

CS FOR HOUSE BILL NO. 192(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 2/26/24

Referred: Finance

Sponsor(s): REPRESENTATIVE SUMNER

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to curbside pickup of alcoholic beverages sold by a package store;**
2 **relating to consumer delivery licenses; and providing for an effective date."**

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

4 *** Section 1.** AS 04.09.230(e) is amended to read:

5 (e) The holder of a package store license may not

6 (1) offer alcoholic beverages for consumption on the licensed premises
7 or allow the consumption of alcoholic beverages on the licensed premises except as
8 authorized by a package store sampling endorsement issued under AS 04.09.490 or a
9 package store tasting event permit issued under AS 04.09.680;

10 (2) subdivide alcoholic beverages except as authorized by a package
11 store repackaging endorsement issued under AS 04.09.480;

12 (3) offer alcoholic beverages for sale or sell alcoholic beverages to a
13 person not present on the licensed premises who makes an order for shipment except
14 as authorized by a package store shipping endorsement under AS 04.09.460; or

1 (4) deliver alcoholic beverages to a person not present on the licensed
 2 premises except **as provided under (h) of this section or** as authorized by a package
 3 store delivery endorsement under AS 04.09.470 **or a consumer delivery license**
 4 **under AS 04.09.380.**

5 * **Sec. 2.** AS 04.09.230(f) is amended to read:

6 (f) The holder of a package store license commits the offense of failure to
 7 comply with the terms of a package store license if the person stores or sells alcoholic
 8 beverages in violation of (a) of this section or fails to comply with (c), [OR] (e), **or (h)**
 9 of this section.

10 * **Sec. 3.** AS 04.09.230 is amended by adding a new subsection to read:

11 (h) The holder of a package store license may offer curbside pickup of
 12 alcoholic beverages if

13 (1) the alcoholic beverage is sealed or packaged in a closed bottle or
 14 can by the manufacturer or sealed, tamper-proofed, and labeled in a growler by the
 15 holder;

16 (2) an agent or employee who is not an independent contractor and has
 17 completed an alcohol server education course under AS 04.21.025 delivers the
 18 alcoholic beverage from the licensed premises to the purchaser at the location
 19 designated under (3) of this subsection and requires the purchaser to provide
 20 identification and acceptable proof of age under AS 04.21.050(b);

21 (3) the holder designates the parking space closest to an entry to the
 22 package store premises, that is not designated as a parking space reserved for vehicles
 23 displaying a disabled license plate or a disabled parking permit, for pickup of
 24 alcoholic beverages;

25 (4) the transaction is not prohibited under AS 04.16.030;

26 (5) the holder provides written information regarding the license and
 27 curbside pickup on a form prescribed by the director; and

28 (6) the holder consents to an inspection of the area designated for
 29 curbside pickup, excluding private vehicles, at all reasonable times and in a reasonable
 30 manner by an officer or employee charged with enforcing the alcoholic beverage
 31 control laws and the regulations of the board or by a peace officer acting in the official

1 capacity of a peace officer.

2 * **Sec. 4.** AS 04.09 is amended by adding a new section to article 4 to read:

3 **Sec. 04.09.380. Consumer delivery license.** (a) A consumer delivery license
4 authorizes the holder of a package store license, or a person who contracts with or
5 employs individuals for the delivery of retail goods to consumers, or an agent,
6 employee, or independent contractor of the holder or person to deliver alcoholic
7 beverages from the licensed premises of a package store to an individual who is
8 located off the licensed premises.

9 (b) The holder of a consumer delivery license or the agent, employee, or
10 independent contractor of the holder may deliver an alcoholic beverage only to an
11 individual who

12 (1) is 21 years of age or older;

13 (2) provides identification and acceptable proof of age under
14 AS 04.21.050(b); and

15 (3) places the order for purchase of the alcoholic beverage, is
16 designated by the purchaser as a delivery recipient, or is located at the delivery address
17 provided by the purchaser.

18 (c) The holder of a consumer delivery license may deliver an alcoholic
19 beverage outside the hours of operation of the package store if the holder receives the
20 order for purchase during the hours permitted under AS 04.16.010(c) and the
21 individual delivering the alcoholic beverage completes the delivery within a
22 reasonable amount of time after leaving the package store.

23 (d) If the holder of a consumer delivery license does not hold a package store
24 license, the holder of the package store license is not liable for an action of the holder
25 of the consumer delivery license or an agent, employee, or independent contractor of
26 the holder of the consumer delivery license relating to an alcoholic beverage delivered
27 from the package store, including delivery to an individual under 21 years of age in
28 violation of AS 04.16.051 or a drunken person in violation of AS 04.16.030.

29 (e) An individual may not deliver an alcoholic beverage under this section
30 unless the individual is 21 years of age or older, holds a valid driver's license, and has
31 completed an alcohol server education course under AS 04.21.025.

