

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

**Research- how alcohol statutes address minors on premises.**

**AS 04.16.049. Access of persons under the age of 21 to licensed premises.** (a) A person under 21 years of age may not knowingly enter or remain in premises licensed under this title unless

(1) accompanied by a parent, guardian, or spouse who has attained 21 years of age;

(2) the person is allowed to enter and remain on the premises under a restaurant or eating place license issued under AS 04.09.210, seasonal restaurant or eating place tourism license issued under AS 04.09.360, or restaurant endorsement issued under AS 04.09.450;

(3) the person is permitted on the premises under a club license issued under AS 04.09.220(g) or former AS 04.11.110(g); or

(4) otherwise provided under (c), (d), or (g) of this section.

(b) Notwithstanding (a) of this section, a licensee or an agent or employee of the licensee may refuse entry to a person under 21 years of age to that part of licensed premises in which alcoholic beverages are sold, served, or consumed, may refuse service to a person under 21 years of age, or may require a person under 21 years of age to leave the portion of the licensed premises in which alcoholic beverages are sold, served, or consumed.

(c) Notwithstanding any other provision in this section, a person 16 or 17 years of age may enter and remain within the licensed premises of a hotel or motel, large resort, golf course, general wholesaler, limited brewed beverage and wine wholesaler, common carrier dispensary, outdoor recreation lodge, or restaurant in the course of employment if

(1) the employment does not involve the serving, mixing, delivering, or dispensing of alcoholic beverages;

(2) the person has the written consent of a parent or guardian; and

(3) an exemption from the prohibition of AS 23.10.355 is granted by the Department of Labor and Workforce Development.

(d) Notwithstanding any other provision in this section and AS 04.16.050(a), a person 18, 19, or 20 years of age may be employed within the licensed premises of a brewery manufacturer, winery manufacturer, distillery manufacturer, hotel or motel, large resort, golf course, general wholesaler, limited brewed beverage and wine wholesaler, common carrier dispensary, outdoor recreation lodge, brewery retailer, winery retailer, distillery retailer, or restaurant, may enter and remain within those premises for the purpose of employment, and, other than for a business that offers adult entertainment, may, in the course of employment, sell, serve, deliver, or dispense alcoholic beverages.

(e) A licensee may bring a civil action against a person who violates this section if the violation occurs on the premises of that licensee. If judgment is entered in favor of the licensee, the court shall award civil damages in the amount of \$1,500 and award reasonable costs and reasonable attorney fees allowed under the Alaska Rules of Civil Procedure.

(f) A person under 21 years of age does not violate this section if the person enters or remains on premises licensed under this title at the request of a peace officer, if the peace officer accompanies, supervises, or otherwise observes the person's entry or remaining on premises, and the purpose for the entry or remaining on premises is to assist in the enforcement of this section.

(g) Notwithstanding any other provision in this section, a person under 21 years of age may be present on licensed premises on a golf course for the purpose of playing golf or attending golf-related activities if the person

(1) is at least 16 years of age; or

(2) is under 16 years of age and

(A) the person is accompanied by a person who is at least 21 years of age; and

(B) a parent or guardian of the underaged person consents.

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

(1) on the licensed premises of a

(A) common carrier dispensary, destination resort, or outdoor recreation lodge for the purpose of travel, travel lodging, or outdoor recreation activities provided by the licensee if the person is

(i) at least 16 years of age; or

(ii) under 16 years of age and a parent or legal guardian of the

underaged person consents;

(B) theater if the person is

(i) at least 16 years of age; or

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

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

(A) at least 16 years of age; or

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

(i) A person under 21 years of age who knowingly enters or remains on premises licensed under this title except as allowed in this section commits the offense of unauthorized presence by a person under 21 years of age on licensed premises.

(j) Unauthorized presence by a person under 21 years of age on licensed premises is a violation, punishable by a fine of \$500. The violation must be charged and filed with the court as a separate case and may not be combined or joined with any other minor offense or criminal charge in one action at the time of filing. A court may reduce the fine to \$50 for a person who has not more than one previous violation or to \$250 for a person who has two or more previous violations if the person provides the court, not later than six months after a judgment of conviction is entered, with proof of completion of

(1) an alcohol safety action program or a juvenile alcohol safety action program developed, designated, or approved by the Department of Health under AS 47.37; or

(2) a community diversion panel.

(k) In this section, "business that offers adult entertainment" has the meaning given in AS 23.10.350(f).

**AS 04.16.052. Furnishing of alcoholic beverages to persons under the age of 21 by licensees.**

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

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

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

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

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

(5) while working on licensed premises, furnish or deliver alcoholic beverages to a person under the age of 21 years, except as provided in AS 04.16.049(d).

(b) The holder of a license is strictly liable for an offense committed under (a) of this section by an employee or agent of the licensee on the licensed premises, punishable by an administrative penalty of \$250. Notwithstanding AS 04.11.370(a)(4) and (5) and AS 04.16.180(b)(1), the board may not order suspension of the license for the first violation committed on the licensed premises under this section.

(c) A person who violates (a) of this section commits the offense of licensee, employee, or agent furnishing alcohol to a minor.

(d) Licensee, employee, or agent furnishing alcohol to a minor is a violation and is punishable by a fine of \$500.

(e) A licensee who knowingly allows an agent or employee of the licensee to commit the offense of licensee, employee, or agent furnishing alcohol to a minor under (c) of this section commits the crime of failure to ensure compliance relating to furnishing alcohol to a minor.

(f) Failure to ensure compliance relating to furnishing alcohol to a minor is a class A misdemeanor.