



MEMORANDUM

TO: Alcoholic Beverage Control Board DATE: October 19, 2020
FROM: Jane P. Sawyer, Regulations Specialist RE: Regulations Project – Internet-based Alcohol Server Course

At the August 2020 meeting, the board opened this regulations project and sent out the draft for public comment. The draft was out for about for about 43 days closing on October 9, 2020. Five comments were received which are attached.

The draft

- Amends 3 AAC 304.465(b) to remove reference of rural premises under (e) of this same section which is repealed.
- Repeals 3 AAC 304.465(e) which talks about how to provide alcohol server education in rural areas and what is considered a rural area for this purpose.
- Adds subsection 3 AAC 304.465(m) to allow for alcohol server education to be provided via Internet-based webinar or video teleconference to anyone in the state, including rural areas. This new subsection outlines requirements for the Internet-based course provider to meet in order to qualify as an Internet-based provider.

Options for the board:

- Vote to adopt
- Substantially amend and put out for public comment
- Amend and put out for public comment
- Send back to staff for revisions
- Close the project without action

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

3 AAC 304.465(b) is amended to read:

(b) State or nationally recognized organizations or associations that address the subject of responsible alcoholic beverage service may obtain approval of an alcohol server education course by making written application on forms provided by the board. The application must include the course book to be provided to students, any video or audio presentations that will be used, the written test required under (d) of this section, detailed lesson plans, and a description of the qualifications of and training provided to course instructors. The application must identify the communities where the course will be presented and the frequency of the presentation. [THE APPLICANT SHALL EXPLAIN HOW RURAL PREMISES WILL BE SERVED UNDER (E) OF THIS SECTION.]

3 AAC 304.465(e) is repealed.

(e) Repealed ____/____/____.

Repealed language [(e) RURAL PREMISES ARE THOSE LICENSED PREMISES NOT ON A STATEWIDE ROAD SYSTEM OR FURTHER THAN 50 MILES ON A ROAD SYSTEM FROM A COMMUNITY WHERE A COURSE IS HELD AT LEAST ONCE EVERY MONTH. FOR THE PURPOSE OF TRAINING FOR RURAL PREMISES, COURSE PROVIDERS MAY PROVIDE VIDEO OR AUDIOTAPES AND WRITTEN MATERIALS TO A LICENSEE THAT COVER ALL TOPICS REQUIRED UNDER (C) OF THIS SECTION, AND CONDUCT TELEPHONIC QUESTION AND ANSWER SESSIONS FOR THE STUDENTS. A COURSE PROVIDER MAY PRESENT TRAINING FOR RURAL PREMISES BY MEANS OF AN INTERNET-BASED PROGRAM. AN INTERNET-BASED PROGRAM MUST INCLUDE STEPS THAT THE COURSE PROVIDER TAKES TO VERIFY THE

IDENTITY OF THE PERSONS RECEIVING THE INSTRUCTION, TESTING, AND CERTIFICATION OF ALCOHOL SERVER TRAINING. THE VERIFICATION PROCESS MUST BE APPROVED BY THE BOARD AND MAY BE REVIEWED AND REEVALUATED ON AN ANNUAL BASIS TO DETERMINE ITS VALIDITY AND EFFECTIVENESS. THE STUDENTS SHALL, UNDER THE SUPERVISION OF THE LICENSEE OR LICENSEE'S MANAGER, TAKE THE TEST REQUIRED UNDER (D) OF THIS SECTION. THE LICENSEE OR LICENSEE'S MANAGER, WHOEVER SUPERVISES THE TEST, SHALL CERTIFY TO THE COURSE PROVIDER THAT THE STUDENT DID NOT RECEIVE OUTSIDE HELP IN TAKING THE TEST AND THAT NO COPIES OF THE TEST HAVE BEEN KEPT.]

