THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development

Alcohol and Marijuana Control Office

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MEMORANDUM

TO: Alcoholic Beverage Control Board

DATE: December 22, 2020

FROM: Jane P. Sawyer, Regulations Specialist

RE: Regulations Project – Curbside/Home Delivery – emergency regulation becoming permanent

At the November 2020 special meeting, the board adopted emergency regulations regarding curbside pickup and home delivery of alcoholic beverages; they became effective November 17, 2020, and expire March 16, 2021. At the same time, the board sent out the emergency regulations out for public comment to consider making them permanent. The emergency regulation was out for about 33 days closing on December 21, 2020. Comments were received.

The regulations would do the following:

- 3 AAC 304.185(g) removes the sunset date of November 15, 2020.
- 3 AAC 304.920 is repealed and readopted for logical progression. The section still outlines privileges, requirements, and responsibilities of a licensee regarding curbside pickup of alcoholic beverages, but the new language is (d) which allows for the COVID-19 health outbreak regulations to be in place until the expiration of the governor's November 15, 2020 order, any extensions or renewals of the order, or any new adoptions of orders suspending Title 4 provisions. It also defines "curbside pickup" and "factory sealed" for the purposes of this section.
- 3 AAC 304.925 is repealed and readopted for logical progression. The section still outlines privileges, requirements, and responsibilities of a licensee regarding home delivery of alcoholic beverages, but the new language is (b) which allows for the COVID-19 health outbreak regulations to be in place until the expiration of the governor's November 15, 2020 order, any extensions or renewals of the order, or any new adoptions of orders suspending Title 4 provisions. It also defines "factory sealed" and "meal" for the purposes of this section.

Options for the board:

- Vote to adopt emergency regulations as permanent
- Substantially amend and put out for public comment
- Send back to staff for revisions
- Close the project without action – this option will still leave the emergency regulations in effect through March 16, 2021.