



MEMORANDUM

TO: Alcoholic Beverage Control Board DATE: October 25, 2021
FROM: Jane P. Sawyer, Regulations Specialist RE: Regulations Projects Tracking Sheet

Attached is the alcohol regulations tracking sheet for your information.

There are two regulations projects in the works: Enforcement Action Process, and Licensed Premises both of which are on this agenda.

Additionally, the two projects below that have been opened for a while but there has not been movement on them in quite some time. Please consider whether you still want these projects opened.

Topic	Date Opened by ABC	FY	Board mbr point person(s)	Current Status/Notes	Date Adopted by ABC
Background Checks- large corporations with many shareholders. Sometimes not easy to get everyone's fingerprint cards for a background check. (04.11.260; 04.11.295)	7/11/17	18	Ganley	Voted out for public comment 7/11/17; comment period ends 9/11/17; approved 11/13/17; project appears to have been held off by staff at the time for further work, but it doesn't look like it was ever resumed.	11/13/17 Held off by staff so final Law review wasn't complete.

Permits	10/15/18	19	B r a d y	Draft on 2/19/19 agenda; to subcommittee (Brady) for work; on September 2019 agenda; put out for public comment w/section by section explanation' cmts. due 10.30.19. Nov. mtg.: back to staff. March/April meeting: tabled to June 2020. June 2020: tabled indefinitely. Several discussions around permits and what licensees/permittees are authorized to do with what type of permit have taken place over the years. This specific project started off as trying to address wine walks. Several sections of the regulations having to do with permits were being proposedly amended. At least a couple of drafts went out for public comment but in June 2020 the board at that time was not particularly satisfied with the draft and the board tabled the	
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				project indefinitely. At the August 17, 2021, meeting, the wine walk issue came up again. Below is an excerpt of the minutes from August meeting.
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Excerpts from the August 17, 2021, meeting regarding wine walks.

PUBLIC TESTIMONY

9:40 am

9:52 am: Public Testimony is open

Sarah Oates, President and CEO of Alaska CHARR, requests moving the next ABC meeting from October 26th to November 2nd. The Alaska CHARR convention is scheduled for October 26-29 in Las Vegas – it is the 50-year anniversary.

Sam, with the Palmer Museum of History and Art, speaks about an upcoming wine walk for which they applied for a permit. He is not advocating for a change but suggests one permit used for multiple locations – wine walk will now need a separate permit for each location. Special event permits are only 5 a year.

Public Testimony is closed.

LICENSING REPORT

10:05 am

Carrie C. presents her report. Dana W. asks if there were any upset applicants regarding the processing times for permits. Carrie answers, no but if there were some, they would be the ones who submit their paperwork at the last minute.

Dana W. asks about the wine walk that was brought up in public testimony – is that something that will come to the board? Director Klinkhart answers that it should be discussed – concerned about potential lack of control in the separate locations, public safety. He would be more comfortable with approving these types of permits if there was a detailed security plan for each location. Diane T. asks if there were separate permits issued for each gallery. There was not.

Dana W. asks for Sam to comment. Sam says they have been doing this for six years with eight to ten locations each time – the applications do include security plan & TAP certified servers as well as a diagram for every location. They have never had an issue in the past and feels they have done their due diligence.

Doug M. would ask staff to give Sam the permit and then address the issues. Rick H. speaks about a different wine walk in Valdez that Enforcement brought to his attention due to multiple violations.

Sarah Oates quotes AS 04.11.240(a): “A special events permit authorized the holder to sell or dispense beer or wine for consumption at designated premises for a specific occasion and for a limited period of time.” She believes that allows for multiple locations that are non-contiguous and suggests that the board may want to consider requiring TAPs certified servers for all permit types.

Dana W. states they have had a healthy discussion and he feels it is generally within the purview of the Director to determine if the permit is warranted.

