

ALCOHOL & ALASKA LAW



**Office of the Staff Judge
Advocate
Eielson AFB, Alaska**

354 FW/JA

**Legal Assistance & Preventive
Law
Pamphlet Series**

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LEGAL DRINKING AGE

The legal age to purchase, possess, control, and/or consume alcoholic beverages in the State of Alaska is 21. If you are under the age of 21, you may enter an establishment that sells and/or serves alcohol only if you are accompanied by a parent, guardian, or spouse who is at least 21 years of age. A restaurant can refuse service to a person under the age of 21 and may ask the underage person to leave the portion of their establishment where alcoholic beverages are sold, served, or consumed.

EMPLOYERS WHO SERVE ALCOHOLIC BEVERAGES

Minors under the age of 16 may not work where alcoholic beverages are served. Minors age 16 and 17 may work where alcoholic beverages are served, provided: (1) the employment does not involve the serving, mixing, delivering, or dispensing of alcoholic beverages; (2) the minor has the written consent of a parent or guardian; and (3) an exemption is granted by the Department of Labor and Workforce Development, 907-465-2700. A person age 18, 19, or 20 may be employed within the licensed premises of a hotel, restaurant, or eating place, but may not sell, serve, deliver, or dispense alcoholic beverages.

UNDERAGE DRINKING

Use It - Lose It/Zero Tolerance. If you are under the age of 21 you cannot use or possess alcohol. If you are cited or arrested for possessing alcohol, you could face criminal prosecution and administrative license action.

A citation may be issued and you may have to go to court.

OPEN CONTAINER

It is unlawful for any person to have an open alcoholic beverage container in the passenger compartment of their vehicle. The term “open” means a bottle, can, or other receptacle containing an alcoholic beverage in which the lid, cap, or cork has been removed or where the seal has been broken. The term “passenger compartment” means the area normally occupied by the driver and passengers and includes a utility or glove compartment accessible to the driver or a passenger while the vehicle is being operated. (AS § 28.35.029).

DRINKING AND DRIVING

Needless to say, it is unlawful for any person to commit the crime of driving while intoxicated. A person is considered intoxicated if there is 0.08 percent or more by weight of alcohol in the person’s blood or 80 milligrams or more of alcohol per 100 milliliters of blood, or when there is 0.08 grams or more of alcohol per 210 liters of the person’s breath. (AS § 28.35.030(a)).

If you are convicted for driving while intoxicated and have not been previously convicted for DUI, the court shall impose a **minimum mandatory** sentence of:

- A jail sentence ranging from a mandatory minimum of 72 hours
- A fine ranging from a mandatory minimum of \$1,500

- Revocation of the driver's license or privilege to obtain a license for 90 days or more
- An order requiring use of an ignition interlock device for 12 months after the privilege to drive is regained
- An order to submit to drug and alcohol evaluation and complete any treatment program required by the evaluating agency
- An order to pay certain surcharges, and the cost of emergency response services if any were required following a motor vehicle accident related to the offense
- An order to pay the cost of imprisonment

- Information about convictions may be requested by employers or on job applications
- Convictions may affect a person's ability to obtain or renew a pilot's license, or another occupational license
- Convictions may affect eligibility for military service or U.S. citizenship
- Convictions may prevent entry into Canada or other foreign countries

In addition to the numerous penalties by the state, as a military member, you are also subject to administrative and/or punitive actions under the Uniform Code of Military Justice.

This pamphlet is for basic information on alcohol law as it relates to military personnel stationed in Alaska. It is not intended to take the place of legal advice from a Judge Advocate. There may be important exceptions in some states to the information presented here. Please contact the 354th Fighter Wing Legal Office for questions and further information.



Other consequences may include:

- Federal Aviation Administration regulations require all FAA licensed pilots to report "motor vehicle actions" to the FAA within 60 days. Motor vehicle actions such as DUI convictions and license revocations may be the basis for suspension or revocation of a pilot's license
- DMV may classify a driver as a "habitual user of alcohol," and refuse to license the driver even after the revocation period has ended until the driver provides proof that the substance abuse problem has been under control for one year (AS § 04.16.050(d)).
- Motor vehicle insurance rates may increase

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