

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

3 AAC 304.225 is amended to read:

3 AAC 304.225 Alternating licensed premises. Upon a licensee's written request accompanied by a detailed premises diagram, the board may approve a portion of a premises licensed under AS 04.11.090 (beverage dispensary license), AS 04.11.100 (restaurant eating place license), sec. 170, ch. 8, SLA 2022 (license), 8 SLA 2022 Sec. 170 (seasonal restaurant or eating place tourism license), AS 4.11.115 (golf course license), AS 04.11.180 (common carrier dispensary license), AS 04.11.210 (recreational site license), AS 04.11.225 (destination resort license) or AS 04.11.400(d) to alternate as a licensed or unlicensed premises under the following conditions:

- (1) approval will be granted only if the board finds that use of the identified area as alternating premises will stimulate tourism or promote activities open to the general public;
- (2) a debt that is incurred during times when the identified area is unlicensed will be considered a debt incurred in the operation of the licensed business for purposes of transfer of the license under AS 04.11.360;
- (3) at any time with written notice to the licensee, the board may withdraw its approval of use of the identified area as alternating premises.
- (4) caterer's permits issued under AS 04.11.090 may be exercised in the alternating area during the times the identified area is unlicensed premises;
- (5) during times the identified area is designated as an unlicensed premises, all alcoholic beverages must either be removed from the identified area or be stored in a location

approved by the board to be secure from the public;

(6) A licensee may apply hours that it is operating as an alternating unlicensed premises to meet the operating requirement set out in AS 04.11.330(a)(3). (Eff. 12/16/2016, Register 220; am 8/17/2018, Register 227; am ___/___/_____, Register _____)

Authority: AS 04.06.090 AS 04.11.090 AS 04.11.400
 AS 04.06.100 AS 04.11.180 **8 SLA 2022 (sec. 170)**
sec. 170, ch. 8, SLA 2022

3 AAC 304 is amended by adding a new section to read:

3 AAC 304.310. Seasonal restaurant or eating place tourism license. (a) In this section, a "bona fide restaurant or eating place" means an establishment or portion of an establishment where, during all times alcoholic beverages are served or consumed,

(1) The patron's principal activity is consumption of food; and

(2) A variety of types of food items appropriate for means is prepared on site and available for sale as shown on a menu provided to patrons and filed with the board.

(b) Subject to the limitations of licenses as set forth at 3 AAC 304.908, the board may approve an application for a seasonal restaurant eating place license, as described at **8 SLA 2022, sec. 170(b)** sec. 170, ch. 8, SLA 2022, or an application for the transfer of ownership of a seasonal restaurant eating place license that is located in a municipality or established village that has a population of 40,000 or less and receives more than 4,000 visitors a year, as determined under 3 AAC 304.907, to a person who files a license application under AS 04.11.260 and whose licensed premises qualifies as a bona fide restaurant or eating place under the sole control of the applicant.

(c) Notwithstanding 3 AAC 304.725, the holder of a seasonal restaurant or eating

place tourism license may provide entertainment as described and identified at Section 170(i) of 8 S.L.A. 2022. (Eff. ___/___/____, Register _____)

Authority: 8 SLA 2022 (sec. 170) sec. 170, ch. 8, SLA 2022

3 AAC 304.715(a) is amended to read:

3 AAC 304.715. Application for designation

(a) A licensee desiring designation under 3 AAC 304.715 - 3 AAC 304.795 as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or 04.16.049 must file with the director an application, on a form prescribed by the board, together with an initial application fee of \$50. Designation will be granted only to a holder of a beverage dispensary, club, recreational site, golf course, outdoor recreation lodge, destination resort, [OR] restaurant or eating place, **or seasonal restaurant or eating place tourism** license, and only if the requirements of 3 AAC 304.725 and 3 AAC 304.745, as applicable, are met.

(Eff. 10/24/87, Register 104; am 9/11/98, Register 147; am 7/19/2000, Register 155; am 12/16/2016, Register 220; am ___/___/____, Register _____)

Authority: AS 04.06.090 AS 04.11.080 AS 04.16.049

AS 04.06.100 AS 04.16.010 8 SLA 2022 (sec. 170)

sec. 170, ch. 8, SLA 2022

3 AAC 304 is amended by adding a new section to read:

3 AAC 304.907. Determining visitor population. (a) For purposes of determining whether a municipality or established village receives more than 4,000 visitors a year, the Board

may rely on visitor statistics generated annually by the Alaska Department of Labor and Workplace Development, another reliable government or commercial source, or other information presented by the municipality or established village that would qualify for a seasonal restaurant eating place license, the applicant for a seasonal restaurant or eating place tourism license, or the applicant for a transfer of ownership of a seasonal restaurant or eating place tourism license.

