

3 AAC 304.185. Licensed premises

(a) A license **or a license with one or more endorsement** is issued for a specific place which is the licensed premises and which must be clearly designated in a line drawing accompanying an application. The address of the licensed premises and the business name under which the licensee is doing business at that address must be indicated on the license application.

Commented [WJM(1)]: Revisit in light of overlapping premises

(b) With the exception of a **sporting activity or event** [recreational site] license [AND], a destination resort license, **and an outdoor seating area on a street or sidewalk authorized by a local government for sole control by a licensee**, the licensed premises must be one area, but may include separate rooms if the rooms are adjacent to one another or if they are rooms described in AS 04.11.090(d). If the licensed premises consist of more than one room in which a fixed counter or service bar is regularly maintained, a [duplicate license] **multiple fixed counter endorsement** is required for the additional rooms. A [recreational site] license, [AND], a destination resort license, **and a licensee for whom a local government has approved use of an adjoining public right of way** may have multiple separate licensed premises areas with the approval of the board.

Commented [WJM(2)]: Determine which licensees

(c) The licensee shall conspicuously post the license **and applicable endorsements** within the licensed premises.

Commented [WJM(3)]: Address whether to expand based on endorsement availability

(d) A licensee may not alter the functional floor plan, **reduce or expand the area**, or change the business name of the licensed premises without the prior written approval of the director. The licensee must provide a new line drawing showing the proposed changes in the premises. A licensee must pay **a fee of \$250** for changing the business name or line drawing of the licensee's licensed premises when the name or line drawing change is not part of a transfer of ownership or location. A request for a business name or line drawing change for licensed premises not part of a transfer must be made on a form prescribed by the board.

Commented [WJM(4)]: Except through alternating premises?

(e) If a business establishment or facility consists of both licensed premises and an unlicensed area, the licensee shall clearly segregate the licensed premises and the unlicensed area.

Commented [WJM(5)]: Confirm amount

(f) A licensee may request to have a portion of its licensed premises alternate as licensed or unlicensed premises on a seasonal basis under the following conditions:

- (1) the request is made on a form prescribed by the board, accompanied by a detailed premises diagram and \$250 fee;

(2) a debt that is incurred during times when the identified area is unlicensed will be considered a debt incurred in the operation of the licensed business for purposes of transfer of license under AS 04.11.360;

(3) at any time with written notice to the licensee, the board may withdraw its approval of use of the identified area as alternating premises; and

(4) during times the identified area is designated as an unlicensed premises, all alcoholic beverages must either be removed from the identified area or be stored in a location approved by the board to be secure from the public.

(g) Repealed.

(h) Notwithstanding (A) – (F) of this section, a licensee with an approved outdoor seating area on a public right of way may permit an agent or employee to take an alcoholic beverage across a portion of the public right of way still open for public access and the outdoor seating area for which the local government has granted sole control to the licensee during its licensed business hours.

(i) For purposes of applying the definition of “licensed premises” at 04.21.080(b)(15), the outdoor seating area a local government approves for use on a public right of way in front of or otherwise adjacent to a licensed establishment shall be considered at the specific address for which the license is issued. (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 11/17/2020, Register 236, am __/__/2023, Register ____; am __/__/2023, Register ____)

Authority

AS 04.06.090

AS 04.06.100

AS 26.23.020

Article 2

3 AAC 304.225 Alternating licensed premises

Commented [WJM(6): Review implications with endorsements. Is this necessary?

Upon a licensee’s written request accompanied by a detailed premises diagram, the board may approve a portion of a premises licensed under **AS 04.09.200** [AS 04.11.090] (beverage dispensary license); **AS 04.09.300** [AS 4.11.115] (golf course license), **AS 04.09.260** [AS 04.11.180] (common carrier dispensary license), **AS 04.09.270** [AS 04.11.210] (**sporting activity or event** [recreational site] license), **AS 04.09.280** [AS 04.11.225] (outdoor recreational lodge license), or **AS 04.09.310** [AS 04.11.255] (destination resort license), [or AS 04.11.400(d)] to alternate as a licensed or unlicensed premises under the following conditions:

(1) approval will be granted only if the board finds that use of the identified area as alternating premises will stimulate tourism or promote activities open to the general public;

(2) a debt that is incurred during times when the identified area is unlicensed will be considered a debt incurred in the operation of the licensed business for purposes of transfer of the license under AS 04.11.360;

(3) at any time with written notice to the licensee, the board may withdraw its approval of use of the identified area as alternating premises.

