

EMERGENCY REGULATION

Register 236, January 2021 COMMERCE, COMMUNITY, AND EC. DEV.

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

3 AAC 304.185(g) is amended to read:

(g) Notwithstanding (a) - (f) of this section, a licensee may permit an agent or employee to take an alcoholic beverage off of a licensed premises and bring it to a purchaser for curbside pickup or home delivery [BEFORE NOVEMBER 15, 2020], under the conditions described in 3 AAC 304.920 or 3 AAC 304.925. (Eff. 11/29/81, Register 80; am 12/13/2009, Register 192; am 7/1/2018, Register 226; am 8/17/2018, Register 227; am 4/16/2020, Register 234; am 8/23/2020, Register 235; am ___/___/____, Register ____)

Authority: AS 04.06.090 AS 04.06.100 AS 26.23.020

3 AAC 304.920 is repealed and readopted to read:

3 AAC 304.920. Curbside pickup. (a) Notwithstanding 3 AAC 304.185(a) - (f), a beverage dispensary licensee under AS 04.11.090, a restaurant or eating place licensee under AS 04.11.100, a brewery licensee under AS 04.11.130, a brewpub licensee under AS 04.11.135, a winery licensee under AS 04.11.140, a package store licensee under AS 04.11.150, or a distillery licensee under AS 04.11.170 may permit curbside pickup of alcoholic beverages sold at retail only if

- (1) the alcoholic beverage offered for sale is factory sealed;
- (2) the licensee is permitted to sell the type of alcoholic beverage under the

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licensee's current license;

(3) a holder of an alcohol server education card who is an agent, excluding through third-party contract, or employee of the licensee takes the alcoholic beverage from the licensed premises to the location designated for curbside pickup;

(4) the holder of an alcohol server education card verifies in person that the purchaser of the alcoholic beverage is 21 years of age or older as required under 3 AAC 304.425 and is not otherwise restricted from purchasing alcoholic beverages under AS 04.16.160, by requiring the purchaser to produce a valid driver's license or valid identification card; and

(5) the transaction is in accordance with AS 04.16.030.

(b) A licensee that offers alcoholic beverages for curbside pickup must consent to inspections of the areas designated for curbside pickup, excluding private vehicles, at all reasonable times and in a reasonable manner by investigative personnel of the board or by other peace officers acting in their official capacity. Nothing in this section limits the existing powers of investigative personnel.

(c) A licensee providing curbside pickup shall provide written information regarding the licensee's license and curbside service on a form designated by the director.

(d) This section applies until the expiration of the governor's November 15, 2020 order, any extensions or renewals of the order, or any new adoptions of orders suspending AS 04.11.090, 04.11.100, 04.11.130(b)(1), 04.11.135(a)(3), (d)(3)(C), and (e), 04.11.140(b)(1)(A), 04.11.150, and 04.11.170 effective during the COVID-19 public health emergency disaster declaration.

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(e) For purposes of this section,

(1) "curbside pickup" means a parking place designated by a licensee for pickup of food or alcoholic beverages or an area not greater than 50 feet from an entry to a licensee's business premises;

(2) "factory sealed" means in a closed, manufacturer-sealed or packaged bottle or can, or a licensee sealed, tamper proofed, and labeled growler of beer. (Eff. 4/16/2020, Register 234; am 8/23/2020, Register 235; am ___/___/___, Register ___)

Authority: AS 04.06.090 AS 04.06.100 AS 26.23.020

3 AAC 304.925 is repealed and readopted to read:

3 AAC 304.925. Home delivery. (a) Notwithstanding 3 AAC 304.185(a) - (f) and 3 AAC 304.635(b), a beverage dispensary licensee under AS 04.11.090, a restaurant or eating place licensee under AS 04.11.100, a brewery licensee under AS 04.11.130 operating a bona fide restaurant on premises, a brewpub licensee under AS 04.11.135, or a winery licensee under AS 04.11.140 operating a bona fide restaurant on premises may permit home delivery of beer or wine sold at retail, only if

(1) the order of beer or wine accompanies an order of a meal prepared by the licensee or the bona fide restaurant on premises;

(2) the beer or wine offered for sale is factory sealed;

(3) the licensee is permitted to sell beer or wine under the licensee's current license;

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(4) the licensee does not use a third-party delivery service;

(5) a holder of an alcohol server education card who is an agent, excluding through third-party contract, or employee of the licensee takes the beer or wine from the licensed premises to a residence for home delivery;

(6) the purchaser is at home and available to confirm the purchase at the time of home delivery;

(7) a holder of an alcohol server education card verifies in person that the purchaser of the alcoholic beverage is 21 years of age or older as required under 3 AAC 304.425 and is not otherwise restricted from purchasing alcoholic beverages under AS 04.16.160, by requiring the purchaser to produce a valid driver's license or valid identification card; and

(8) the transaction is in accordance with AS 04.16.030.

(b) This section applies until the expiration of the governor's November 15, 2020 order, any extensions or renewals of the order, or any new adoptions of orders suspending AS 04.11.090, 04.11.100, 04.11.130(b)(1), 04.11.135(a)(3), (d)(3)(C), and (e), 04.11.140(b)(1)(A), 04.11.150, and 04.11.170 effective during the COVID-19 public health emergency disaster declaration.

(c) For purposes of this section,

(1) "factory sealed" means in a closed, manufacturer-sealed, or packaged bottle or can, or a licensee sealed, tamper proofed, and labeled growler of beer;

(2) "meal" means food purchased at a retail price that is at least 50 percent of the retail price of the alcoholic beverage purchase accompanying the order. (Eff. 4/16/2020, Register

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234; am 4/23/2020, Register 234; am 8/23/2020, Register 235; am ___/___/___, Register ____)

Authority: AS 04.06.090 AS 04.06.100 AS 26.23.020