage during a 24 hour period -- cause? -- fireworks.
- \* Anchorage couple awakened when bottle rockets shot through window, igniting bed and living room carpet.

Public education will be suggested to teach the safe use of fireworks. The Journal of the American Medical Association (June 15, 1984) reports that "public education doesn't seem to help curtail the burns, cuts and other injuries resulting from fireworks accidents." When Washington changed its laws in 1982, legalizing firecrackers and some aerial devices, "they had a fair amount of public awareness," with a large fireworks safety education campaign. But, during the July 4 holiday after that change there were 82 injuries requiring emergency care--up from 39 a year earlier.

The National Safety Council says that a total ban on all fireworks--except those used by a professional pyrotechnician under controlled circumstances--is the best way to minimize fireworks-related injuries.

We recommend the following amendments:

1. An increase in the amounts of public and property liability insurance.
2. A prohibition on the retail sale of "salable" fireworks by mail or telephone.
3. A limitation on the period of sales.
4. Sales to children under 16 years of age be prohibited.

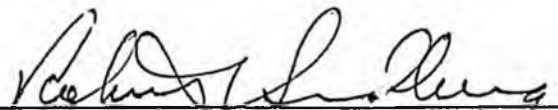
Because the state licenses fireworks sales, we maybe liable. Suit settlements for wrongful deaths are resulting in settlements averaging \$500,000. Settlements for wrongful injuries, such as the loss of eyesight, are being settled for \$1,000,000 or more.

The ability to purchase "salable" fireworks over the phone or by "mail order" totally destroys a local community's ability to ban sales and use.

A time limitation on the period of sales, such as from June 15 to July 6 of a calendar year will decrease the availability of fireworks, limiting their sales to the traditional holiday period.

Over 50 percent of the fireworks incidents in Alaska are attributable to "children playing with" as the ignition factor. Limiting sales to those persons over 15 years of age may reduce the number of incidents.

Most of the facts are here. The public seems to regard the use of fireworks as, not only a danger, but a nuisance. The Department of Public Safety is charged with the responsibility of developing ways and means of preventing fires. We urge passage of this bill with these amendments.

  
Robert J. Sundberg, Commissioner.

BILL SHEFFIELD, GOVERNOR

**DEPARTMENT OF NATURAL RESOURCES**

DIVISION OF FORESTRY

Pouch 7-005  
Anchorage, Alaska 99510  
PHONE: (907) 276-2653

9-2150

February 7, 1985

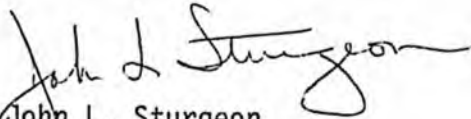
FEB 11 1985

House State Affairs Committee  
Pouch V  
State Capitol  
Juneau, Alaska 99811

Committee Members:

Please consider the enclosed position paper as testimony in support of HB-35, relating to the State regulation of fireworks.

Sincerely,

  
John L. Sturgeon  
State Forester

Enclosure

*7-2150*

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 31, 1985

SUBJECT: Sectional analysis of HB 35

TO: Representative Katie Hurley  
Chair, House State Affairs Committee

FROM: Edward H. Hein *EH*  
Legislative Counsel

Section 1 inserts the word "purposes" on page 1, line 12, for clarity.

Section 2 makes changes to conform to proper drafting style.

Section 3 eliminates the personal pronoun "him" on page 1, line 24, to conform to proper drafting style.

Section 4 changes to mental state required for conviction of a violation of AS 18.72 to conform with the mental states recognized under the criminal code, AS 11.

Section 5 replaces some existing definitions of specific kinds of fireworks with definitions adapted from the Kentucky Revised Statutes that do not change the technical requirements in the existing definitions, but do add language describing the behavior or effects of the fireworks. The definition of "fireworks" at page 2, line 24, is changed from the existing circular definition to a meaningful generic definition of fireworks, as adapted from Kentucky law. The definition of "salable fireworks" at page 3, line 11, is a substantial change from existing law. Currently, Alaska law defines as salable fireworks all class C common fireworks, which includes explosive and aerial devices such as firecrackers, roman candles and skyrockets, among others. The new definition of "salable fireworks" in this bill limits them to five non-aerial, non-explosive devices, all of which are individually defined in the section. By so changing the definition of salable fireworks, the bill would significantly limit the kinds of fireworks that may be

Representative Katie Hurley  
January 31, 1985  
Page 2

lawfully sold to the general public. In local areas of the state even these may have been prohibited from sale to the public by ordinance.

Section 6 makes a change at page 3, line 27, to conform to proper drafting style.

