



MEMORANDUM

TO: Alcoholic Beverage Control Board DATE: July 9, 2019

FROM: Erika McConnell, Director RE: Regulations Project: Issuance of License Late in Year

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 19, 2019

Background: When a new license is first issued late in the year, a licensee may not be able to meet the minimum operating requirements of AS 04.11.330(a)(3) which is 240 hours each calendar year. The licensee is then required to file for a waiver of minimum operating requirements, but often is unable to get the waiver application submitted in time to avoid a \$1,000 late fee per 3 AAC 304.170(h)).

This proposed change to the regulations would exempt licensees who receive their new license between November 20 and December 31 from being required to file for a waiver of minimum operating requirements for that year.

The proposal was posted for public comment from May 9 through June 19, 2019. No comments were received by the deadline.

While the board asked staff to work on this project at the February meeting, the board has not formally opened this regulations project. A motion and vote to open this project is necessary.

Board options:

- Vote to adopt.
- Amend and put out for public comment.
- Send back to staff for additional revisions.

3 AAC 304.170 is amended by adding a new subsection to read:

(l) If a new license is issued between November 20 and December 31, the licensee is exempt from filing a waiver of annual operating requirement for that year. (Eff. 11/30/90, Register 116; am 5/22/92, Register 122; am 5/1/94, Register 130; am 5/11/96, Register 138; am 2/21/2019, Register 229; am ___/___/_____, Register _____)

Authority: AS 04.06.090 AS 04.06.100 AS 04.11.330