

Kevin Meyer  
Lieutenant Governor  
State Capitol  
Juneau, Alaska 99811  
907.465.3520  
WWW.LTGOV.ALASKA.GOV



530 West 7<sup>th</sup> Ave, Suite 1700  
Anchorage, Alaska 99501  
907.269.7460  
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**M E M O R A N D U M**

**TO:** Amy Demboski  
Department of Commerce, Community, and Economic Development

**FROM:** April Simpson, Office of the Lieutenant Governor *AS*  
465.4081

**DATE:** December 2, 2020

**RE:** Filed Permanent Regulations: Alcoholic Beverage Control Board  
  
Alcoholic Beverage Control Board Regulations re: repackaging by package stores (3 AAC 304.365)

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Attorney General File:	2020200410
Regulation Filed:	12/02/2020
Effective Date:	01/01/2021
Print:	237, April 2021

cc with enclosures: Harry Hale, Department of Law  
Judy Herndon, LexisNexis  
Jane P. Sawyer, Regulations Specialist

ORDER CERTIFYING THE CHANGES TO  
REGULATIONS OF ALCOHOLIC BEVERAGE CONTROL BOARD


The attached one page of regulations, dealing with repackaging by package stores [is] [are] certified to be a correct copy of the regulation changes that the Alcoholic Beverage Control Board adopted at its October 27, 2020, meeting, under the authority of AS 04.06.090 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Alcoholic Beverage Control Board paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 11/2/2020

DocuSigned by:  
  
3877CBDD3CA4CA

Glen Klinkhart, Interim Director

April Simpson for  
↑

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on

December 2, 2020 at 3:26 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

April Simpson  
for Lieutenant Governor Kevin Meyer

Effective: January 1, 2021

Register: 237, April 2021

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,  
designate the following state employees to perform the Administrative Procedures Act  
filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff  
Kady Levale, Notary Administrator  
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have  
signed and affixed the Seal of the State of  
Alaska, in Juneau, on December 11th,  
2018.**



*K-Meyer*  
.....

**KEVIN MEYER  
LIEUTENANT GOVERNOR**

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

3 AAC 304.365 is amended to read:

The holder of a package store license issued under AS 04.11.150 may on the licensed premises repack beer **or cider** from kegs into other containers for sale on the licensed premises and consumption off the licensed premises, **if the size of the other containers is not prohibited** [IF THE OTHER CONTAINERS ARE OF A SIZE PERMITTED] under AS 04.16.100. (Eff. 7/25/2012, Register 203; am 1 / 1 / 2021, Register 237)

**Authority:** AS 04.06.090 AS 04.06.100 AS 04.11.150

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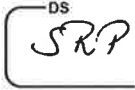
# MEMORANDUM

## State of Alaska Department of Law

**To:** The Honorable Kevin Meyer  
Lieutenant Governor

**Date:** December 2, 2020

**File No.:** 2020200410

**Thru:** Susan R. Pollard   
Chief Assistant Attorney General  
and Regulations Attorney  
Legislation and Regulations Section

**Tel. No.:** 465-3600

**From:** Steven C. Weaver *scw*  
Senior Assistant Attorney General  
Legislation and Regulations Section

**Re:** Alcoholic Beverage Control Board  
regulations re: repackaging by  
package stores (3 AAC 304.365)

The Department of Law has reviewed the attached regulations of the Alcoholic Beverage Control Board against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Alcoholic Beverage Control Board after the close of the public comment period. The regulations amend the requirements regarding the repackaging by licensed package stores of beer from kegs into other containers, for sale on the licensed premises and consumption off those premises, to allow repackaging from kegs of cider as well.

The August 25, 2020 public notice and the November 2, 2020 certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

Honorable Kevin Meyer, Lieutenant Governor  
File No. 2020200410: ABC Board; Repackaging

December 2, 2020  
Page 2 of 2

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SCW

cc w/enc: Glen Klinkhart, Interim Director  
Alcoholic Beverage Control Board

Amy Demboski, Assistant Commissioner and Regulations Contact  
Department of Commerce, Community, and Economic Development

Jane Preston Sawyer, Regulations Specialist  
Alcohol and Marijuana Control Board  
Department of Commerce, Community, and Economic Development

Joan M. Wilson, Senior Assistant Attorney General  
Commercial, Fair Business, and Child Support Section

NOTICE OF PROPOSED CHANGES ON REPACKAGING BY PACKAGE STORES 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 repackaging by package stores, including the following:

- (1) 3 AAC 304.365 would be amended to allow package stores to repackage cider from kegs.

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 **4:30 pm on October 9, 2020**.

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) 269-0490 not later than **September 25, 2020**, 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) 269-0490.

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 04.11.150.

**Statutes being implemented, interpreted, or made specific:** AS 04.11.150.

**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: August 24, 2020

A handwritten signature in dark ink, appearing to read "Jane Sawyer", is positioned above a horizontal line.

