

SENATE CS FOR CS FOR HOUSE BILL NO. 189(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 5/11/24

Referred: Rules

Sponsor(s): HOUSE LABOR AND COMMERCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the sale of alcohol; relating to the posting of warning signs for**
2 **alcoholic beverages; and providing for an effective date."**

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

4 *** Section 1.** AS 04.09.210(c) is amended to read:

5 (c) The board may issue or renew a license under this section only if the

6 (1) board determines that

7 (A) the licensed premises is a bona fide restaurant as defined in
8 AS 04.21.080(b);

9 (B) there is supervision on the premises adequate to reasonably
10 ensure that a person under 21 years of age will not obtain alcoholic beverages,
11 **unless the person is employed as permitted in AS 04.16.049(d);** and

12 (C) it is unlikely that persons under 21 years of age not
13 employed on the premises will enter and remain on the licensed premises for
14 purposes other than dining; and

1 (2) sale and service of food and alcoholic beverages and any other
 2 business conducted on the licensed premises of the restaurant or eating place is under
 3 the sole control of the licensee.

4 * **Sec. 2.** AS 04.09.210(d) is amended to read:

5 (d) The board may authorize the holder of a restaurant or eating place license

6 (1) to allow a person who is at least 16 years of age but under 21 years
 7 of age to enter and remain on the licensed premises for dining only;

8 (2) to allow a person who is under 16 years of age to enter and remain
 9 on the licensed premises for dining only if

10 (A) the person is accompanied by a person who is 21 years of
 11 age or older; and

12 (B) the parent or guardian of the person consents to the person
 13 being on the licensed premises; and

14 (3) subject to AS 04.16.049, to employ or permit the employment of a
 15 person who is at least 16 years of age but under 21 years of age on the licensed
 16 premises if the employer provides adequate supervision to ensure that **an employee**
 17 **who is 16 or 17 years of age** [THE PERSON] does not obtain alcoholic beverages.

18 * **Sec. 3.** AS 04.09.250(c) is amended to read:

19 (c) The holder of a theater license may sell or serve alcoholic beverages only
 20 in designated areas on the licensed premises and only for **a period beginning two**
 21 **hours** [ONE HOUR] before the event **until one hour after the event** [AND DURING
 22 INTERMISSIONS].

23 * **Sec. 4.** AS 04.09.360(c) is amended to read:

24 (c) The board may issue or renew a license under this section only if

25 (1) the board determines that

26 (A) the licensed premises is a bona fide restaurant as defined in
 27 AS 04.21.080(b);

28 (B) there is supervision on the premises adequate to reasonably
 29 ensure that a person under 21 years of age will not obtain alcoholic beverages,
 30 **except as provided under AS 04.16.049(d)**; and

31 (C) it is unlikely that persons under 21 years of age not

1 employed on the premises will enter and remain on the licensed premises for
2 purposes other than dining; and

3 (2) the sale and service of food and alcoholic beverages and any other
4 business conducted on the licensed premises of the restaurant or eating place is under
5 the sole control of the licensee.

6 * **Sec. 5.** AS 04.09.360(f) is amended to read:

7 (f) The board may authorize the holder of a seasonal restaurant or eating place
8 tourism license

9 (1) to allow a person who is at least 16 years of age but under 21 years
10 of age to enter and remain on the licensed premises for dining only;

11 (2) to allow a person who is under 16 years of age to enter and remain
12 on the licensed premises for dining only if

13 (A) the person is accompanied by a person who is 21 years of
14 age or older; and

15 (B) the parent or guardian of the person consents to the person
16 being on the licensed premises; and

17 (3) subject to AS 04.16.049, to employ or permit the employment of a
18 person who is at least 16 years of age but under 21 years of age on the licensed
19 premises if the employer provides adequate supervision to ensure that **an employee**
20 **who is 16 or 17 years of age** [THE PERSON] does not obtain alcoholic beverages.

21 * **Sec. 6.** AS 04.09.450(d) is amended to read:

22 (d) The board may issue an endorsement under this section only if the board
23 finds

24 (1) that the establishment or portion of the establishment for which the
25 endorsement is requested is a bona fide restaurant;

26 (2) there is supervision on the premises adequate to reasonably ensure
27 that a person under 21 years of age will not obtain alcoholic beverages, **except as**
28 **provided under AS 04.16.049(d)**; and

29 (3) that it is unlikely that persons under 21 years of age not employed
30 on the premises will enter and remain on the premises of the bona fide restaurant for
31 purposes other than dining.

1 * **Sec. 7.** AS 04.09.450(e) is amended to read:

2 (e) The board may authorize the holder of a license with a restaurant
3 endorsement

4 (1) to allow a person who is at least 16 years of age but under 21 years
5 of age to enter and remain on the licensed premises for dining only;

6 (2) to allow a person who is under 16 years of age to enter and remain
7 on the licensed premises for dining only if

8 (A) the person is accompanied by a person who is 21 years of
9 age or older; and

10 (B) the parent or guardian of the person consents to the person
11 being on the licensed premises; and

12 (3) subject to AS 04.16.049, to employ or permit the employment of a
13 person who is at least 16 years of age but under 21 years of age on the premises of the
14 bona fide restaurant if the employer provides adequate supervision to ensure that **an**
15 **employee who is 16 or 17 years of age** [THE PERSON] does not obtain alcoholic
16 beverages.