(b) The board will apply the same annual visitor count to every application filed under AS 04.11.260 for a seasonal restaurant or eating place tourism license in a specific qualifying municipality or established village during each calendar year. The board may reconsider that visitor count and how it calculates that visitor count each calendar year. (Eff. ___/___/____, Register _____)

Authority: 8 SLA 2022 (sec. 170) sec. 170, ch. 8, SLA 2022

3 AAC 304 is amended by adding a new section to read:

3 AAC 304.908. Determining Available Seasonal Restaurant Eating Place Licenses. (a) For purposes of implementing [Section 170\(h\) of 8 SLA 2022](#) sec. 170, ch. 8, SLA 2022, the board may not issue a seasonal restaurant or eating place tourism licenses in municipalities or established villages that qualify for this license type if there would be more than one seasonal restaurant or eating place tourism license per 1500 visitors per visitor day.

(b) Visitor count or fraction of visitor per visitor day is calculated by dividing the total annual visitor count as determined under 3 AAC 304.907 by 182 days and dividing that number by 1500.

(c) The Board may further limit the available seasonal restaurant and eating place tourism licenses if the number of restaurant and eating place licenses issued under AS 04.11.100 exceed the restaurant and eating place licenses permissible under AS 04.11.400(a). (Eff. ___/___/____, Register _____)

Authority: 8 SLA 2022 (sec. 170) sec. 170, ch. 8, SLA 2022

DRAFT

Comments on: NOTICE OF PROPOSED CHANGES ON SEASONAL RESTAURANT OR EATING PLACE TOURSIM LICENSE IN THE REGULATIONS OF THE ALCOHOLIC BEVERAGE CONTROL BOARD

Submitted By	Comment
1/24/2023 2:28:59 PM Evan Wood evan@devilsclubbrewing.com	On behalf of Devil's Club Brewing Company, I am writing in support of the proposed changes to Seasonal REPL's regulations. These changes will help modernize the industry in Alaska and help communities underserved with licenses during the busy tourism season.
Juneau, AK, US Anonymous User	Evan Wood Co Founder, Manager Devil's Club Brewing Company

From: [CED AMCO REGS \(CED sponsored\)](#)
To: magpiesbakery@gmail.com
Cc: [CED AMCO REGS \(CED sponsored\)](#)
Subject: FW: Questions about Proposed Changes...
Date: Friday, January 20, 2023 2:34:00 PM
Attachments: [image001.png](#)

Hi, Maggie,

You did not provide your liquor license number so I can confirm that your Restaurant/Eating Place Public Convenience License (seasonal or year round) was converted into a regular Restaurant/Eating Place License, but it should have been converted.

See answers to your questions below,

1. How does the above effect me? **Your Restaurant/Eating Place Public Convenience license should have been converted into a regular Restaurant/Eating Place license.**
2. Is my permit the same as the discussed Seasonal Restaurant or Eating Place Tourism License that has proposed changes in section 907 and 908? **No. The Seasonal Restaurant or Eating Place Tourism license is a separate type of license created in the Title 4 Rewrite for which can be applied for only within a community that has a population of 40,000 or less and receives more than 4,000 visitors a year – as determined by the ABC Board in regulation.**
3. As we expand our business here in Valdez and aim to move into a year round operation over the next two years, will we still be able to up our permit to Restaurant/Eating Place Public Convenience to the year round? **Yes.**

Thank you for your questions,

Jane P. Sawyer
Regulations Specialist/Acting Program Coordinator
DCCED-Alcohol and Marijuana Control Office
550 W. 7th Avenue, Suite 1600
Anchorage, AK 99501



From: Margaret Nylund <magpiesbakery@gmail.com>
Sent: Wednesday, January 11, 2023 8:48 AM
To: Alcohol Licensing, CED ABC (CED sponsored) <alcohol.licensing@alaska.gov>
Subject: Questions about Proposed Changes...

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

I have questions about two emails that have come through over the past six months. Can you explain better what the below means?

"Senate Bill 9 or what is commonly known as the Title IV Rewrite, was signed into law on June 16, 2022. One of the changes that is effective immediately is the conversion of Restaurant/Eating Place - Public Convenience and Beverage Dispensary - Public Convenience licenses to Restaurant/Eating Place under AS 04.11.100 and Beverage Dispensary under AS 04.11.090."

