



LAWS OF ALASKA

2002

Source
CCS HB 330

Chapter No.
90

AN ACT

Relating to brewpub licenses and to providing alcoholic beverages to a person under 21 years of age.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: June 27, 2002
Actual Effective Date: September 25, 2002

AN ACT

1 Relating to brewpub licenses and to providing alcoholic beverages to a person under 21 years
2 of age.

3

4 * Section 1. AS 04.11.135(a) is amended to read:

5 (a) A brewpub license authorizes the holder of a beverage dispensary license
6 to

7 (1) manufacture on premises licensed under the beverage dispensary
8 license not more than 150,000 [75,000] gallons of beer in a calendar year;

9 (2) sell beer manufactured on premises licensed under the beverage
10 dispensary license for consumption on the licensed premises or other licensed
11 premises of the beverage dispensary licensee that are also licensed as a beverage
12 dispensary;

13 (3) sell beer manufactured on the premises licensed under the beverage
14 dispensary license in quantities of not more than five gallons per day to an individual

Chapter 90

- 1 who is present on the licensed premises;
- 2 (4) provide a small sample of the brewpub's beer manufactured on the
- 3 premises free of charge unless prohibited by AS 04.16.030; and
- 4 (5) sell beer manufactured on the premises licensed under the beverage
- 5 dispensary license to a person licensed as a wholesaler under AS 04.11.160; sales
- 6 under this paragraph may not exceed 15,000 gallons or the amount sold under
- 7 this paragraph in calendar year 2001, plus 10 percent, whichever amount is
- 8 greater.

9 * Sec. 2. AS 04.11.135(d) is amended to read:

10 (d) Notwithstanding (a) of this section, the holder of a brewpub license who

11 under the provisions of AS 04.11.450(b) formerly held a brewery license and a

12 restaurant or eating place license and who, under the former brewery license,

13 manufactured beer at a location other than the premises licensed under the former

14 restaurant or eating place license may

15 (1) manufacture not more than 150,000 [75,000] gallons of beer in a

16 calendar year on premises other than the premises licensed under the beverage

17 dispensary license;

18 (2) provide a small sample of the manufactured beer free of charge at

19 the location the beer is manufactured unless prohibited by AS 04.16.030; and

20 (3) sell the beer authorized to be manufactured under this subsection

21 (A) on the premises licensed under the beverage dispensary

22 license or other licensed premises of the beverage dispensary licensee that are

23 also licensed as a beverage dispensary;

24 (B) to a wholesaler licensed under AS 04.11.160; sales under

25 this subparagraph may not exceed 15,000 gallons or the amount sold

26 under this subparagraph in calendar year 2001, plus 10 percent,

27 whichever amount is greater; or

28 (C) to an individual who is present on the premises where the

29 beer is manufactured in quantities of not more than five gallons per day.

30 * Sec. 3. AS 04.11.135 is amended by adding a new subsection to read:

31 (e) Notwithstanding (a) of this section, a brewpub license authorizes the

holder of a restaurant or eating place license to (1) manufacture on premises licensed under the restaurant or eating place license not more than 150,000 gallons of beer in a calendar year; (2) sell beer manufactured on premises licensed under the restaurant or eating place license for consumption on the licensed premises; (3) sell beer manufactured on the premises licensed under the restaurant or eating place license in quantities of not more than five gallons per day to an individual who is present on the licensed premises; and (4) provide a small sample of the brewpub's beer manufactured on the premises free of charge unless prohibited by AS 04.16.030. A person who holds a brewpub license under this subsection may not hold more than one brewpub license.

* Sec. 4. AS 04.16.051(d) is amended to read:

(d) A person acting with criminal negligence who violates this section is guilty of a class C felony if

(1) [.] within the five years preceding the violation, the person has been previously convicted under

(A) [(1)] this section; or

(B) [(2)] a law or ordinance of this or another jurisdiction with elements substantially similar to this section; or

(2) the person who receives the alcoholic beverage negligently causes serious physical injury to or the death of another person while under the influence of the alcoholic beverage received in violation of this section; in this paragraph,

(A) "negligently" means acting with civil negligence; and

(B) "serious physical injury" has the meaning given in

AS 11.81.900.