



MEMORANDUM

TO: Alcoholic Beverage Control Board DATE: July 9, 2019

FROM: Erika McConnell, Director RE: Regulations Project: Online
Server Education Course; Fee for
Server Education Course

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: Third public comment period closed June 19, 2019

The original draft of this proposal eliminated the differing server education course requirements between rural and urban residents, and created a fee for review of server education courses. After public comments, the board revised the proposal as follows:

Proposal:

- amend 3 AAC 304.465 to replace “happy hour laws” with “pricing and marketing laws” as a subject that must be covered by a server education course;
- define rural premises as licensed premises as not on a statewide road system or further than 50 miles on a road system from a community where a course is held, rather than offered;
- repeal 3 AAC 304.465(j) which related to certain actions that needed to be taken in the mid-1990s and is no longer relevant; and
- add an \$800 fee for review of a new server education course and re-review of existing server education courses.

After a second round of public comments, the board further revised the proposal by adding a requirement for each course provider to submit the zip code of each individual to whom the course provider as issued a server education card, at the time of 3-year course review.

After a third public comment period, one public comment was received and is attached.

Board options:

- Vote to adopt.
- Amend and put out for public comment.
- Send back to staff for additional revisions.

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

3 AAC 304.465(c)(8) is amended to read:

(8) **pricing and marketing** [HAPPY HOUR] laws;

3 AAC 304.465(e) is amended to read:

(e) Rural premises are those licensed premises not on a statewide road system or further than 50 miles on a road system from a community where a course is **held** [OFFERED] at least once every month. For the purpose of training for rural premises, course providers may provide video or audiotapes and written materials to a licensee that cover all topics required under (c) of this section, and conduct telephonic question and answer sessions for the students. A course provider may present training for rural premises by means of an Internet-based program. An Internet-based program must include steps that the course provider takes to verify the identity of the persons receiving the instruction, testing, and certification of alcohol server training. The verification process must be approved by the board and may be reviewed and reevaluated on an annual basis to determine its validity and effectiveness. The students shall, under the supervision of the licensee or licensee's manager, take the test required under (d) of this section. The licensee or licensee's manager, whoever supervises the test, shall certify to the course provider that the student did not receive outside help in taking the test and that no copies of the test have been kept.

3 AAC 304.465(j) is repealed:

(j) Repealed __/__/____.

3 AAC 304.465 is amended by adding a new subsection to read:

(l) The fee for a new server education course is \$800 and the fee for review of an existing server education course is \$250.

3 AAC 304.465 is amended by adding a new subsection to read:

(m) When applying for reapproval of a server education course, a course provider shall submit a list of individuals, identified only by United States postal zip code, who have been issued a server education card.

3 AAC 304.465 is amended by adding a new subsection to read:

(n) For the purposes of this section, “zip code” is defined as the five digit code, followed by a hyphen and four digits the United States Postal Service uses to reference a specific location.

Authority: AS 04.06.090 AS 04.06.110 AS 04.21.025
AS 04.06.100

Alaska Cabaret, Hotel,
Restaurant and Retailers Association



1503 W. 31st Avenue, Suite 202
Anchorage, AK 99503
(907) 274-8133 • Fax (907) 274-8640
Toll Free In Alaska (800) 478-2427

June 19, 2019

Alcoholic Beverage Control Board
amco.regs@alaska.gov

Re: Proposed Regulatory Changes Regarding Alcohol Server Education Courses

Dear members of the Alcoholic Beverage Control (ABC) Board:

I recommend that you adopt the proposed changes to 3 AAC 304.465, but with a slight amendment. From the Board's discussion during your April 30th meeting, it is my understanding that the intent of adding subsection (m) is to verify that individuals are not being issued cards for online training when they are located in areas where in-person training is provided. My recommendation is that you modify the language in subsection (m) to read:

(m) When applying for reapproval of a server education course, a course provider shall submit a list of individuals, identified only by United States postal zip code, who have been issued a server education card for successfully completing and passing an online course.

I also respectfully request that the Board ensure that 3 AAC 304.465(h) and (i) be enforced for all course providers, in order to ensure that content being taught to individuals in this state remains current and accurate.

Thank you for your consideration and interest in continuing to adequately educate Alaskans.

Respectfully,

A handwritten signature in green ink, appearing to read 'Sarah D. Oates', is written over a faint, light green circular watermark or background.

Sarah D. Oates
President & CEO
Alaska CHARR