

THIRD SUPPLEMENTAL NOTICE OF PROPOSED NEW SECTIONS ON TRADE
PRACTICES ADDED TO A NEW CHAPTER (305) OF THE ALCOHOLIC BEVERAGE
CONTROL BOARD UNDER TITLE 3 OF THE ALASKA ADMINISTRATIVE CODE

ORAL HEARING

BRIEF DESCRIPTION

The Alcoholic Beverage Control Board proposes to adopt new sections covering Trade Practices to the new chapter (305) under Title 3 of the Alaska Administrative Code and add a new section on civil fines.

This is a THIRD SUPPLEMENTAL NOTICE adding to the SECOND SUPPLEMENTAL NOTICE issued on February 26, 2024, the SUPPLEMENTAL NOTICE issued on January 11, 2024, and the NOTICE OF NEW SECTIONS ON TRADE PRACTICES ADDED TO A NEW CHAPTER (305) OF THE ALCOHOLIC BEVERAGE CONTROL BOARD UNDER TITLE 3 OF THE ALASKA ADMINISTRATIVE CODE issued on December 14, 2023, concerning the above-proposed revisions, contained in the Department of Law File No. 2023200110.002. The board has released this THIRD SUPPLEMENTAL NOTICE to advise the public that the board has extended the written public comment period to April 9, 2024, and will take oral testimony at an oral hearing on the proposed new sections. Only oral comments will be accepted at the hearing. The oral hearing will be held during the Board Meeting on April 16, 2024, beginning at 9:00 am and located at Atwood Building Conference Room First Floor, 550 W 7th Ave, Anchorage, AK 99501. Please prepare to share your oral comments in person, by telephone, or Zoom only. You may join the meeting online via Zoom virtual platform; <https://amco-alaska.gov.zoom.us/j/88182517773?pwd=utVlcSnZMIHfG6qmmzuluqGmLIMux4P.1> or by entering Meeting ID 881 8251 7773 and Access Code 793257 on the Zoom app. You may also participate via teleconference by calling +1 (669) 444 9171 or +1 (669) 900 6833 and entering the Meeting ID and Code noted above.

The Alcoholic Beverage Control Board proposes to adopt new sections covering Trade Practices added to the new chapter (305) under Title 3 of the Alaska Administrative Code and add a new section on civil fines, including the following:

- 3 AAC 305.500. This new section covers trade practice prohibitions as laid out at AS 04.16.017.
- 3 AAC 305.510. This new section outlines and clarifies the prohibition against operating a tied house.
- 3 AAC 305.515. This new section outlines exceptions to tied house prohibitions.
- 3 AAC 305.520. This new section outlines and clarifies the prohibition against operating as an exclusive outlet.
- 3 AAC 305.525. This new section outlines clarifies practices not considered commercial bribery.
- 3 AAC 305.530. This new section outlines exceptions to consignment sales prohibitions.
- 3 AAC 305.540. This new section establishes and outlines administrative penalties.
- 3 AAC 305.550. This section prohibits adulteration, misbranding and false advertising of alcoholic beverages and requires that a licensee, when selling or serving an alcoholic beverage made with a wine product rather than a distilled beverage, disclose that the alcoholic beverage is ‘wine based’.

APPENDIX B-2: Notice of Proposed Regulations (Non-Newspaper)

3 AAC 305.560. This section prohibits a licensee from setting a period of time during the day that alcoholic beverages can be sold or delivered that is less than the hours that the licensed premises is open to the general public.

3 AAC 305.590. Definitions section.

3 AAC 305.880 This is a proposed new section to be added to the article entitled Enforcement; Civil Penalties. It outlines the metric the board will use to determine civil fines for violations of trade practices.

You may comment on the proposed regulations, including the potential costs to private persons of complying with the proposed regulations, by submitting written comments to Alcohol and Marijuana Control Office at 550 W. 7th Avenue, Suite 1600, Anchorage, Alaska, 99501. Additionally, the Alcoholic Beverage Control Board will accept comments by electronic mail at amco.regs@alaska.gov. Written comments may also be submitted through the Alaska Online Public Notice System, by accessing this notice with the Department of Law File No. 2023200110.002 on the system and using the comment link. **The comments must be received not later than 4:30 p.m. on April 9, 2024.**

You may submit written questions relevant to the proposed action to Alcohol and Marijuana Control Office by email to amco.regs@alaska.gov or by mail to 550 W. 7th Avenue, Suite 1600, Anchorage, Alaska, 99501. 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 <https://www.commerce.alaska.gov/web/amco/>

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Kristina Serezhenkov at amco.regs@alaska.gov or at 907-269-0359 not later than March 28, 2024 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulations is available on the Alaska Online Public Notice System and by contacting the Alcohol and Marijuana Control Office at amco.regs@alaska.gov.

After the public comment period ends, the Alcoholic Beverage Control Board will either adopt the proposed regulations 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.

Statutory authority: AS 04.06.090; AS 04.06.100; AS 04.16.015; AS 04.16.017

Statutes being implemented, interpreted, or made specific: AS 04.06.090; AS 04.06.100; AS 04.16.015; AS 04.16.017

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

APPENDIX B-2: Notice of Proposed Regulations (Non-Newspaper)

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 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.

Individuals can also sign up to receive automated notifications of all State of Alaska notices, including public notice for regulation changes, by subscribing to the Alaska Online Public Notices System: <https://aws.state.ak.us/OnlinePublicNotices/Default.aspx>.

Date: 3/13/2024 Kristina Serezhenkov, Regulations Specialist