(4) caterer’s permits issued under **AS 04.09.610 or AS 04.09.620** [AS. 04.11.090] may be exercised in the alternating area during the times the identified area is unlicensed premises;

(5) during times the identified area is designated as an unlicensed premises, all alcoholic beverages must either be removed from the identified area or be stored in a location approved by the board to be secure from the public;

(6) A licensee may apply hours that it is operating as an alternating unlicensed premises to meet the operating requirement set out in AS 04.11.330(a)(3). (Eff. 12/16/2016, Register 220; am 8/17/2018, Register 227; Eff. ___/___/2024, Register ___)

Authority

AS 04.06.090 AS 04.11.180

AS 04.06.100 AS 04.11.400

AS 04.11.090

3 AAC 304.225 Overlapping licensed premises

Upon a licensee's written request accompanied by a detailed premises diagram, the board may approve overlapping premises for two or more licenses, **owned by the same person or group of persons [confirm]**, under the following conditions:

(a) licensed premises for manufacturer licenses under AS 04.09.020 (brewery manufacturer), AS 04.09.030 (winery manufacturer), and AS 04.09.040 (distillery manufacturer) may overlap with each other as permissible under federal law or with a manufacturer direct shipment license issued under AS 04.09.370;

(b) licensed premises for manufacturer licenses under AS 04.09.020 (brewery manufacturer), AS 04.09.030 (winery manufacturer), and AS 04.09.040 (distillery manufacturer) may overlap with the following retail licenses for consumption on the licensed premises: (1) beverage dispensary licenses issued under AS 04.09.200; (2) restaurant or eating place licenses issued under AS 04.09.210; (3) beverage dispensary tourism licenses issued under AS 04.09.350; (4) brewery retail licenses issued under AS 04.09.320; (5) winery retail licenses issued under AS 04.09.330; (6) distillery retail licenses issued under AS 04.09.340; (7) seasonal restaurant eating place licenses issued under AS 04.09.360. In such case, permissible consumption is determined by the lawful hours of operation of the license. **[discuss, for example, use of licensed premises of a manufacturer retail license and an repl after 9 pm]**

(c) but for the brewery repackaging endorsement available to brewery manufacturers who held a license a brew pub under former AS 04.11.135 and was operating a brewpub on the day before the effective date of this section and who also holds, wholly or in part, a beverage dispensary license issued under AS 04.09.200, beverage dispensary license tourism issued under AS 04.09.350, restaurant or eating place license issued under AS 04.09.210, or restaurant or eating place tourism licenses issued under AS 04.09.360, overlapping licensed premises may not be utilized to offer the holder's alcoholic beverages for sale for consumption off the licenses premises and to subdivide and sell the holder's alcoholic beverages from original packages with federally compliant labels to smaller containers with the standard federal government warnings and the product name **[verify this accomplishes intent to solely allow repackaging and sale for consumption off the licensed premises to prior brew pubs now operating these subcategories of retail licenses]**.

(d) In addition to permissible overlapping premises under (b) of this section, licensed premises for brewery retail licenses issued under AS 04.09.320, winery retail licenses issued under AS 04.09.330, or distillery retail licenses issued under AS 04.09.340 may overlap with the following retail licenses for consumption on the licensed premises: (1) beverage dispensary licenses issued under AS 04.09.200; (2) restaurant or eating place licenses issued under AS 04.09.210; and (3) seasonal restaurant eating place licenses issued under AS 04.09.360. [determine what additional licenses may overlap with brewery, winery, and distillery retail licenses]

(e) Licensed premises for general wholesalers issued under AS 04.09.100 or limited wholesale brewed beverage and wine licenses issued under AS 04.09.110 may share overlapping premises with other general wholesalers or limited wholesalers regardless of ownership.

(f) Address overlapping premises between manufacturer licenses and package store licenses.

(g) Address overlapping premises between various retail licenses and package store licenses.

Unless it is possible to determine the responsible licensee, any violation of AS 04 or these regulations on a shared licensed premises is the violation of all licensees operating in the shared licensed space. (Eff. am __/__/2024, Register ____)

Authority

AS 04.06.090 AS 04.11.180

AS 04.06.100 AS 04.11.400

AS 04.11.090