



MEMORANDUM

TO: Alcoholic Beverage Control Board DATE: October 18, 2020
FROM: Jane P. Sawyer, Regulations Specialist RE: Regulations Project –
Curbside/Home Delivery of
Alcohol – Extension

In light of regulations allowing certain Title 4 licensees to do curbside and/or home delivery of alcoholic beverages expiring on November 15, 2020, staff has brought, as a suggestion, a draft regulations project to extend the expiration of those regulations through the date on which the Governor lifts his April 14, 2020, order, or any extensions of the order, suspending the certain statutes.

However, this draft completely relies on an extension of the suspension order of the certain Title 4 statutes by the Governor, in addition to extension of the emergency declaration. If there is no extension of the emergency declaration, and not extension of the suspension order, the board would not have to consider the regulations for adoption.

As an FYI, there will be a gap between November 15, 2020, and any adoption date for these regulations. If everything goes smoothly, and with a 30-day comment period, my estimation is end of January 2021 with the board holding a special meeting to consider any public comment received and adopt the regulations around the first or second week of December 2020.

Options for the board:

- If the board wishes, open a regulations project and send out the draft for public comment. Otherwise, no action is needed.

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

3 AAC 304.185(g) is amended to read:

(g) Notwithstanding (a) – (f) of this section (3 AAC 304.185), a licensee may permit an agent or employee to take alcohol off of a licensed premises and bring it to a purchaser for curbside pickup or home delivery [BEFORE NOVEMBER 15, 2020] under the conditions described in 3 AAC 304.920 or 3 AAC 304.925.

3 AAC 304.185 is amended by adding a new subsection to read:

(h) Subsection (g) of this section applies before the date on which the governor lifts the April 14, 2020 order, or any extensions of the order, suspending AS 04.11.090, 04.11.100, 04.11.130(b)(1), 04.11.135(a)(3), (d)(3)(C), and (e), 04.11.140(b)(1)(A), 04.11.150, and 04.11.170. (Eff. 11/29/81, Register 80; am 12/13/2009, Register 192; am 7/1/2018, Register 226; am 8/17/2018, Register 227; am 4/16/2020, Register 234; am 8/23/2020, Register 235); am ____/____/____, Register _____)

Authority: AS 04.06.090 AS 04.06.100 AS 26.23.020

The introductory language of 3 AAC 304.920(a) is amended to read:

3 AAC 304.920. **Curbside pickup.** (a) Notwithstanding 3 AAC 304.185(a) – (f), a beverage dispensary licensee under AS 04.11.090, a restaurant or eating place licensee under

AS 04.11.100, a brewery licensee under AS 04.11.130, a brewpub licensee under AS 04.11.135, a winery licensee under AS 04.11.140, a package store licensee under AS 04.11.150, or a distillery licensee under AS 04.11.170 may permit curbside pickup of alcoholic beverages sold at retail [BEFORE NOVEMBER 15, 2020], only if

...

3 AAC 304.920 is amended by adding a new subsection to read:

(e) This section applies before the date on which the governor lifts the April 14, 2020 order, or any extensions of the order, suspending AS 04.11.090, 04.11.100, 04.11.130(b)(1), 04.11.135(a)(3), (d)(3)(C), and (e), 04.11.140(b)(1)(A), 04.11.150, and 04.11.170. (Eff. 4/16/2020, Register 234; am 8/23/20, Register 235); am ____/____/_____, Register _____).

Authority: AS 04.06.090 AS 04.06.100 AS 26.23.020

Introductory language of 3 AAC 304.925(a) is amended to read:

3 AAC 304.925. **Home delivery.** (a) Notwithstanding 3 AAC 304.185(a) – (f) and 3 AAC 304.635(b), a beverage dispensary licensee under AS 04.11.090, a restaurant or eating place licensee under AS 04.11.100, a brewery licensee under AS 04.11.130 operating a bona

fide restaurant on premises, or a brewpub licensee under AS 04.11.135, or a winery licensee

under AS 04.11.140 operating a bona fide restaurant on premises may permit home delivery of

beer or wine sold at retail [BEFORE NOVEMBER 15, 2020], only if

...

3 AAC 304.925 is amended by adding a new subsection to read:

(c) This section applies before the date on which the governor lifts the April 14, 2020 order, or any extensions of the order, suspending AS 04.11.090, 04.11.100, 04.11.130(b)(1),

04.11.135(a)(3), (d)(3)(C), and (e), 04.11.140(b)(1)(A), 04.11.150, and 04.11.170. (Eff.

4/16/2020, Register 234; am 4/23/2020, Register 234; am 8/23/20, Register 235)

Authority: AS 04.06.090 AS 04.06.100 AS 26.23.020