17 * **Sec. 8.** AS 04.16.049(d) is amended to read:

18 (d) Notwithstanding any other provision in this section **and AS 04.16.050(a)**,
19 a person 18, 19, or 20 years of age may be employed within the licensed premises of a
20 **brewery manufacturer, winery manufacturer, distillery manufacturer,** hotel or
21 motel, large resort, golf course, general wholesaler, limited brewed beverage and wine
22 wholesaler, common carrier dispensary, outdoor recreation lodge, **brewery retailer,**
23 **winery retailer, distillery retailer,** or restaurant, may enter and remain within those
24 premises for the purpose of employment, **and, other than for a business that offers**
25 **adult entertainment,** [BUT] may [NOT], in the course of employment, sell, serve,
26 deliver, or dispense alcoholic beverages.

27 * **Sec. 9.** AS 04.16.049(h) is amended to read:

28 (h) Notwithstanding any other provision in this section, a person under 21
29 years of age may be present

30 **(1)** on the licensed premises of a

31 **(A)** common carrier dispensary, destination resort, or outdoor

1 recreation lodge for the purpose of travel, travel lodging, or outdoor recreation
2 activities provided by the licensee if the person is

3 (i) [(1)] at least 16 years of age; or

4 (ii) [(2)] under 16 years of age and a parent or legal
5 guardian of the underaged person consents;

6 (B) theater if the person is

7 (i) at least 16 years of age; or

8 (ii) under 16 years of age, is accompanied by a
9 person who is at least 21 years of age, and a parent or legal
10 guardian of the underaged person consents;

11 (2) in the areas of a licensed premises covered by a large resort
12 endorsement, but excluding the areas of the premises originally covered by the
13 licensee's beverage dispensary or beverage dispensary tourism license where
14 alcohol is being served, for the purpose of travel, travel lodging, or outdoor
15 recreation activities provided by the large resort if the person is

16 (A) at least 16 years of age; or

17 (B) under 16 years of age and a parent or legal guardian of
18 the underaged person consents.

19 * **Sec. 10.** AS 04.16.052(a) is amended to read:

20 (a) A licensee or an agent or employee of the licensee may not with criminal
21 negligence

22 (1) allow another person to sell, barter, or give an alcoholic beverage
23 to a person under the age of 21 years within licensed premises, **except as provided in**
24 **AS 04.16.049(d);**

25 (2) allow a person under the age of 21 years to enter and remain within
26 licensed premises except as provided in AS 04.16.049;

27 (3) allow a person under the age of 21 years to consume an alcoholic
28 beverage within licensed premises;

29 (4) allow a person under the age of 21 years to sell or serve alcoholic
30 beverages, **except as provided in AS 04.16.049(d);**

31 (5) while working on licensed premises, furnish or deliver alcoholic

1 beverages to a person under the age of 21 years, except as provided in
2 AS 04.16.049(d).

3 * **Sec. 11.** AS 04.21.065(b) is amended to read:

4 (b) The warning signs required by (a) of this section must be at least 11 inches
5 by 14 inches, and the lettering must be at least one-half inch high and in contrasting
6 colors. The first sign must read, "WARNING: Alcohol use [DRINKING
7 ALCOHOLIC BEVERAGES SUCH AS BEER, WINE, WINE COOLERS, AND
8 DISTILLED SPIRITS OR SMOKING CIGARETTES] during pregnancy can cause
9 birth defects. Alcohol use can cause cancer, including breast and colon cancers."
10 The second sign must read, "WARNING: A person who provides alcoholic beverages
11 to a person under 21 years of age, if convicted under AS 04.16.051, could be
12 imprisoned for up to five years and fined up to \$50,000." The third sign must read,
13 "WARNING: An unaccompanied person under 21 years of age who enters these
14 premises in violation of law may, under AS 04.16.049(e), be civilly liable for damages
15 of \$1,500." The license or permit holder shall display the first and second signs in a
16 manner that would make them conspicuous to a person who will be purchasing or
17 consuming alcoholic beverages or smoking cigarettes on the licensed or designated
18 premises and shall conspicuously display the third sign at each door through which
19 customers enter the licensed premises.

20 * **Sec. 12.** AS 04.21.080(b) is amended by adding a new paragraph to read:

21 (31) "business that offers adult entertainment" has the meaning given
22 in AS 23.10.350(f).

23 * **Sec. 13.** AS 04.09.250(d) is repealed.

24 * **Sec. 14.** Section 11 of this Act takes effect January 1, 2025.

25 * **Sec. 15.** Except as provided in sec. 14 of this Act, this Act takes effect immediately under
26 AS 01.10.070(c).