



MEMORANDUM

TO: Bob Klein, Chair, and Members of the
Alcoholic Beverage Control Board

DATE: June 12, 2018

FROM: Erika McConnell, Director

RE: Regulations Change: Definition
of Recreational Opportunities

Statutory Authority: AS 04.06.100(a): “The board shall adopt regulations governing the manufacture, barter, sale, consumption, and possession of alcoholic beverages in the state that are consistent with this title and necessary to carry out the purpose of this title in a manner that will protect the public health, safety, and welfare.”

Status: First draft for board consideration

Background: Manufacturing licensees (breweries, distilleries, and wineries) have restrictions on the activities that can occur on their licensed premises, if they offer onsite consumption of their products. AS 04.11.130(e) for brewery licenses states:

- (e)Unless prohibited by AS 04.16.030, a holder of a brewery license may sell not more than 36 ounces a day of the brewery's product to a person for consumption on the premises if
- (1) the brewery does not allow live entertainment, televisions, pool tables, dart games, dancing, electronic or other games, game tables, or other recreational or gaming opportunities on the premises where the consumption occurs;
 - (2) the brewery does not provide seats at the counter or bar where the product is served; and
 - (3) the room where the consumption occurs is not open before 9:00 a.m. and serving of the product ends not later than 8:00 p.m.

Similar language is located at AS 04.11.170(e) for distilleries and at 3 AAC 304.380 for wineries.

At the January 23, 2018, board meeting, staff asked for board guidance on “live entertainment, televisions, pool tables, dart games, dancing, electronic or other games, game tables, or other recreational or gaming opportunities”; particularly “live entertainment” and “other recreational...opportunities.”

At that meeting, the board opened a regulations project to clarify “entertainment” and “other recreational opportunities.” A first draft is offered for board consideration. The board may amend the draft and/or put the draft out for public comment.

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

(b) For the purpose of AS 04.11.130, AS 04.11.170, and 3 AAC 304.380, “other recreational or gaming opportunities” means festivals, competitions, games, classes, and other types of organized and advertised social gatherings. (Eff. ___/___/_____, Register _____)

Authority: AS 04.06.090 AS 04.06.100 AS 04.11.130
AS 04.11.140 AS 04.11.170