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Jane P. Sawyer, Regulations Specialist



ADDITIONAL REGULATION NOTICE INFORMATION  
(AS 44.62.190(d))

1. Adopting agency: Alcoholic Beverage Control Board
2. General subject of regulation: Repackaging by Package Stores
3. Citation of regulation (may be grouped): 3 AAC 304.365
4. Department of Law file number, if any: 2020200410

5. Reason for the proposed action:

( ) Compliance with federal law or action (identify): \_\_\_\_\_  
( ) Compliance with new or changed state statute  
( ) Compliance with federal or state court decision (identify): \_\_\_\_\_  
(x) Development of program standards  
( ) Other (identify): \_\_\_\_\_

6. Appropriation/Allocation: DCCED/Alcohol and Marijuana Control Office

7. Estimated annual cost to comply with the proposed action to:

A private person: none known  
Another state agency: none known  
A municipality: none known

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY <u>21</u>	Subsequent Years
Operating Cost	\$ <u>0</u>	\$ <u>0</u>
Capital Cost	\$ <u>0</u>	\$ <u>0</u>
1002 Federal receipts	\$ <u>0</u>	\$ <u>0</u>
1003 General fund match	\$ <u>0</u>	\$ <u>0</u>
1004 General fund	\$ <u>0</u>	\$ <u>0</u>
1005 General fund/ program	\$ <u>0</u>	\$ <u>0</u>
Other (identify)	\$ <u>0</u>	\$ <u>0</u>

9. The name of the contact person for the regulation:

Name: Jane P. Sawyer  
Title: Regulations Specialist  
Address: 550 W. 7<sup>th</sup> Ave., Ste. 1600, Anchorage, AK 99501  
Telephone: 907-269-0490  
E-mail address: jane.sawyer@alaska.gov

10. The origin of the proposed action:

☐ Staff of state agency  
☐ Federal government  
☐ General public  
☐ Petition for regulation change<sup>7</sup>  
☒ Other (identify): Alcoholic Beverage Control Board

11. Date: August 24, 2020

Prepared by:



Name: Jane P. Sawyer  
Title: Regulations Specialist  
Telephone: 907-269-0490

# ANCHORAGE DAILY NEWS

## AFFIDAVIT OF PUBLICATION

Account #: 270221 ST OF AK/ALCOHOL AND MARIJUANA  
CONTROL BOARD, ANCHORAGE, AK 99501

Order #: W0017475

Cost: \$368.56

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Lisi Misa being first duly sworn on oath deposes and says that she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the afore-said place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

08/25/2020

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed \_\_\_\_\_

Subscribed and sworn to before me  
this 26th day of August 2020.

Notary Public in and for  
The State of Alaska.  
Third Division  
Anchorage, Alaska

MY COMMISSION EXPIRES

7/14/2024

NOTARY PUBLIC  
JADA L. NOWLING  
STATE OF ALASKA  
MY COMMISSION EXPIRES JULY 14, 2024

### NOTICE OF PROPOSED CHANGES ON REPACKAGING BY PACKAGE STORES 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 repackaging by package stores, including the following:

(1) 3 AAC 304.365 would be amended to allow package stores to repackaging cider from kegs.

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 7th 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 4:30 pm on October 9, 2020.

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](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.

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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) 269-0490.

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 04.11.150.

**Statutes being implemented, interpreted, or made specific:** AS 04.11.150.

**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: August 24, 2020  
By: /s/ Jane P. Sawyer,  
Regulations Specialist

Published: August 25, 2020

AMCO

AUG 31 2020

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION  
AND FURNISHING OF ADDITIONAL INFORMATION

I, Jane P. Sawyer, Regulations Specialist, of Alcohol and Marijuana Control Office, under penalty of perjury, certify the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 3 AAC 306.365, repackaging by package stores, has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to every person who has filed a request for notice of proposed action with the state agency;
- (3) furnished to appropriate state officials;
- (4) furnished to interested persons;
- (5) furnished to the Department of Law, along with a copy of the proposed regulation;
- (6) furnished electronically to incumbent State of Alaska legislators;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1).

As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

There is no notary public or other official empowered to administer oaths available to notarize this document as a result of social distancing requirements implemented statewide.

I certify under penalty of perjury that the foregoing is true.

11/2/2020

Date: \_\_\_\_\_

DocuSigned by:



DF54A1D34C15445...

[original or password-protected electronic signature]  
Jane P. Sawyer, Regulations Specialist

State of Alaska  
Municipality of Anchorage

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT


I, Glen Klinkhart, Interim Director for the Alcoholic Beverage Control Board under penalty of perjury, state the following:

In compliance with AS 44.62.215, the Alcoholic Beverage Control Board has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Alcoholic Beverage Control Board regulation on repackaging by package stores.

There is no notary public or other official empowered to administer oaths available to notarize this document as a result of social distancing requirements implemented statewide.

I certify under penalty of perjury that the foregoing is true.

Date: 11/2/2020

DocuSigned by:  
  
3877CBCDD3CA4CA

[original or password-protected electronic signature]  
Glen Klinkhart, Interim Director

State of Alaska  
Municipality of Anchorage



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

## Department of Commerce, Community, and Economic Development

Alcohol and Marijuana Control Office

550 West 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
Main: 907.269.0350

### Alcoholic Beverage Control Board Meeting October 27, 2020, Excerpt from Unapproved Minutes

#### **C. Repackaging by Package Stores**

#### **TAB 1**

**Status:** Public comment closed October 9, 2020. One comment received.

**Potential Board Actions:** Vote to adopt; amend draft and put out for public comment; send back to staff for more work; close project without action.

*2:04 pm: Dana motions to adopt as published. Charlie seconds. None opposed, motion carries.*

AFFIDAVIT OF BOARD ACTION

I, Glen Klinkhart, Interim Director for the Alcoholic Beverage Control Board, under penalty of perjury, state the following:

The attached motion dealing with repackaging by package stores was passed by the Alcoholic Beverage Control Board during its October 27, 2020, meeting.

There is no notary public or other official empowered to administer oaths available to notarize this document as a result of social distancing requirements implemented statewide.

I certify under penalty of perjury that the foregoing is true.

Date: 11/2/2020

DocuSigned by:



3877C8CDD3CA4CA

[original or password-protected electronic signature]  
Glen Klinkhart, Interim Director

State of Alaska  
Municipality of Anchorage