1 (f) The holder of a consumer delivery license or the agent, employee, or
 2 independent contractor of the holder may not deliver an alcoholic beverage under this
 3 section to an individual who is located in an area where the sale of alcoholic beverages
 4 has been restricted under AS 04.11.491.

5 (g) The holder of a consumer delivery license commits the offense of failure
 6 to comply with the terms of a consumer delivery license if the person sells alcoholic
 7 beverages in violation of (a) of this section or fails to comply with the requirements of
 8 (b), (c), (e), or (f) of this section.

9 (h) Failure to comply with the terms of a consumer delivery license is a
 10 violation.

11 * **Sec. 5.** AS 04.09.480(c) is amended to read:

12 (c) A package store licensee with a package store repackaging endorsement
 13 may

14 (1) subdivide alcoholic beverages

15 (A) for sale on the licensed premises by opening the original
 16 package for the purpose of subdividing the contents into smaller packages; or

17 (B) in response to a purchase request from a person who is on
 18 the licensed premises or purchase order submitted in accordance with
 19 AS 04.09.230(h) or 04.09.470(c) [AS 04.09.470(c)];

20 (2) permit an agent or employee to subdivide alcoholic beverages, but
 21 may not permit a customer or another person who is not an agent or employee of the
 22 licensee to subdivide alcoholic beverages.

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

24 (i) This section does not apply to a

25 (1) brewery manufacturer license issued under AS 04.09.020;

26 (2) winery manufacturer license issued under AS 04.09.030;

27 (3) distillery manufacturer license issued under AS 04.09.040;

28 (4) general wholesale license issued under AS 04.09.100;

29 (5) limited wholesale brewed beverage and wine license issued under
 30 AS 04.09.110;

31 (6) outdoor recreation lodge license issued under AS 04.09.280;

- 1 (7) destination resort license issued under AS 04.09.310;
 2 (8) beverage dispensary tourism license issued under AS 04.09.350;
 3 (9) seasonal restaurant or eating place tourism license issued under
 4 AS 04.09.360;
 5 (10) manufacturer direct shipment license issued under AS 04.09.370;
 6 (11) **consumer delivery license issued under AS 04.09.380;**
 7 **(12)** conditional contractor's permit issued under AS 04.09.710.

8 * **Sec. 7.** AS 04.21.020(a) is amended to read:

9 (a) Except as provided under (b) and (d) of this section, a person who provides
 10 alcoholic beverages to another person may not be held civilly liable for injuries
 11 resulting from the intoxication of that person unless the person who provides the
 12 alcoholic beverages holds a license authorized under **AS 04.09.020 - 04.09.380**
 13 [AS 04.09.020 - 04.09.370] or is an agent or employee of a licensee and

14 (1) the alcoholic beverages are provided to a person under 21 years of
 15 age in violation of AS 04.16.051, unless the licensee, agent, or employee secures in
 16 good faith from the person a signed statement, liquor identification card, or driver's
 17 license meeting the requirements of AS 04.21.050(a) and (b), that indicates that the
 18 person is 21 years of age or older; or

19 (2) the alcoholic beverages are provided to a drunken person in
 20 violation of AS 04.16.030.

21 * **Sec. 8.** AS 04.21.025(a) is amended to read:

22 (a) Except as provided under (e) and (f) of this section, as a condition of
 23 issuance or renewal of a license or conditional contractor's permit and selling alcoholic
 24 beverages under a license or conditional contractor's permit, the board shall require a
 25 licensee or permittee who sells, [OR] serves, **or delivers** alcoholic beverages and a
 26 licensee's or permittee's agents and employees who sell, [OR] serve, **or deliver**
 27 alcoholic beverages or check the identification of a patron to complete an alcohol
 28 server education course approved by the board.

29 * **Sec. 9.** AS 09.65.315(b) is amended to read:

30 (b) A person licensed under **AS 04.09.020 - 04.09.380** [AS 04.09.020 -
 31 04.09.370], or an agent or employee of the person, is not liable for damages resulting

1 from a motor vehicle accident described under (a) of this section. A person or entity
2 that participates in making arrangements for transportation of a vehicle under (a) of
3 this section is not liable for damages resulting from a motor vehicle accident described
4 in (a) of this section.

5 * **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to
6 read:

7 TRANSITION: REGULATIONS. The Alcoholic Beverage Control Board may adopt
8 regulations necessary to implement the changes made by this Act. The regulations take effect
9 under AS 44.62 (Administrative Procedure Act), but not before the effective date of the law
10 implemented by the regulations.

11 * **Sec. 11.** Section 10 of this Act takes effect immediately under AS 01.10.070(c).

12 * **Sec. 12.** Except as provided in sec. 11 of this Act, this Act takes effect January 1, 2025.