



## MEMORANDUM

TO: Robert Klein, Chair, and  
Members of the Board

DATE: July 11, 2017

FROM: Erika McConnell  
Director, ABC Board

RE: Regulations Project – Bona Fide  
Restaurant/Licensed Premises

**Summary:** This draft regulation clarifies guidelines and criteria for determining “bona fide” restaurant by adding new language to Article 8 of 3 AAC 304.

The board voted to open this regulations project on April 13, 2017, but requested that the staff do more work on the draft that was provided to the board at that meeting.

Recommendation: Move to put the attached language out for public comment.

ABC DRAFT Regulation: RESTAURANT EATING PLACE LICENSE GUIDELINES

3 AAC 304.990 is amended by adding a new subsection to read:

**3 AAC 306.985. Restaurant definition.** (a) The board shall use the following guidelines when determining what qualifies as bona fide restaurant or eating place:

(1) The applicant demonstrates minimum standards for a kitchen to prepare food onsite, in accordance with 18 AAC 31.040(c), and includes a detailed to-scale drawing of the food establishment showing the type, model, and location of kitchen equipment;

(2) The applicant shall provide a menu of food items, including entrees, that are regularly sold, along with written methods of preparation that demonstrate the majority of food is prepared on the premises from basic ingredients.

(3) The establishment has sufficient employees for cooking, preparing, and serving meals for consumption at tables or counters in a dining area on the premises.

(4) The applicant includes a detailed security plan to prevent access by minors and introduction or removal of alcoholic beverages. (Eff. 11/29/81, Register 80; am 6/25/88, Register 106; am 5/1/94, Register 130; am 5/11/96, Register 138; am 9/11/98, Register 147; am \_\_\_/\_\_\_/\_\_\_, Register\_\_\_)

Authority: AS 0406.090 AS 04.06.100 AS 04.11.100