



MEMORANDUM

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

DATE: June 12, 2018

FROM: Erika McConnell, Director

RE: Regulations Change: Tribal
Identification

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.”

Status: Public comment period closed June 1, 2018

Background: This regulations change proposes that board-approved tribal IDs from Alaska tribes may be used as identification for purchasing alcohol. The tribal ID would need 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.

(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

From: Dale Fox
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: 3 AAC 304.304.425 Addition of 526 tribal ID's
Date: Thursday, May 24, 2018 11:09:34 AM
Attachments: [image001.png](#)
[Tribal ID samples.docx](#)

To: ABC Board

From: Pete Hanson, President and CEO, Alaska CHARR

Re: 3 AAC 304.304.425 Addition of 526 tribal ID's

Date: May 24, 2018

Tribal ID's from 526 sovereign nations would cause mass confusion in the industry and undermine the ability of front line workers to appropriately do their job, cause unneeded mistakes and endanger public safety. A few example of why this idea is not wise are detailed below:

1. Tribal ID's from sovereign nations have no standard format and do not meet the United Nations guidelines for international identification. This fact would make it nearly impossible to train servers on what to look for to insure an ID is valid and not fake.
2. The idea that the ABC Board could approve some ID's and then post those decisions on a website is ludicrous as servers have neither the time or in most cases the ability to check a web site.
3. The ABC Board should be working to ensure a well regulated industry with the public interest in mind. This proposal does the opposite as it makes it harder for servers to do their job, harder to determine fakes from real ID's, creating real new problems with underage drinking and avoids the red stripe and other programs designed to curb problem drinkers.
4. We believe that the proposed regulation undermines the intent of the legislature. In 4.21.055 (B) The legislature says in statue..."A licensee, agent, or employee may elect to not accept a passport, military identification card, or **other identification** as proof that the person is not restricted from purchasing alcoholic beverages and may require the person to furnish a valid driver's license or state identification card or otherwise furnish proof that the person is not a resident of this state"
5. While we are sympathetic to the sovereignty goals of Tribal Nations of this staff-proposed initiative, the ABC is charged with improving public health and safety not making it worse.

For all these reasons Alaska CHARR strongly opposes the addition of Tribal ID's.

Attachment: Alaska CHARR comments and Tribal ID samples from last August are also included as several of the ABC Board members are new to this discussion.

To: ABC Board Members

From: Dale Fox, President & CEO, Alaska CHARR

Re: 3 AAC 304.425 Adds Identification Cards issued by federally recognized tribes to the list of valid identifications allowed under AS 04.21.050

Date: August 22, 2017

The issue of accepting Tribal Identification cards for alcohol is more complicated than it may first appear.

1. The sheer number of existing identifications that servers and sellers of alcohol must learn in order to know how to spot fakes is overwhelming. At least with State and Federal IDs there are some general guidelines about how IDs should look, which allows instruction to servers and sellers on how to spot a fake ID. Additionally, there is an annually-published ID Checking Guide to use as a resource for all state IDs. There are 562 recognized Tribes in the United States, with 220 in Alaska. There is no standard ID format, nor is there a resource guide to allow industry members to verify IDs. Without any guidelines to follow, it would be a huge task for the industry to sort out real from fake.
2. It is absolutely true that Tribal governments retain a nation-to-nation relationship with the United States government. Therefore, the Tribes in the United States represent 562 nations with their own rules regarding who is issued an ID and the security standards of that ID. It has been reported that of the 562 tribes, only **FOUR** have developed ID systems that meet the US government's standards to allow re-entry into the US after travel abroad. That leaves 558 tribes with a variety of standards for issuing IDs. We are not aware how strict these nations are in their methods of issuing IDs (i.e. how is ID stock protected, how are identifications verified prior to issuing ID, etc.). Further, some Tribal IDs appear to be homemade while others have some of the requirements listed in Title 4 (we have included samples we found for the board's review).
3. Blanket statements cause problems as much as nuanced statements. If the ABC Board says Tribal IDs are legal for purchasing alcohol, those with a Tribal ID will expect to be able to use their ID. Servers will also likely accept Tribal IDs unchallenged. However, if the ABC Board says Tribal IDs are okay but they must have a photo, date of birth, expiration date and be encased in plastic, both Tribal members and servers will not understand the details of these requirements and be able to recall them on command. This causes problems for everyone. Tribal members whose cards do not include one or more of the required features would likely assume racism if service was refused. I would not want to be the server in a busy establishment trying to explain why one Tribal Card was acceptable but the other Tribal Card was not. Further, servers will get tangled up in the details and may get cited if they accept a card that does not meet all the requirements. There are 28,000+ servers in the field who have been trained to look for fake State and Federal IDs but no one has a clue how to look for fake Tribal IDs.
4. I believe that accepting Tribal IDs for alcohol purchase is a step too far, at least until all

Tribes meet the standard for foreign nations. Nations produce passports for their citizens under the guidelines of the United Nations; Tribal IDs, for the most part, do not meet those standards. Tribal IDs seem to be good back up IDs (if they have appropriate security features), but it is too early to make them primary IDs. Additionally, there needs to be some sort of commonality between these IDs so servers can reasonably be able to inspect them for fake IDs. To do less is to expand the problems of fake IDs, especially for underage persons.

For all of these reasons the industry is opposed to this proposal.

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