

NOTICE OF PROPOSED CHANGES ON ALCOHOL PERMITS
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 alcohol permits, including the following:

3 AAC 304.675 would be repealed and readopted to apply all permit types:

- A permit is issued for a single location (excepting art exhibit permits in 3 AAC 304.697).
- The licensee to whom the permit is issued should be in the same municipality as the location of the event—if this is not the case, there should be a reasonable explanation (such as there is no applicable licensee in the municipality). This helps to ensure that the permit holder is actually operating the permit.
- Sets forth what is expected in the application.
- Requires permit applications to be submitted to AMCO three business days in advance of the event (except where statute requires a longer period). This gives the office sufficient time to review the application, get any corrections that may be needed, and get the permit back to the applicant.
- Requires servers and ID checkers at permitted events to have completed an alcohol server education course.
- Defines the length of a permitted event as essentially a continuous period of time within a single day, with exceptions for special event permits and art exhibit permits.
- Prohibits a permit from being used to continue the operation of a license that has been suspended, revoked, or has expired, or to start the operation of a license that has not yet been issued.
- Clarifies that when a permit is used at a location that is also licensed, the operation of the license must cease during the operation of the permit, and the alcohol provided at the permitted event must be owned and provided by the holder of the permit. For a permitted event, the permit holder is essentially extending their license to the permitted location.
- Requires the licensee or an employee of the licensee to be present at the permitted event. This section specifically does not include “agent of the licensee” as this concept is regularly abused.
- Requires the permit and warning signs to be posted at the permitted event.
- States once that permits may not be transferred, relocated, or renewed—so this does not need to be repeated under each permit type.

3 AAC 304.680 Restaurant Caterer’s Dinner Permit

- Repeals sections that are covered under the general permit section.
- Defines “banquet or dinner event” to clarify when this permit may be used.

3 AAC 304.685 Caterer’s Permit

- Repeals this section as all relevant requirements are covered in the general permit section.

3 AAC 304.687 Special Events Permit

- Allows a single special events permit to be valid for up to three days of the same specific occasion at the same location (such as a fair) since a nonprofit organization may only get five special event permits per year by statute.
- Requires the holder of a special events permit (an unlicensed nonprofit organization) to obtain their alcohol from a licensee.
- Requires an authorized representative of the nonprofit holding the permit to be present at the event.
- Addresses violations.

3 AAC 304.690 Club License Caterer's Permit

- Reduces the fee to equal the fee for other permit types.
- Repeals unnecessary subsections.

3 AAC 304.697 Art Exhibit Permit

- Allows a single licensee (BDL or REPL) to get a permit for up to five locations for a single event, but may only get one permit per event. This will ensure that a single licensee can manage the locations for which it is responsible during a permitted event. For events such as First Friday that take place at more than five locations, multiple BDL and REPL licensees would need to get permits with each licensee serving at no more than five locations.
- Allows changes to be requested two days before an event rather than seven.

3 AAC 304.699 Wine Auction Permit

- Negligible changes—this section of regulations was just updated by the board.

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 the Alcohol and Marijuana Control Office at 550 West 7th Avenue, Suite 1600, Anchorage AK 99501. Additionally, the Alcoholic Beverage Control Board will accept comments by electronic mail at 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 4:30 p.m. on Wednesday, October 30, 2019.

You may submit written questions relevant to the proposed action to the Alcohol and Marijuana Control Office at 550 West 7th Avenue, Suite 1600, Anchorage, AK 99501 or to 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 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 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

Statutes being implemented, interpreted, or made specific: AS 04.11.010; AS 04.11.090; AS 04.11.100; AS 04.11.110; AS 04.11.115; AS 04.11.230; AS 04.11.240; AS 04.11.260

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

The Alcoholic Beverage Control Board 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 Alcohol and Marijuana Control Office at amco.regs@alaska.gov, giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

Date: September 23, 2019



Erika McConnell, Director
Alcoholic Beverage Control Board
