



## MEMORANDUM

TO: Robert Klein, Chair and  
Members of the Board

FROM: Cynthia Franklin  
Director, ABC Board

DATE: July 13, 2016

RE: Regulation Project: Alternating  
Premises

This was a regulation project intended to extend the alternating premises concept already permitted for restaurant/eating place licenses per 3 AAC 304.305(f) to certain other license types.

The draft language in the attached tab was put out for public comment and received public comment which was sent to the board for its review at the end of the public comment period.

The board may review the public comment and determine whether to adopt the regulation as written, request further work or an additional draft with other language from staff, or close the project without adopting any regulation.

**3 AAC 304.225. Alternating Licensed Premises for Certain License Types**

**3 AAC 304 Article 2 “Licensing” is amended to add a new section “Alternating Licensed Premises for Certain License Types”:**

3 AAC 304.225 Alternating Licensed Premises for Certain License Types

(a) Upon a licensee's written request accompanied by a detailed premises diagram, the board may approve a portion of a premises licensed under AS 04.11.100 Restaurant Eating Place License, AS 04.11.115 Golf Course License, AS 04.11.180 Common Carrier License, AS 04.11.210 Recreational Site License, AS 04.11.225, Outdoor Recreational Lodge License, As 04.11.255 Destination Resort License, or AS 04.11.400(d) Beverage Dispensary Tourism License or Restaurant Eating Place Tourism License to alternate as 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 has the discretion, for any reason, to withdraw its approval of use of the identified area as alternating premises;

(4) caterer's permits issued under [AS 04.11.090](#) may be exercised in the alternating area during times the identified area is unlicensed premises; and

(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 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 forth in AS 04.11.330(a)(3).

**Authority:** AS 04.11.(all license types affected) 3 AAC 304.305(f)

**3 AAC 304.305. Restaurant or Eating Place License**

**3 AAC 304.305(f) is repealed because it was relocated to new 3 AAC 304.225.**