

Nancy Dahlstrom
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Sara Chambers, Department of Commerce, Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: September 25, 2024

RE: Filed Permanent Regulations: Alcoholic Beverage Control Board

Alcoholic Beverage Control Board regulations re: Manufacturer Direct Shipment
Licenses Overlapping Premises (3 AAC 305.660)

Attorney General File:	2024200227
Regulation Filed:	9/25/2024
Effective Date:	10/25/2024
Print:	252, January 2025

cc with enclosures: Colleen Bailey, Department of Law
Judy Herndon, LexisNexis
Jane P. Sawyer, Regulations Specialist
Kristina Serezhenkov, Regulations Specialist



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

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September 24, 2024

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Re: *3 AAC 305.660: AMCO - Manufacturer Direct Shipment Licenses
Overlapping Premises*
Our file: 2024200227

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Alcohol Beverage Control Board against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This letter constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Alcohol Beverage Control Board after the close of the public comment period.

The regulations concern overlapping alcohol beverage manufacturers' licenses. The regulations expand the overlapping premises available for a holder of a manufacturer direct shipment license by allowing the licensed premises to overlap with the premises of the manufacturer retail license on which their direct shipment license is dependent.

The June 24, 2024 public notice and the September 19, 2024 certification of adoption both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.060. The corrections are incorporated into the attached copy of the regulations.

Sincerely,

TREG TAYLOR
ATTORNEY GENERAL

By: Rebecca C. Polizzotto

Digitally signed by
Rebecca C. Polizzotto
Date: 2024.09.24
09:31:16 -08'00'

Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and
Legislative Research Section

RCP/PWP

CC w/enclosure: Kristina Serezhenkov, Regulations Specialist 2
Department of Commerce, Community and Economic Development

Parker W. Patterson, Assistant Attorney General
Department of Law

Kevin Higgins, Assistant Attorney General
Department of Law

APPENDIX J: Certification Order

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF ALCOHOLIC BEVERAGE CONTROL BOARD

The attached one page of regulations, dealing with the of changes to 3 AAC 305, regarding the manufacturer direct shipment license overlapping premises, are certified to be a correct copy of the regulation changes that the Alcoholic Beverage Control Board adopted at its September 10, 2024, meeting, under the authority of AS 04.06.090 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Alcoholic Beverage Control Board paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 9/19/2024




Lizzie Kubitz, Acting Director

April Simpson for

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on September 25, 2024 at 10:05 a .m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

for 

Lieutenant Governor *Nancy Dahlstrom*

Effective: October 25, 2024

Register: 252 January 2025

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, NANCY DAHLSTROM, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

April Simpson, Regulations and Initiatives Specialist

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

3 AAC 305.660(c) is amended to read:

(c) In addition to overlapping premises permissible under (b) of this section, licensed premises for a brewery retail license issued under AS 04.09.320, winery retail license issued under AS 04.09.330, or distillery retail license issued under AS 04.09.340 may overlap with **a manufacturer direct shipment license issued under AS 04.09.370 or 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) seasonal restaurant or eating place tourism licenses issued under AS 04.09.360;
- (4) beverage dispensary tourism licenses issued under AS 04.09.350.

(Eff. 1/1/2024, Register 248; am 10 / 25 / 2024, Register 252)

Authority:	AS 04.06.010	AS 04.09.100	AS 04.09.330
	AS 04.06.090	AS 04.09.110	AS 04.09.340
	AS 04.06.100	AS 04.09.200	AS 04.09.350
	AS 04.09.020	AS 04.09.210	AS 04.09.360
	AS 04.09.030	AS 04.09.230	AS 04.09.370
	AS 04.09.040	AS 04.09.320	[AS 04.11.135]