



LAWS OF ALASKA

1996

Source

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Chapter No.

136

AN ACT

Relating to a restaurant or eating place license; relating to the Alcoholic Beverage Control Board; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: July 8, 1996

Actual Effective Date: October 1, 1996

AN ACT

1 Relating to a restaurant or eating place license; relating to the Alcoholic Beverage Control
2 Board; and providing for an effective date.

3 _____

4 * Section 1. AS 04.11.100(f) is amended to read:

5 (f) Notwithstanding the provisions of (b) [AND (e)] of this section, upon
6 written application and approval of the local governing body, the board may renew
7 [ISSUE OR REISSUE] a restaurant or eating place license and exempt the licensee
8 from the requirements of (b) [AND (e)] of this section if the license was issued under
9 the provisions of this subsection before the effective date of this Act. [A
10 LICENSEE EXEMPT AS PROVIDED IN THIS SUBSECTION SHALL PROVIDE
11 FOOD ITEMS FOR SALE ON THE PREMISES AS SHOWN ON A MENU
12 APPROVED BY THE BOARD AND AVAILABLE TO PATRONS.] The board may
13 not

14 (1) renew [ISSUE OR REISSUE] a license as provided under this
15 subsection if

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1 (A) the renewal [ISSUANCE OR REISSUANCE] would result
2 in more than one exempt restaurant or eating place license for every 10
3 restaurant or eating place licenses allowed under the provisions of
4 AS 04.11.400(a)(2) or (3);

5 (B) the premises would be located in a building having a public
6 entrance within 200 feet of the boundary line of a school or a church building
7 in which religious services are being regularly conducted; for purposes of this
8 subparagraph, the 200-foot prohibition is measured from the outer boundary
9 line of the school or the public entrance of the church building by the shortest
10 pedestrian route to the nearest public entrance of the restaurant or eating place;

11 or

12 (2) [REISSUE A RESTAURANT OR EATING PLACE LICENSE
13 AS EXEMPT AS PROVIDED UNDER THE PROVISIONS OF THIS SUBSECTION
14 IF THE LICENSE WAS ISSUED UNDER THE PROVISIONS OF AS 04.11.400(g);
15 OR

16 (3)] transfer an exempt license issued under this subsection to another
17 person.

18 * Sec. 2. AS 04.11.100 is amended by adding a new subsection to read:

19 (g) A restaurant or eating place licensee

20 (1) operating under a license issued under (f) of this section shall offer
21 a full-service menu of food items available to the public during all times that beer or
22 wine is served or consumed; the menu must be approved by the board;

23 (2) may only provide entertainment on the licensed premises between
24 the hours of 3:00 p.m. and 11:00 p.m. unless approved by the director after written
25 request by the licensee for a specific occasion; in this paragraph, "entertainment"
26 includes dancing, karaoke, live performances, or similar activities, but does not include
27 recorded or broadcast performances without live participation.

28 * Sec. 3. AS 04.11.135(a) is amended to read:

29 (a) A brewpub license authorizes the holder of a beverage dispensary license
30 to

31 (1) manufacture on premises licensed under the beverage dispensary

1 license not more than 75,000 gallons of beer in a calendar year; [AND]

2 (2) sell beer manufactured on premises licensed under the beverage
3 dispensary license for consumption only on the licensed premises;

4 (3) sell beer manufactured on the premises licensed under the
5 beverage dispensary license in quantities of not more than five gallons per day to
6 an individual who is present on the licensed premises; and

7 (4) provide a small sample of the brewpub's beer manufactured on
8 the premises free of charge unless prohibited by AS 04.16.030.

9 * Sec. 4. AS 04.11.450(b) is amended to read:

10 (b) A person who is a representative or owner of a wholesale business,
11 brewery, winery, bottling works, or distillery may not be issued, solely or together with
12 others, a beverage dispensary license, a restaurant or eating place license, or package
13 store license. A holder of a beverage dispensary license may be issued a brewpub
14 license, subject to the provisions of AS 04.11.135. The prohibition against issuance
15 of a restaurant or eating place license imposed under this subsection does not
16 apply to a restaurant or eating place license issued on or before the effective date
17 of this Act or a restaurant or eating place license issued under an application for
18 a restaurant or eating place license approved on or before the effective date of
19 this Act.

20 * Sec. 5. REQUIRED HEARING. The Alcoholic Beverage Control Board shall hold a
21 public hearing on or before January 1, 1997, for the purpose of discussing the alcoholic
22 beverage licenses currently being issued by the board and the interrelationship between those
23 licenses.

24 * Sec. 6. This Act takes effect October 1, 1996.