3 AAC 304.465 is amended by adding a new subsection to read:

(m) A provider of an alcohol server education course may obtain approval from the board to provide its course to students in an Internet-based webinar or video teleconference format by making a request with an application required under (b) of this section. An Internet-based or video teleconference alcohol server education course provider shall:

(1) have a live instructor presenting the approved alcohol server course material and be available throughout the course to answer questions from students;

(2) check the identity of each student while maintaining confidentiality of personally identifiable information;

(3) provide a printable certificate of completion to each student who passes the written test required under (d) of this section to be used as temporary proof of completion until the student receives the course card described under (a) of this section;

(4) mail the course card within five business days from the date the student passed

the test;

(5) be an individual resident of the state of Alaska to ensure maintained knowledge of current alcoholic beverages statutes and regulations in the state; and

(6) update the course material with any applicable changes to AS 04 and this chapter within 10 days of the effective date of the change. (Eff. 4/1/1994, Register 129; am 8/24/2001, Register 159; am 12/13/2009, Register 192; am 9/16/2017, Register 223; am 2/23/2020, Register 233; am __/__/____, Register____)

Authority: AS 04.06.090 AS 04.06.110 AS 04.21.025

AS 04.06.100

From: Hannah Olsem
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Comments on PROPOSED CHANGES ON INTERNET-BASED ALCOHOL SERVER COURSE
Date: Tuesday, September 29, 2020 3:12:36 AM

Alcohol and Marijuana Control Office,

Please see our comments below regarding the proposed changes on internet-based alcohol server training courses.

The proposed changes to 3 AAC 304.465(m)(5) & (6) state the following:

(5) be an individual resident of the state of Alaska to ensure maintained knowledge of current alcoholic beverages statutes and regulations in the state; and

(6) update the course material with any applicable changes to AS04 and this chapter within 10 days of the effective date of the change.

There are several issues with 3 AAC 304.465(m)(5) that has been proposed.

1. Quality

Ensuring maintained knowledge of current alcoholic beverage statutes and regulations and timely course updates are critical in providing quality alcohol server training. However, simply being a resident of the state of Alaska does not ensure knowledge is maintained and would limit the availability of quality training providers in your state.

One way to ensure knowledge of current state statutes and regulations is maintained would be to require an online provider to be aware of legislative and regulatory changes and make regular updates to the course (as required by (6) above). For example:

a. Some states require courses be updated and resubmitted annually following the legislative session to ensure all approved courses are current with all statutes and regulations.

b. Another way to ensure knowledge of current statutes and regulations is maintained would be to require providers to explain on the application their process to ensure course material is updated with current alcoholic beverages statutes and regulations and possibly even submit documentation that this process was followed when applying for renewal.

2. Cost (due to having a monopoly or duopoly)

Some other states have restricted the training providers, which has caused a hardship for low-income workers. These workers have to pay 400% to 500% more than states with competition. Also, if a restaurant is paying for its employees, many restaurants in rural areas have marginal income, and these high costs will impact the business.

3. Flow of Knowledge / Knowledge Bias

Using local providers only will hamper the flow of knowledge, or provide a knowledge bias. Since your state would only be getting information from one company, that company might provide a bias that is more expensive for your local restaurant industry.

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RECOVER ALASKA

October 7, 2020

Alcohol and Marijuana Control Office
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501

Dear Alcohol and Marijuana Control Office,

I am writing on behalf of Recover Alaska in support of the proposed adoption of regulation changes in 3 AAC 304 of the Alaska Administrative Code, dealing with Internet-based alcohol server course.

Recover Alaska is a multi-sector action group working to reduce excessive alcohol use and its harms across the state. Our vision is for Alaskans to live free from the consequences of alcohol misuse, so we are all empowered to achieve our full potential. We have partners in related fields across the state and understand the importance of accessible education to those selling or serving alcohol.

Due to the COVID-19 pandemic, educational institutions ranging from universities to elementary schools have shifted from in-person classroom settings to virtual to decrease the likelihood of the spread of the virus. During this time, more than ever, it is critical to be flexible, adaptable, and nimble in adopting alternative forms of learning to provide students an uninterrupted and accessible form of education. This is especially true when it comes to education relating to the selling or serving of alcohol within our state.

In Alaska, we rank 10th in the nation for proportion of people reporting alcohol dependence or misuse and it is vital to provide suppliers of alcohol proper training when serving the substance. The CDC defines acute causes of death related to alcohol as any death related to alcohol-related poisonings, motor-vehicle traffic crashes, suicide, and homicide. Within acute causes of death, alcohol-related poisonings comprise the largest subset of the population. According to the CDC, Alaska has the most alcohol related poisonings per million people of all 50 states. Servers and bartenders are often the first line of defense when it comes to identifying the misuse and overconsumption of alcohol, so it is imperative to have highly trained personnel ready to prevent or intervene when overconsumption does become apparent.

We believe that the adoption of an internet-based alcohol server course will provide servers and sellers of alcohol a safe and accessible form of education that is needed as alcohol misuse is on the rise this year. We support the indefinite continuation of an online course as the platform would allow a greater number of participants to join irrespective of geographical limitations. It is for these reasons we urge you to pass the proposed adoption of regulation changes in 3 AAC 304 of the Alaska Administrative Code, dealing with Internet-based alcohol server course.