ABC REGULATIONS PROJECTS

Law's Project Number	Topic	Date Opened by ABC	FY	Board mbr point person(s)	Current Status/Notes	Date Adopted by ABC	Effective Date
	Emergency Regulation: definition of "in public"					2/24/15	
	Marijuana Regulations				Started by ABC Board; shifted to MCB once constituted	N/A	N/A
	Recreational Site Licenses				Board voted unanimously to close project on 7/1/15	N/A	N/A
JU2016200416	Alcohol Server Education	2/10/16	16	Evans	Sent to Law on 5/5/17; sent to Lt. Gov 8/16/17 Most of text was deleted by Law	4/13/17	9/16/17
JU2016200417	Common Carriers	2/10/16	16	Evans	Signed by Lt. Gov. 6/19/17	4/13/17	7/19/17
JU2016200418	Distillery	2/10/16	16	Evans	signed by Lt. Gov. 11/16/16	7/20/16	12/16/16
JU2016200419	Management Agreements	2/10/16 7/20/16	17	Evans	signed by Lt. Gov. 11/16/16	7/20/16	12/16/16
JU2016200420	Alternating Premises	2/10/16	16	Evans	signed by Lt. Gov. 11/16/16	7/20/16	12/16/16
JU2016200422	Restaurant Designation Permit	2/10/16	16	Evans	signed by Lt. Gov. 11/16/16	7/20/16	12/16/16
JU2016200647	Consumption at Wineries	7/20/16	17	Yoder	Signed by Lt. Gov. 6/19/17	4/13/17	7/19/17
JU2016200646	Tourism Licenses Parameters	7/20/16	17	Manning	Staff is researching; closed for inaction 2/26/19	N/A	N/A
JU2017200479-2	Background Checks-large corporations with many shareholders. Sometimes not easy to get everyone's fingerprint cards for a background check. (04.11.260; 04.11.295)	7/11/17	18	Ganley	Voted out for public comment 7/11/17; comment period ends 9/11/17; approved 11/13/17; project held off by staff at the time for further work, but it doesn't look like it was ever resumed.	11/13/17 Held off by staff so final Law review wasn't complete.	n/a
JU2017200479-1	Bona Fide Restaurant	4/13/17	17	Manning	adopted 4/3/18; sent to DOL 4/17/18; needs to be re-posted with correct authority and re-adopted; cmts due 9/7/18; adopted 10/15/18; sent to DOL; to Lt. Gov 1/8/19; signed by Lt Gov 1/22/19	4/3/18 (void) 10/15/18	2/21/19
	Tribal Identification	4/13/17	17		postponed indefinitely 6/12/18	N/A	N/A
JU2017200816	Fee for premises changes; Seasonal premises changes	11/13/17	18	Ganley	Signed by Lt. Gov 4/25/18	1/23/18	7/1/18
	Application fees		18			1/23/18	7/1/18
JU2017200778	Distilleries/mixed drinks	9/13/17	18	Manning	Statutory change in 2018 made regulation null	1/23/18 (void)	N/A
JU2018200415	Security interest transfers/ involuntary retransfers	11/13/17	18	Klein	Signed by Lt. Gov 5/23/19	2/19/19	6/22/19

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JU2018200208.002	Deadline for Reinstatement and Renewal	1/23/18	18	Ganley	to Lt. Gov 12/12/18; signed 1/22/19	10/15/18	2/21/19
JU2018200208.001	Renewals with Transfers	1/23/18	18	Manning	Signed by Lt. Gov 9/27/18	6/12/18	10/27/18
JU2019200678	Definition of "recreational opportunities"	1/23/18	18	Ganley	Draft to board 6/12/18; tabled for more work; revised draft on 7/9/19 agenda; put out for comment 7/29/19; cmmts due Oct. 4; Nov. meeting.: not adopted-project closed.	N/A	N/A
JU2018200369	Licensed Premises Requirements	4/3/18	18		Signed by Lt. Gov 7/18/18	6/12/18	8/17/18
JU2018200369	Alternating Premises	4/3/18	18		Signed by Lt. Gov 7/18/18	6/12/18	8/17/18
JU2018200830	Wine Auction Permit	8/14/18	19		signed by Lt Gov 1/22/19	10/15/18	2/21/19
JU2018200830	Seasonal Licenses	6/12/18	18	Evans	signed by Lt Gov 1/22/19	10/15/18	2/21/19
JU2019200005	Operating Requirements	8/14/18	19		Initial draft voted out for comment 12/17/18; cmts due 2/8/19; amended and sent out for comment 2/19/19; comments due 4/19/19; amend and put out for comment 4/30/19; cmts due 6/19/19; amended and adopted 7/29/19; on September 2019 agenda for clarification; sent back to staff to address zip code issue: Nov. meeting: remove bolded on 2 nd pg, adopt, move forward. To law 11.27.19.	7/29/19	2/23/20
JU2019200180	Definition of In the Public Interest	10/15/18	19		Signed by Lt Gov 10/29/19	7/29/19	11/28/19
JU2019200182	Permits	10/15/18	19	Brady	Draft on 2/19/19 agenda; to subcommittee (Brady) for work; on September 2019 agenda; put out for public comment w/'section by section explanation' cmts. due 10.30.19. Nov. mtg.: back to staff. March/April meeting: tabled to June 2020. June 2020: tabled indefinitely. Several discussions around permits and what licensees/permittees are authorized to do with what type of permit have taken place over the years. This specific project started off as trying to address wine walks and it evolved into several sections of the regulations having to do with permits being proposedly amended. At least a couple of drafts went out for public comment but in June 2020, the board at that time was not		

