Chapter 6.04 - ALCOHOLIC BEVERAGES & MARIJUANA

Sections:

6.04.010 - Definitions.

The following words and phrases used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them as follows:

A. "Alcoholic beverage" shall be construed identically with "intoxicating liquor" to include whiskey, brandy, rum, gin, wine, ale, porter, beer, and all other spirituous, vinous, malt and other fermented or distilled liquors intended for human consumption and containing one-half of one percent or more of alcohol by volume.

B. "Board" means the ~~alcoholic beverage control~~ alcohol and marijuana control board.

C. "Consumption" means an act or process by which a person introduces or consumes an intoxicating liquor or marijuana into his or her body.

D. "Intoxicating liquor" shall have the same meaning as "alcoholic beverage" in subsection A.

E. "License", in relation to alcoholic beverages, means every class and type of license issued for the sale of intoxicating liquor as defined in Title 4 of the Alaska Statutes, and, in relation to marijuana, means any license for the sale, cultivation, product manufacturing, or testing of marijuana as defined in Chapter 306 of the Alaska Administrative Code. ~~for the Marijuna licenses.~~

F. "Licensed premises" in relation to alcoholic beverages means any or all designated portions of a building, structure or other premises in respect to which a ~~s~~State of Alaska license for the sale of intoxicating liquor has been issued ~~or~~ or, in relation to marijuana, such premises in respect to which a State of Alaska license for the sale, cultivation, product manufacturing, or testing of marijuana has been issued.

G. "Licensee", in relation to alcoholic beverages, means every person, firm, company, corporation or other entity to whom a valid and subsisting state of Alaska license for the sale of intoxicating liquor, and, in relation to marijuana, means every such person or entity to whom a valid and subsisting State of Alaska license for the ~~or~~ sale, cultivation, product manufacturing, or testing of marijuana has been issued.

H. "Marijuana" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resing, including marijuana concentrate. "Marijuana" does not include fiber producted from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

I. "Marijuana establishment" means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store.

~~H~~J. "Retail liquor store" shall be construed identically with "retail licensee," and it shall mean any place where intoxicating liquors in the original packages, and when in bulk, are sold for cash or other consideration.

K. "Retail marijuana store" means an entity ~~registered~~ licensed to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana products from marijuana product manufacturing facilities, and to sell marijuana and marijuana products to consumers.

~~I~~L. "Sale" includes, without limitation, selling, trafficking in, bartering or exchanging for goods in the borough any intoxicating liquors or marijuana.

(Ord. No. 2013-15, § 3, 10-21-2013)

6.04.020 - License required.

It is unlawful for any person, firm, company, corporation or other entity to sell any intoxicating liquors or marijuana within the borough, unless such person, firm, company, corporation or other entity is the owner or holder of a valid and subsisting ~~liquor~~ license issued by the state of Alaska, and complies with all laws and regulations of the S~~s~~tate of Alaska relating to the sale of alcoholic beverages or marijuana.

(Ord. No. 2013-15, § 3, 10-21-2013)

6.04.030 - Access of persons under the age of 21 to licensed premises.

A person under the age of 21 years may not knowingly enter or remain in an alcohol licensed premises ~~(Alchohol)~~ unless (1) accompanied by a parent, guardian or spouse who has attained the age of 21 years; (2) the person is at least 16 years of age, the premises are designated by the board as a restaurant, and the person enters and remains only for dining; or (3) the person is under the age of 16 years, is accompanied by a person over the age of 21 years, the parent or guardian of the under-aged person consents, the premises are designated by the board as a restaurant, and the person enters and remains only for the purpose of dining.

A person under the age of 21 may not enter a licensed marijuana premises at any time.

(Ord. No. 2013-15, § 3, 10-21-2013)

6.04.040 - Employment of minors.

A person 16 to 20 years of age may enter and remain upon ~~the~~ an alcohol licensed premises ~~(Alcohol)~~ of a hotel or restaurant in the course of his or her employment if the employment does not require or involve the serving, mixing, delivering or dispensing of alcoholic beverages, and, if the person is 16 or 17 years of age, the person has the written consent of a parent or guardian and an exemption from the appropriate agency of the State of Alaska for the employment.

No person under the age of 21 may be employed at a licensed premises selling, manufacturing, testing or cultivating marijuana.

(Ord. No. 2013-15, § 3, 10-21-2013)

6.04.050 - Hours of sale[sdg1].

A. It is unlawful for any retail licensee to sell, offer for sale, give, barter or exchange upon licensed premises any alcoholic beverage or marijuana, or to permit the removal of any alcoholic beverages or marijuana upon or from a licensed premises from 2:00 a.m. until 8:00 a.m. on weekdays, and from 3:00 a.m. until 12:00 noon on Sundays.

B. It is unlawful for any licensee to sell, offer for sale, give, barter or exchange upon licensed premises any alcoholic beverages or marijuana, or to permit the consumption or removal of any alcoholic beverage or marijuana ~~upon~~ within or ~~or~~ from a licensed premises from 2:00 a.m. until 10:00 a.m. on weekdays, and from 3:00 a.m. until 12:00 noon on Sundays.

C. Licensed restaurants may serve alcoholic beverages with meals beginning at 10:00 a.m. on Sundays.

D. A licensee shall be permitted to sell, offer for sale, give, barter or exchange ~~upon~~ within licensed premises any alcoholic beverage or marijuana, and to permit the consumption or removal of any alcoholic beverages or marijuana ~~upon~~ within or from a licensed premises during the normal hours listed in subsection A., B. and C. of this section, on days when an election is being held, including elections where a candidate for office appears on the ballot.

(Ord. No. 2013-15, § 3, 10-21-2013)

6.04.060 - Serving intoxicated persons prohibited.

It is unlawful for any licensee knowingly to permit any intoxicated person to enter licensed premises, or to sell to any such intoxicated person any intoxicating liquors.

6.04.065 – Onsite use of Marijuana at a retail location allowed

Onsite use of Marijuana will be allowed at a licensed marijuana retail location. [DT2]

(Ord. No. 2013-15, § 3, 10-21-2013)

6.04.070 - Transfer to, possession and misrepresentation by minors prohibited.

A. It is unlawful to sell, offer for sale, give, barter or exchange intoxicating liquors or marijuana to any person under the age of 21 years.

B. It is unlawful for any person under the age of 21 years to procure or possess, or to attempt to procure or possess, intoxicating liquors or marijuana for his own or her own use or consumption.

C. It is unlawful for any person to misrepresent his or her age, or the age of any person, for the purpose of having intoxicating liquor or marijuana sold, given, bartered, exchanged or furnished to a person under the age of 21 years.

(Ord. No. 2013-15, § 3, 10-21-2013)

6.04.080 - Licensee responsible for acts of employees.

The act of any agent, servant or employee of any licensee which is a violation of any provision of this chapter, or the laws of the State of Alaska, shall be deemed the act of such licensee, and the licensee shall be guilty of any such violation.

(Ord. No. 2013-15, § 3, 10-21-2013)

6.04.090 - Vulgar or obscene language prohibited.

It is unlawful for any licensee to permit the use of loud, vulgar or obscene language in any licensed premises.

(Ord. No. 2013-15, § 3, 10-21-2013)

6.04.100 - Violation.

A person who violates a provision of this chapter shall be guilty of a violation, and shall be subject to a fine as provided in chapter 1.16 of the borough code.

(Ord. No. 2013-15, § 3, 10-21-2013)