Section 7 provides that state regulation of fireworks under AS 18.72 does not apply to seven situations in which devices are used that otherwise might be considered fireworks and thereby regulated under the chapter.

Section 8 provides an immediate effective date.

EHH:ojb  
J11/044

# FIREWORKS FACTS

## IS A TOTAL BAN EFFECTIVE?

There has been frequent discussion on the effectiveness of total prohibition of the use of fireworks by the general public in reducing the number of annual fireworks-related injuries.

The American fireworks industry, through the American Pyrotechnics Association, has long maintained that the controlled sale and use of legal fireworks, together with a vigorous safety education program, is the best approach to fireworks safety. Where legal fireworks are not available, bootleggers and home manufacturers produce and sell highly dangerous items with no quality control or concern for the health and welfare of the public.

The only statistically valid survey of fireworks injuries is performed annually by the Bureau of Epidemiology of the United States Consumer Product Safety Commission, through its National Electronic Injury Surveillance System (NEISS). In this system, selected hospital emergency rooms are linked via computer to CPSC headquarters, and all types of product injuries are reported and tabulated.

The NEISS figures for 1975, 1976 and 1977 have been analyzed to determine the effectiveness of a total ban. States were divided into three categories: Group 1 (states with a total ban on the public use of fireworks); Group 2 (states permitting sparklers and certain novelty items); and Group 3 (states permitting at least some type of common fireworks to be used by the public).

The number of states in each category, the percent of states in each category, percent of NEISS hospitals located in each category, the number of fireworks-related injuries occurring in states in each category and the percent of total fireworks-related injuries occurring in states in each category were determined. The results of this analysis are shown in the following table:

It can be clearly seen from these figures that there is not a reduction in fireworks-related injuries associated with the adoption of a total ban on the use of sparklers and common fireworks.

Over 40% of the fireworks-related injuries reported to the CPSC during the years 1975-1977 occurred in states with a total ban on the public use of fireworks, and many of these were very serious injuries from homemade fireworks and federally-banned large explosive devices.

Regulation, public education and supervision of children by responsible adults are the keys to fireworks safety. These figures and other information has shown that prohibition does not work, cannot work and is counter-productive.

(Note: Detailed injury information regarding location of hospitals was not available for years past 1977.)

<u>Type of fireworks law as of 1977</u>	<u>Number of states in each category</u>	<u>Percent of states with such a law, 1977</u>	<u>Percent of NEISS hospitals in category</u>	<u>Number of firework injuries</u>	<u>Percent of total injuries in Group</u>
Group 1 Total ban	15	30.0	38.0	311	40.7
Group 2 Only sparklers and novelties allowed	13	26.0	31.0	232	30.3
Group 3 Some or all common fire-works allowed	22	44.0	31.0	222	29.0
	<u>50</u>	<u>100.0</u>	<u>100.0</u>	<u>765</u>	<u>100.0</u>

**FIREWORKS INJURIES BY TYPE OF DEVICE**

June 23 - July 20 Holiday Periods

1974-1980

<u>Type of Device</u>	<u>Percentage of Total Estimated Injuries</u>
Illegal explosive devices	28.7
Legal firecrackers	30.3
Sky Rocket	2.5
Bottle Rocket	5.0
Missile Rocket	0.5
Roman Candle	4.9
Sparklers	8.7
Cone or base fountain	3.9
Handle or spike fountain	0.6
California candle	0.1
Toy smoke device	3.2
Wheel	0.7
Other types of fireworks	2.9
Homemade devices	3.1
Public display accidents	4.7

Average number of injuries during the holiday period, per year for the period 1974-1980 was 4,480.

Data from "Fireworks Injuries" 1980. Report by Deborah Kale and Beatrice Harwood. U.S. Consumer Product Safety Commission Directorate for Hazard Identification and Analysis -- Epidemiology.

## FIREWORKS CONTROL LAWS

(as of 3/1/84)

- I. States which allow Class C fireworks as approved by enforcing authority, or as specified in law (total of 26 states plus the District of Columbia):
- |                      |              |                |
|----------------------|--------------|----------------|
| Alabama              | Louisiana    | Oregon         |
| Alaska               | Michigan     | South Carolina |
| Arkansas             | Mississippi  | South Dakota   |
| California           | Missouri     | Tennessee      |
| District of Columbia | Montana      | Texas          |
| Idaho                | Nebraska     | Utah           |
| Indiana              | New Mexico   | Virginia       |
| Kansas               | North Dakota | Washington     |
| Kentucky             | Oklahoma     | Wyoming        |
- II. States having no fireworks laws, except at county level (total is 2):
- |        |        |
|--------|--------|
| Hawaii | Nevada |
|--------|--------|
- III. States which allow only sparklers and/or snakes (total is 8):
- |                          |                                |
|--------------------------|--------------------------------|
| Colorado (sparklers)     | Iowa (sparklers & snakes)      |
| Florida (sparklers)      | Wisconsin (sparklers & snakes) |
| Illinois (sparklers)     |                                |
| Maine (sparklers)        |                                |
| Maryland (sparklers)     |                                |
| Pennsylvania (sparklers) |                                |
- IV. States which ban all Class C fireworks (total is 14):
- |               |                |               |
|---------------|----------------|---------------|
| Arizona       | Minnesota      | Ohio          |
| Connecticut   | New Hampshire  | Rhode Island  |
| Delaware      | New Jersey     | Vermont       |
| Georgia       | New York       | West Virginia |
| Massachusetts | North Carolina |               |

