

HOUSE BILL NO. 189

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Introduced: 5/3/23

Referred: Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the sale of alcohol; and providing for an effective date."**

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

3 * **Section 1.** AS 04.09.210(c), enacted by sec. 13, ch. 8, SLA 2022, is amended to read:

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

5 (1) board determines that

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

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

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

14 (2) sale and service of food and alcoholic beverages and any other
15 business conducted on the licensed premises of the restaurant or eating place is under

1 the sole control of the licensee.

2 * **Sec. 2.** AS 04.09.210(d), enacted by sec. 13, ch. 8, SLA 2022, is amended to read:

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

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 licensed
14 premises if the employer provides adequate supervision to ensure that **an employee**
15 **who is 16 or 17 years of age** [THE PERSON] does not obtain alcoholic beverages.

16 * **Sec. 3.** AS 04.09.360(c), enacted by sec. 13, ch. 8 SLA 2022, is amended to read:

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

18 (1) the board determines that

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

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

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

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

30 * **Sec. 4.** AS 04.09.360(f), enacted by sec. 13, ch. 8, SLA 2022, is amended to read:

31 (f) The board may authorize the holder of a seasonal restaurant or eating place

1 tourism license

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

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

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

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

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

14 * **Sec. 5.** AS 04.09.450(d), enacted by sec. 13, ch. 8, SLA 2022, is amended to read:

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

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

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

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

25 * **Sec. 6.** AS 04.09.450(e), enacted by sec. 13, ch. 8, SLA 2022, is amended to read:

26 (e) The board may authorize the holder of a license with a restaurant
27 endorsement

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

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

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

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

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

10 * **Sec. 7.** AS 04.16.049(d), as amended by sec. 101, ch. 8, SLA 2022, is amended to read:

11 (d) Notwithstanding any other provision in this section **and AS 04.16.050(a)**,
12 a person 18, 19, or 20 years of age may be employed within the licensed premises of a
13 hotel or motel, large resort, golf course, general wholesaler, limited brewed beverage
14 and wine wholesaler, common carrier dispensary, outdoor recreation lodge, or
15 restaurant, may enter and remain within those premises for the purpose of
16 employment, **and** [BUT] may [NOT], in the course of employment, sell, serve,
17 deliver, or dispense alcoholic beverages.

18 * **Sec. 8.** AS 04.16.052 is amended to read:

19 **Sec. 04.16.052. Furnishing of alcoholic beverages to persons under the age**
20 **of 21 by licensees.** A licensee or an agent or employee of the licensee may not with
21 criminal 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. 9.** This Act takes effect January 1, 2024.