



## MEMORANDUM

TO: Bob Klein, Chair, and Members of the  
Alcoholic Beverage Control Board

DATE: April 3, 2018

FROM: Erika McConnell, Director

RE: Regulations Change: Tribal  
Identification

**Requested Action:** Move to put Tribal Identification regulations change out for public comment (amend if desired)

**Statutory Authority:** AS 04.06.100(a): "The board shall adopt regulations governing the manufacture, barter, sale, consumption, and possession of alcoholic beverages in the state that are consistent with this title and necessary to carry out the purpose of this title in a manner that will protect the public health, safety, and welfare."

**Staff Rec:** Put regulations change out for public comment

**Background:** At the last meeting, the board asked staff to work with CHARR to continue revising the draft of this proposed regulations change at 3 AAC 304.425. Staff had amended the proposal to clarify that only federally recognized tribes in Alaska would be eligible to use tribal IDs for identification for purchasing alcohol, and that the board must approve a tribal ID before it could be used. The regulation still requires the Tribal ID to conform to standards listed in AS 04.21.050, which require an ID to be made of or encased in plastic, contain a photograph of the card holder, and contain a statement of age or date of birth.

Staff met with CHARR but no substantive changes were suggested by either. They discussed the proof-of-age form allowed by AS 04.21.050(a)(1) as a measure for checking proof of age that is currently allowed.

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

3 AAC 304.425 is amended to read:

**3 AAC 304.425 Determining age of patron.** (a) It is the responsibility of the licensee to obtain a statement of proof-of-age form[s] required under AS 04.21.050. Licensees must retain completed forms for 90 days and make them available upon request for inspection by the board and peace officers.

(b) A valid identification card as used in AS 04.21.050 means an unexpired, unaltered passport; **an unexpired, unaltered identification card issued by a federally recognized tribe in Alaska, which has been approved by the board;** or an unexpired, unaltered driver's license or identification card issued by a federal or state agency authorized to issue driver's licenses or identification cards; that meet the requirements under AS 04.21.050(b). If a licensee or an agent or employee of a licensee has reason to believe that the identification card presented by a person is fraudulent, the licensee, agent, or employee shall refuse entrance to licensed premises and shall refuse service or sale to that person. (Eff. 11/29/81, Register 80; am 5/22/92, Register 122; am 5/11/2012, Register 202,am \_\_/\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 04.06.090 AS 04.06.100 AS 04.21.050