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

3 AAC 304.185 is amended to read:

3 AAC 304.185. Licensed premises. (a) A license is issued for a specific place which is the licensed premises and which must be clearly designated in a line drawing accompanying an application. The address of the licensed premises and the business name under which the licensee is doing business at that address must be indicated on the license application.

(b) With the exception of a recreational site license**,** [AND] a destination resort license, **and an outdoor seating area on a street or sidewalk authorized by the local government for sole control by a restaurant or eating place licensee, beverage dispensary licensee who also has an approved restaurant eating place designation, and any other licensee who has a bona fide restaurant,** licensed premises must be one area, but may include separate rooms if the rooms are adjacent to one another or if they are rooms described in AS 04.11.090(d). If the licensed premises consist of more than one room in which a fixed counter or service bar is regularly maintained, a duplicate license is required for the additional rooms. A recreational site license**,** [AND] a destination resort license**, and a licensee for whom a local government has approved use of an adjoining public right of way** may have multiple separate licensed premises areas with the approval of the board.

(c) The licensee shall conspicuously post the license within the licensed premises.

(d) A licensee may not alter the functional floor plan, reduce or expand the area, or change the business name of the licensed premises without the prior written approval of the

director. The licensee must provide a new line drawing showing the proposed changes in the premises. A licensee must pay a fee of $250 for changing the business name or line drawing of the licensee's licensed premises when the name or line drawing change is not part of a transfer of ownership or location. A request for a business name or line drawing change for licensed premises not part of a transfer must be made on a form prescribed by the board.

(e) If a business establishment or facility consists of both licensed premises and an unlicensed area, the licensee shall clearly segregate the licensed premises and the unlicensed area.

(f) A licensee may request to have a portion of its licensed premises alternate as licensed or unlicensed premises on a seasonal basis under the following conditions:

(1) the request is made on a form prescribed by the board, accompanied by a detailed premises diagram and $250 fee;

(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 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; and

(4) 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.

(g) Repealed ___/___/___. [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, UNDER THE CONDITIONS DESCRIBED IN 3 AAC 304.920 OR 3 AAC 304.925.]

(h) Notwithstanding (a) – (f) of this section , a licensee with an approved outdoor seating area on a public right of way may permit an agent or employee to take an alcoholic beverage across a portion of the public right of way still open for public access and the outdoor seating area for which the local government has granted sole control to the licensee during the licensee's business hours.

(i) For purposes of applying the definition of "licensed premises" at AS 04.21.080(b)(15), the outdoor seating area the local government approves for use on a public right of way in front of or otherwise adjacent to a licensed establishment shall be considered at the specific address for which the licensee is issue. (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 11/17/2020, Register 236; am ___/___/_____, Register _____)

Authority: AS 04.06.090 AS 04.06.100