I currently hold a Restaurant/Eating Place Public Convenience-Seasonal permit.

1. How does the above effect me?
2. Is my permit the same as the discussed Seasonal Restaurant or Eating Place Tourism License that has proposed changes in section 907 and 908?
3. As we expand our business here in Valdez and aim to move into a year round operation over the next two years, will we still be able to up our permit to Restaurant/Eating Place Public Convenience to the year round?

Thank you for your guidance.

--

Maggie Nylund

Magpies LLC

907-831-1097

www.magpiesonthefly.com

From: [CED AMCO REGS \(CED sponsored\)](#)
To: [Derik Price](#)
Cc: [CED AMCO REGS \(CED sponsored\)](#)
Subject: RE: 2022200469-NOTICE OF PROPOSED CHANGES ON SEASONAL RESTAURANT OR EATING PLACE TOURSIM LICENSE IN THE REGULATIONS OF THE ALCOHOLIC BEVERAGE CONTROL BOARD
Date: Friday, January 20, 2023 2:44:00 PM
Attachments: [image001.png](#)
[image002.png](#)

Hello, Derik,

Beverage Dispensary – Tourism licenses are not affected by this project.

The Seasonal Restaurant or Eating Place Tourism license is a separate type of license created in the Title 4 Rewrite, which it can be applied for only within a community that has a population of 40,000 or less and receives more than 4,000 visitors a year – as determined by the ABC Board in regulation.

Thank you for your question,

Jane P. Sawyer
Regulations Specialist/Acting Program Coordinator
DCCED-Alcohol and Marijuana Control Office
550 W. 7th Avenue, Suite 1600
Anchorage, AK 99501



From: Derik Price <derikp@fdialaska.com>
Sent: Friday, December 30, 2022 3:00 PM
To: CED AMCO REGS (CED sponsored) <amco.reg@alaska.gov>
Subject: Re: 2022200469-NOTICE OF PROPOSED CHANGES ON SEASONAL RESTAURANT OR EATING PLACE TOURSIM LICENSE IN THE REGULATIONS OF THE ALCOHOLIC BEVERAGE CONTROL BOARD

You don't often get email from derikp@fdialaska.com. [Learn why this is important](#)

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Greetings –

Thank you for the information below. After review I believe I understand the proposed changes. But, I also wanted to verify that this would not affect our 'Beverage Dispensary – Tourism' licenses, as we are not seasonal, nor do we alter our premises' seasonally.

Our Licenses are as follows –

#2424 Sophie Station Hotel
#3074 Wedgewood Resort
#3616 Bear lodge

Thank you kindly,
Derik

Derik T. Price

Exec. Aide / Acquisitions / Shipping

Direct | 907.458.6104

Office | 907.456.7143

Fountainhead Development, Inc.

Fountainhead Northwest, LLC

Equipment Source, Inc.

From: CED AMCO REGS (CED sponsored) <amco.regs@alaska.gov>


Date: Wednesday, December 21, 2022 at 2:11 PM

To:

Subject: 2022200469-NOTICE OF PROPOSED CHANGES ON SEASONAL RESTAURANT OR EATING PLACE TOURSIM LICENSE IN THE REGULATIONS OF THE ALCOHOLIC BEVERAGE CONTROL BOARD

Greetings,

Please see attached proposed regulations regarding seasonal restaurant or eating place tourism licenses of the Alcoholic Beverage Control Board. This regulation is open for public comment until January 24, 2023, at 4:30 p.m. Comments and questions may be submitted to the Alcohol and Marijuana Control Office at amco.regs@alaska.gov or through the Online Public System <http://notice.alaska.gov/209266>. The board may or may not hold a meeting to receive oral input from the public. If such meeting is held, it will be noticed in advance in this way and in the Online Public Notice.

 This is the first of several regulations projects the Alcoholic Beverage Control Board together with the Alcohol and Marijuana Control Office will be rolling out to implement Title 4 re-write aka SB9, now formally known as Chapter 8 SLA 22 which can be viewed here <https://www.akleg.gov/PDF/32/Bills/SB0009Z.PDF>.

Respectfully,

Jane P Sawyer

Acting Program Coordinator
Alcohol & Marijuana Control Office
550 W 7th Avenue, Ste. 1600,
Anchorage, AK 99501

Bcc: All legislators; Law; ABC Board; DCCED; Alcohol Listserv; AMCO Staff

chattermark@yahoo.com

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