

NOTICE OF PROPOSED CHANGES ON DEATH OF A LICENSEE  
IN THE REGULATIONS OF THE ALCOHOLIC BEVERAGE CONTROL BOARD

The Alcoholic Beverage Control Board proposes to adopt regulation changes in 3 AAC 304 of the Alaska Administrative Code, dealing with death of a licensee, including the following:

3 AAC 304.215 is proposed to be repealed and readopted. The intended effect of this repeal is to:

- Subsection (a) is essentially what is currently in the regulation, but clarifies that this applies to licensees who are sole proprietors or sole owners of entities.
- Subsection (b) proposes that upon the death of a licensee who owns 50% or more of an entity holding a license, the surviving licensees may continue to operate the license but a transfer application or request for extension must be filed within 90 days of the individual's death. If the transfer or extension request is not submitted, the business must cease operating until a transfer is filed. Only one extension is allowed, unless there is a delay in appointing a personal representative for the estate of the deceased licensee which is cause for allowing additional extensions.
- Subsection (c) proposes that upon the death of a licensee who owns less than 50% of an entity holding a license, the surviving licensees may continue to operate the license but must submit a transfer application or report a change of ownership within 90 days of the individual's death. (Should the surviving licensees not comply with that requirement, an NOV can be issued and if appropriate, an accusation can be served.)

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Alcohol and Marijuana Control Office at 550 West 7<sup>th</sup> Avenue, Suite 1600, Anchorage AK 99501. Additionally, the Alcoholic Beverage Control Board will accept comments by email at [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov). Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link. The comments must be received not later than 4:30pm on October 30, 2019.

You may submit written questions relevant to the proposed action to the Alcohol and Marijuana Control Office at 550 West 7<sup>th</sup> Avenue, Suite 1600, Anchorage, AK 99501 or to [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov). The questions must be received at least 10 days before the end of the public comment period. The Alcohol and Marijuana Control Office will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and AMCO website.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact the Alcohol and Marijuana Control Office at [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov) or (907) 269-0350 not later than October 20, 2019 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting the Alcohol and Marijuana Control Office at [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov) or (907) 269-0350.

After the public comment period ends, the Alcoholic Beverage Control Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

**Statutory authority:** AS 04.06.090                      AS 04.06.100                      AS 04.11.030

**Statutes being implemented, interpreted, or made specific:** AS 04.11.010; AS 04.11.030

**Fiscal information:** The proposed regulation changes are not expected to require an increased appropriation.

The Alcohol and Marijuana Control Office keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Alcoholic Beverage Control Board notices of proposed regulation changes. To be added to or removed from the list, send a request to the AMCO office at [amco.regs@alaska.gov](mailto:amco.regs@alaska.gov), giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

Date: September 18, 2019



Erika McConnell, Director  
Alcohol and Marijuana Control Office