THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development

Alcohol and Marijuana Control Office

550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

MEMORANDUM

TO: Alcoholic Beverage Control Board

DATE: February 28, 2023

FROM: Jane P. Sawyer, Program Coordinator

RE: Licensed Premises – outdoor seating

The board opened this project and sent the draft out for public comment at its December 2022 meeting. Public comment was opened for about 32 days closing on January 31, 2023. It received a few comments, and they are attached.

The intent of this regulation is, upon application and approval from both the local government and the board, to allow for outdoor seating areas to be designated as licensed premises, even if the areas are not contiguous, for the consumption of alcoholic beverages on licensed premises of a restaurant or eating place licensee, a beverage dispensary licensee with a restaurant designation permit, and any other licensee who has a bona fide restaurant.

3 AAC 304.185 is proposed to be amended to try to accomplish the goal:

- (b) adds the type of licensees who would not be subjected to the licensed premises being "one area".
- (g) is repealed. This was a COVID-19 Emergency Declaration regulation.
- (h) is new language that would allow a licensee with an approved outdoor seating area on a public right of way to take an alcoholic beverage across a portion of the public right of way…
- (i) it further defines "licensed premises" under AS 04.21.080(b)(15) for the purpose of this project.

Potential Board actions:

- Adopt as is,
- Amend draft and adopt or send back out for public comment
- Close project