



MEMORANDUM

TO: Alcoholic Beverage Control Board DATE: November 12, 2019

FROM: Erika McConnell, Director RE: Regulations Project: 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: Amended and adopted on July 29, 2019

At the July 29, 2019, meeting, the board amended the draft regulation to move the requirement to submit the zip codes of individuals who take a server education course, proposed in new subsection (m), to 3 AAC 304.465(h), a section which already requires the course provider to submit the names of students trained with their 3-year evaluation request.

As I was working on this amendment, it was unclear to me what zip code the board is requiring. The definition of "rural premises" in 3 AAC 304.465(e) relates to the premises of the license. Is the zip code for the trained individual to be the zip code of the license at which they are employed? Or the zip code where they reside? I sought clarification of this amendment from the board at the September meeting.

On September 10, 2019, the board directed the staff to amend the regulation to require the zip code of the licensed premises if the trained individual was employed at a licensed premises at the time of taking the training, and the zip code of the trained individual's residence, if they were not employed at the time of taking the training.

Attachments: Regulations language with proposed amendment

(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(h) is amended to read:

(h) An organization or association that has received board approval for an alcohol server education course shall apply for board reapproval within 33 months of last board approval.

Application must be made on a form provided by the board. If application for reapproval is not approved by the board within 36 months after last board approval, training must cease. The application for reapproval must state the following for training provided since the last application:

(1) the number and names of students trained **including:**

(A) for students employed at a licensed premises at the time of training, the zip code of the licensed premises; or

(B) for students not employed at the time of training, the zip code of the student's residence.

(2) the locations and dates of training; and

(3) the names of instructors.

3 AAC 304.465(j) is repealed:

(j) Repealed __/__/____.

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

(I) 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) 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.

(Eff. 4/1/94, Register 129; am 8/24/2001, Register 159; am 12/13/2009, Register 192; am

9/16/2017, Register 223; am __/__/____, Register ____)

Authority: AS 04.06.090 AS 04.06.110 AS 04.21.025

AS 04.06.100