



MEMORANDUM

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

DATE: July 11, 2017

FROM: Erika McConnell
Director, ABC Board

RE: Regulations Project – Tribal IDs

Summary: This proposed regulation adds to the list of acceptable forms of identification an ID issued by a federally recognized Tribe. The regulation still requires the Tribal ID to conform to guidelines listed in AS 04.21.050.

In April, the Board asked if all the required information would be on a tribal ID. AS 04.21.050 states the allowed identification card must be “made of or encased in plastic and contains a photograph of the licensee or card holder and a statement of age or date of birth.” Any tribal ID that did not meet that standard could not be used as a valid ID.

Another issue that was raised was whether or not an expiration date was required. 3 AAC 304.425(b) does require an “unexpired” passport, driver’s license, or identification card but rather states that an expired passport, driver’s license, or identification card will not be valid.. The Board must interpret whether or not this language implies that an expiration date is required.

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.

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

3 AAC 304.425 is amended to read:

3 AAC 304.425 Determining age of patron. (a) It is the responsibility of the licensee to obtain a statement of proof-of-age form[s] required under AS 04.21.050. Licensees must retain completed forms for 90 days and make them available upon request for inspection by the board and peace officers.

(b) A valid identification card as used in AS 04.21.050 means an unexpired, unaltered passport; **an unexpired, unaltered identification card issued by a federally recognized tribe;** or an unexpired, unaltered driver's license or identification card issued by a federal or state agency authorized to issue driver's licenses or identification cards, that meet the requirements under AS 04.21.050(b). If a licensee or an agent or employee of a licensee has reason to believe that the identification card presented by a person is fraudulent, the licensee, agent, or employee shall refuse entrance to licensed premises and shall refuse service or sale to that person. (Eff. 11/29/81, Register 80; am 5/22/92, Register 122; am 5/11/2012, Register 202, am __/__/____, Register ____)

Authority: AS 04.06.090 AS 04.06.100 AS 04.21.050