ESTIMATES OF INJURIES ASSOCIATED  
WITH CONSUMER PRODUCTS  
July 1, 1980 - June 30, 1981

Source: U.S. Consumer Product Safety Commission

<u>Product &amp; Rating</u>	<u>Est. Injuries (in 1,000)</u>	<u>Product &amp; Rating</u>	<u>Est. Injuries (in 1,000)</u>
1. stairs	763	26. volleyball	76
2. bicycles	518	27. clothing access.	74
3. baseball	478	28. table/flatware	70
4. football	470	29. porches/balconies	69
5. basketball	434	30. lawn mowers	68
6. nails, tacks	244	40. motor scooters	53
7. chairs, sofas	236	50. workshop tools	40
8. skating	225	60. sleds/toboggans	32
9. tables (non-glass)	225	70. roofing (& material)	27
10. glass doors/windows	208	80. automotive tools	22
11. beds	199	90. martial arts	19
12. playground equipment	165	100. fans (electric)	16
13. lumber	151	110. paper money/coins	14
14. knives	140	120. drain/oven cleaners	13
15. glass b.	140	130. furnaces	11
16. desks/cabinets	126	131. home cleaning equip.	11
17. swimming	126	132. pressure containers	10
18. drinking glasses	111	133. lockers	10
19. ladders/stools	99	134. trimmers/small tools	10
20. fences	99	135. chains	10
21. soccer	96	136. high chairs	10
22. cans	93	137. pruning equipment	10
23. bathtubs/showers	83	138. lacrosse	10
24. exterior structures	78	*139. fireworks	10
25. power workshop saws	76	140. boxing	10

\* The fireworks injury estimate is for all types of fireworks. A significant percentage of this estimate results from the use of dangerous, illegal explosive items and homemade "fireworks".

Draft

Hein  
3/15/72

Original sponsor: Pourchot

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 35 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to state regulation of fireworks;  
7 and providing for an effective date."

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

9 \* Section 1. AS 18.72.010(a) is amended to read:

10 (a) The sale, [OR] offer to sell, possession with intent to  
11 sell, or manufacture of dangerous fireworks at wholesale or retail for  
12 a [ANY] purpose other than industrial, agricultural, wildlife control  
13 or public display purposes is prohibited.

14 \* Sec. 2. AS 18.72.010(c) is amended to read:

15 (c) All dangerous fireworks shall be purchased from a fireworks  
16 wholesaler licensed as such in this state. A [NO] fireworks whole-  
17 saler may not sell dangerous fireworks to anyone, unless the wholesal-  
18 er [HE] has a currently valid permit required by the fire safety code,  
19 the number of which shall be affixed to each record of sale by the  
20 [FIREWORKS] wholesaler, and maintained as a permanent record of the  
21 sale.

22 \* Sec. 3. AS 18.72.030(a) is amended to read:

23 (a) A person who desires to sell fireworks at wholesale in the  
24 state shall first make verified application for a license to the state  
25 fire marshal on forms provided by the state fire marshal [HIM]. The  
26 application shall be accompanied by an annual license fee of \$50.

27 \* Sec. 4. AS 18.72.040 is amended to read:

28 Sec. 18.72.040. PENALTIES [VIOLATION]. A person who recklessly  
29 [KNOWINGLY AND WILFULLY] fails to comply with a provision of this

1 chapter or fireworks regulations adopted in the fire safety code is  
2 guilty of a class <sup>B</sup>~~A~~ misdemeanor [AND UPON CONVICTION IS PUNISHABLE BY  
3 A FINE OF NOT MORE THAN \$500, OR BY IMPRISONMENT FOR NOT MORE THAN SIX  
4 MONTHS, OR BY BOTH]. Each day of noncompliance constitutes a separate  
5 offense.