Please feel free to contact me with any questions regarding this letter. Thank you for your consideration and your service to our state.

Sincerely,

Tiffany Hall
Executive Director



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October 7, 2020

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550 West 7th Avenue, Suite 1600
Anchorage, AK 99501

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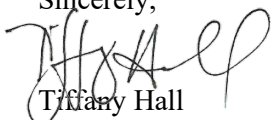
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Sincerely,



Tiffany Hall
Executive Director



Alaska Cabaret, Hotel, Restaurant, and Retailers Association
1503 W. 31st Avenue, Suite 102
Anchorage, AK 99503
Office (907) 274-8133
www.alaskacharr.com

October 1, 2020

Alcoholic Beverage Control Board
amco.regs@alaska.gov

Re: Support for Proposed Regulatory Changes Regarding Internet-based Alcohol Server Courses

Dear members of the Alcoholic Beverage Control (ABC) Board:

The Alaska Cabaret, Hotel, Restaurant, and Retailers Association (CHARR) – as a representative of Alaska’s alcohol industry as a whole – supports the regulation project regarding internet-based alcohol server courses. We appreciate the ABC Board’s desire to ensure that consistent, current, and high-quality education is provided to workers in Alaska’s alcohol industry throughout the state.

While I drafted the original language for this project, I have received valuable input from industry members and recommend some important changes. Please consider adopting the attached track changes to the draft (or putting them back out for public comment, if necessary), which would do the following:

- Clarify that course books, tests, and other materials that are given to students may be provided in digital formats (if approved by the ABC Board).
- Clarify that the residency requirement for the course provider pertains to its registered agent (which is consistent with AS 04.11.430 for licensees) and instructors. The current language might violate interstate commerce laws, so the attached amendments would both capture the original intent and conform with federal law.

Thank you for your consideration and interest in continuing to responsibly regulate the industry.

Respectfully,

Sarah D. Oates
President & CEO

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

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(4) mail the course card within five business days from the date the student passed

the test;

(5) certify that each instructor isbe an individual resident of the state of Alaska to ensure maintained knowledge of current alcoholic beverages statutes and regulations in the state; ~~and~~

(6) update the course material with any applicable changes to AS 04 and this chapter within 10 days of the effective date of the change; and

~~(6)~~(7) provide a printable digital copy of the written course materials to each student.

3 AAC 304.465 is amended by adding a new subsection to read:

(n) If the alcohol server education course provider is a corporation or limited liability organization, the registered agent of the corporation or limited liability organization must be an individual resident of the state. (Eff. 4/1/1994, Register 129; am 8/24/2001, Register 159; am 12/13/2009, Register 192; am 9/16/2017, Register 223; am 2/23/2020, Register 233; am_ /_ /_, Register____)

Authority: AS 04.06.090 AS 04.06.110 AS 04.21.025

AS 04.06.100

From: [CED AMCO REGS \(CED sponsored\)](#)
To: [Barbara Haney](#)
Cc: [Prax, Glenn M \(LEG\)](#); [CED AMCO REGS \(CED sponsored\)](#)
Subject: RE: 3AAC 304.465(b) proposed changes
Date: Thursday, September 3, 2020 11:13:43 AM

Good morning,

Thank you for your question.

This project would allow an alcohol server education provider to present the provider's training via Internet-based webinar or video teleconference to anyone statewide.

Respectfully,

Jane P Sawyer
Regulations Specialist
Alcohol & Marijuana Control Office
550 W 7th Avenue, Ste. 1600,
Anchorage, AK 99501
907-269-0490

From: Barbara Haney [mailto:Barbara.Haney@akleg.gov]
Sent: Wednesday, August 26, 2020 1:40 PM
To: CED AMCO REGS (CED sponsored) <amco.regs@alaska.gov>
Cc: Prax, Glenn M (LEG) <rep.mike.prax@akleg.gov>
Subject: 3AAC 304.465(b) proposed changes

Hi Jane P Sawyer,

So the net affect of removing the Rural Premises language and adding internet based language is to enable all Alcoholic Beverage workers the opportunity to take classes on-line?

Thanks,

Barbara Haney
Staff to Rep Prax
301 Santa Claus Lane, 3B
North Pole, Alaska 99705
(907) 451-2723