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October 26, 2021

Alcoholic Beverage Control Board
amco.regs@alaska.gov

Re: Opposition to Proposed Regulatory Changes Regarding Licensed Premises

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 – opposes the regulation project regarding licensed premises, alternating licensed premises, and alterations. While we appreciate the ABC Board's desire to streamline processes, eliminate unnecessary red tape, and consolidate sections of regulation, the current draft needs significant work.

Some sections of the current draft – while seemingly intended to consolidate multiple current regulations regarding various types of alternating licensed premises concepts – would unintentionally force businesses to resubmit premises diagram change forms and fees biannually (and receive prior approval, which can take months or even years) to expand and reduce their licensed premises on a seasonal basis.

The current draft creates questions and loopholes, some of which would be clarified in Senate Bill 9 (SB 9), if adopted this coming legislative session. For example, under 3 AAC 304.185(f) of the draft, would a licensee who chooses to expand its licensed area to include a non-contiguous space be required to stock a full bar in order to avoid violating removal and introduction prohibitions of law, or would an employee be allowed to transport alcohol across the unlicensed areas (which might not be legal under existing statute but is clarified in SB 9). Additionally, would that additional service area require a duplicate license be issued as stipulated under AS 04.11.090(e), which requires an extensive application process and biennial license fees? How would this apply to the other non-beverage-dispensary license types, since the duplicate license concept does not exist in Alaska statute?

Maybe most importantly, the draft language under 3 AAC 304.185(h) creates extreme confusion for the industry. Some licensees incorrectly believe that curbside pickup and home delivery of alcohol is still legal. The language in this section adds to that confusion by pointing to sections of regulation that were adopted on a relatively short-term basis to address a need during a crisis. With the statutory suspensions no longer in place, it seems more appropriate to repeal those sections of regulation (3 AAC 304.920-925) rather than continue to adopt new regulations that reference others that are no longer valid.

In short, Alaska CHARR respectfully requests that you close this regulation project without taking action and possibly consider readdressing the topic of licensed premises modifications after the coming legislative session.

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

Respectfully,

Sarah D. Oates
President & CEO