



MEMORANDUM

TO: Robert Klein, Chair and
Members of the Board

FROM: Cynthia Franklin
Director, ABC Board

DATE: July 13, 2016

RE: Regulation Project: Alcohol
Server Education for Permittees

This was a regulation project intended to capture a perceived loophole that while liquor licensees were required to have valid server education cards, non-profits applying for permits as non-licensees are not required to have servers that have valid server education cards.

The draft language in the attached tab was put out for public comment and received no public comments.

After the public comment period, the director and AAG identified several issues with the draft language. By indicating in the draft that the permittees are under AS 04.21.025, the language of the draft does not capture the board's intent. Additionally, AS 04.21.025 only requires certain licensees to obtain the server education cards. Newer license types added since AS 04.21.025 are technically not required to have servers who have taken the class and have a valid card. Examples of license types not subject to the requirement are breweries, wineries, distilleries, recreational site licenses, and outdoor destination resort licenses.

It is the request of the director and AAG that the board clarify the scope of the project. If the intent is to capture all servers of alcoholic beverages as requiring the alcohol education server course (recommended), the board could table the project until the next meeting and request that the director and staff bring a revised draft to the board to review at that time. Once a draft capturing the intent of the board is approved, it would be placed back out for another written public comment period.

3 AAC 304.465. Alcohol Server Education Course

3 AAC 304.465 is amended to read:

(a) [WHILE SELLING OR SERVING ALCOHOLIC BEVERAGES, A] A person required under AS 04.21.025 **to complete an alcohol server education course** [AND THE PERSON’S ON-DUTY SUPERVISOR], **a permittee under AS 04.21.025 or 3 AAC 304.699, and a person who checks identification, as well as the on-duty supervisors, agents, and employees of such persons,** shall carry or have available to show a current course card or photocopy of the card certifying completion of an approved alcohol server education course. **Permittees, their agents and employees are subject to all of the requirements set forth in AS 04.21.025 and 3 AAC 304.465 regarding alcohol server education and the requirement that all permittee’s, agents and employees selling or serving alcohol hold valid alcohol server education cards.**

The card is effective for three years from the date of issuance during which time the person shall complete another approved course or successfully complete a written test demonstrating an understanding of the course subjects as required by AS 04.21.025(c). The card or photocopy of the card must be shown upon request of a peace officer or board representative. If the person cannot show a current card or a copy of it on file on the premises, or show a date of hire less than 30 days earlier, the person shall immediately cease selling or serving alcoholic beverages, **or checking identification.**

Authority: AS 04.06.090 AS 04.06.100 **AS 04.06.110**
AS 04.21.025