6 \* Sec. 5. AS 18.72.050 is repealed and reenacted to read:

7 Sec. 18.72.050. DEFINITIONS. In this chapter and in fireworks  
8 regulations adopted in the state fire safety code

9 (1) "cone fountain" means a cardboard or heavy paper cone  
10 containing not more than 50 grams of pyrotechnic composition and that  
11 has the same effect as a cylindrical fountain;

12 (2) "cylindrical fountain" means a cylindrical tube not  
13 more than three-fourths of an inch (19 mm) inside diameter, containing  
14 up to 75 grams of pyrotechnic composition, that may be supported on a  
15 base or spike or may be hand-held and that, upon ignition, produces a  
16 shower of colored sparks and, sometimes, a whistling effect;

17 (3) "dangerous fireworks" includes all fireworks that are  
18 not defined as salable fireworks;

19 (4) "dipped stick" means a stick or wire coated with not  
20 more than 100 grams of pyrotechnic composition, or if containing  
21 perchlorate or chlorate salts, not more than five grams of pyrotechnic  
22 composition, and that produces a shower of sparks upon ignition;

23 (5) "fire safety code" means the fire safety code of the  
24 state adopted and administered by the division of fire prevention of  
25 the Department of Public Safety;

26 (6) "fireworks" means a composition or device designed to  
27 produce a visible or an audible effect by combustion, deflagration or  
28 detonation, and that meets the definition of "common" or "special"  
29 fireworks as set out in the hazardous materials regulations of the

1 United States Department of Transportation, but does not include

2 (A) toy pistols, toy canes, toy guns, or other devices  
3 in which paper or plastic caps manufacture, packed, and shipped  
4 in accordance with United States Department of Transportation  
5 regulations; and

6 (B) model rockets and model rocket motors designed,  
7 sold, and used for the purpose of propelling recoverable aero  
8 models;

9 (7) "flitter sparkler" means a narrow paper tube filled  
10 with pyrotechnic composition that produces color and sparks upon  
11 ignition; this device does not have a fuse for ignition; the paper at  
12 the end of the tube is ignited to make the device function;

13 (8) "ground spinner" means a small device similar to wheel  
14 in design and effect and placed on the ground and ignited; a shower of  
15 sparks and color is produced by the rapidly spinning device;

16 (9) "illuminating torch" means a cylindrical tube contain-  
17 ing not more than 100 grams of pyrotechnic composition, that may be  
18 supported on a base or spike or may be hand-held and that, upon igni-  
19 tion, produces a colored fire;

20 (10) "recklessly" has the meaning given in AS 11.81.900(a)-  
21 (3);

22 (11) "salable fireworks" includes only the following United  
23 States Department of Transportation common fireworks:

- 24 (A) cone fountains;  
25 (B) cylindrical fountains;  
26 (C) dipped sticks;  
27 (D) flitter sparklers;  
28 (E) ground spinners;  
29 (F) illuminating torches;

1 (G) wheels;

2 (12) "wheel" means a pyrotechnic device attached to a post  
3 or tree by means of a nail or string, containing a total pyrotechnic  
4 composition of not more than 60 grams in each driver unit or 240 grams  
5 in each complete wheel, and that, upon ignition, revolves and produces  
6 a shower of color and sparks and, sometimes, a whistling effect.

7 \* Sec. 6. AS 18.72.060 is amended to read:

8 Sec. 18.72.060. APPLICATION OF CHAPTER. This chapter and fire-  
9 works regulations adopted under the fire safety code supersede the  
10 provisions of an ordinance adopted by a city or borough, whether  
11 before or after May 23, 1969, that [WHICH] are less restrictive than  
12 this chapter or the code. However, nothing in this section affects  
13 the authority of a city or organized borough under other law to pro-  
14 hibit or regulate more restrictively than this chapter the offering  
15 for sale, exposure for sale, sale, use, or explosion of fireworks.

16 \* Sec. 7. AS 18.72.060 is amended by adding a new subsection to read:

17 (b) This chapter does not apply to

18 (1) the sale, and use in emergency situations, of pyro-  
19 technic signaling devices and distress signals for marine, aviation,  
20 and highway use;

21 (2) the retail sale and use of explosives or signaling  
22 flares used in the course of ordinary business or industry;

23 (3) gold star producing sparklers that contain no magnesium  
24 or chlorate;

25 (4) toy snakes that contain no mercury;

26 (5) smoke novelties and party novelties that contain less  
27 than 0.25 grain of explosive mixture;

28 (6) shells or cartridges used as ammunition in firearms;

29 (7) blank cartridges used for a theatrical or other

1 entertainment production, or for signal or ceremonial purposes in  
2 sporting events or by military organizations.

3 \* Sec. 8. This Act takes effect July 15, 1985.

*December 31st*

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