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					particularly satisfied with the draft and the board tabled the project indefinitely. At the August 2021 meeting, the wine walk issue came up again. I have attached the excerpt of the unapproved minutes of that meeting.		
JU2019200413	License Issuance Late in Year		19		Signed by Lt Gov 10/29/19	7/29/19	11/28/19
JU2019200733	Death of a Licensee	4/29/19	21		Draft on September 2019 agenda; requested to open file; out for cmts. dues 10.30.19. Nov. meeting.: sent back to staff. Working with Joan on this. August 2020 meeting: send out for p.c.. deadline 10.9.20. October 2020 meeting: revised draft with CHARR's comments except leave "validation" on the draft. Send back out for p.c.. it closes 12.11.20. January 2021 meeting: Tabled until March 2021. March 30, 2021: Adopted. To law 4.15.21. 5.27.21-Technical changes made by law.	3/30/2021 To Law: 4/15/21	7/4/2021
JU2019104477	Interpretation of AS 04.11.460(b) (when petition is required)	7/29/19	20	Brady	Draft on September 2019 agenda; propose new language for Nov. meeting; Nov. mtg.: put out for cmmts. Deadline 1.3.2020; January 2020 meeting: adopted. 1.30.20 to Law	1/21/20	4/11/20
JU2020200062	Combined Tasting Rooms (Overlapping On-Premises Consumption for Manufacturing Licenses)	9/10/19	21	Klein	Draft on November 2019 agenda; sent back to staff. January 2020: sent out for pc, deadline 3.13.20. March/April meeting: tabled to June. June 2020: tabled to August meeting for further discussion by board. August 2020: tabled to October meeting for further discussion: project closed 3-2.	n/a	n/a
2020200410	Repackaging by Package Stores	1/21/20	21	Klein in response to public testimony	Drafting for March/April meeting: Tabled to June. June 2020: sent out for p.c. as is. deadline 7.31.20. August meeting: revise draft: remove wine and distilled spirits and barrels. Send out for p.c.. deadline 10.9.20. October 2020 meeting: adopted as is. To Law on 11.2.20. Filed 12.2.20	10/27/20	1/01/2021
	Emergency Regulations to Respond to Covid-19 Outbreak		20		Adopted 4.15.20.	4/15/20	4/16/20

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	Emergency Regulations to Respond to Covid-19 Outbreak – Amended		20		Special meeting April 22, 2020.	4/23/20	4/23/20
202000045	Curbside/Home Delivery being made permanent with sunset of November 15, 2020	6/9/20	20		Project opened and sent out at regular June meeting. P.C. closes 7/15/20. Meeting July 16: adopted. To law.	7/16/20	Filed as perm on 7/23/20 effective 4/16/20
2020200547	Internet-based alcohol server course	8/18/20	21	Suggested by Industry	Out for p.c. deadline: 10.9.20. October meeting: adopted with CHARR's changes. 11.4.20 to law. 12.16.20, rekeyed. Bring to board in January to readopt: board adopted rekey. To Law around 1.6.21	10/27/20 Rekey 1/5/21	4/14/2021
2020200654	Curbside/Home Delivery – Extension		21	Suggested by Staff	Initial draft October 2020: out for p.c. ...draft details still being worked out (Joan regarding Steve's email). didn't move forward. sent email to Harry to close the file.	n/a	n/a
2020200680	Emergency-Curbside/Home Delivery – to be made permanent through the declaration	11/17/20	21		Emergency draft intended to be permanent. P.c. closes 12.21.20. January 2021: adopted by board. To law around 1.7.21	Emergency adopted 11/17/20	Emergency eff. 11/17/20, exp. 3/16/21 Made perm: 3/15/2021
	Investigations and Violations - Enforcement Action Process		21		Board opened regulation project at February 16, 2021, special meeting to amend necessary regulations to incorporate investigations and violations process. In the drafting phase...November 2021 meeting?.		
2021200360	Licensed Premises – no more than 50 feet from the entrance		21		Sort of like what it currently allowed under the AB-15. Draft August 2021 meeting: Board sent out draft as is for p.c. deadline 10.26.21. November 2, 2021 meeting:		