Article 3. Retail Licenses; Endorsements; Permits.

Section

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3 AAC 305.300. License required. (a) Except for manufacturer sampling endorsements issued under AS 04.09.410, a license is required to sell or serve alcoholic beverages for consumption only on the licensed premises as set out in AS 04.09.200 (beverage dispensary license), AS 04.09.220 (club license), AS 04.09.250 (theater license held by a beverage dispensary licensee), AS 04.09.260 (common carrier dispensary license), AS 04.09.310 (destination resort license), and AS 04.09.350 (beverage dispensary tourism license).

(b) Except for manufacturer sampling endorsements issued under AS 04.09.410, a license is required to sell or sell and serve brewed beverages or wine for consumption only on the licensed premises under AS 04.09.210 (restaurant or eating place license), AS 04.09.240 (pub license), AS 04.09.250 (theater license held by a restaurant or eating place licensee), AS 04.09.270 (sporting activity or event license), AS 04.09.290 (fair license) , AS 04.09.300 (golf course license), and AS 04.09.360 (seasonal restaurant or eating place tourism license).

(c) Except for manufacturer sampling endorsements issued under AS 04.09.410, a license is required to store, sell, or serve brewed beverages, wine, or distilled spirits on the licensed premises for consumption on and off the licensed premises under AS 04.09.320 (brewery retail license), AS 04.09.330 (winery retail license), and AS 04.09.340 (distillery retail license).

(d) A license is required to operate a package store to store and sell alcoholic beverages for consumption off the licensed premises under AS 04.09.230 (package store license).

(e) A license is required for the holder of a brewery retail license under AS 04.09.320, a winery retail license under AS 04.09.330, a distillery retail license under AS 04.09.340, or the holder of a manufacturer license issued in another state to sell the holder's product in response to an order for shipment to a person located in this state for personal use only and not for resale, as set out in AS 04.09.370. (Eff. ____/____/_____, Register _____)

Authority:

AS 04.06.090	AS 04.09.250	AS 04.09.330
AS 04.06.100	AS 04.09.260	AS 04.09.340
AS 04.09.010	AS 04.09.270	AS 04.09.350
AS 04.09.200	AS 04.09.280	AS 04.09.360
AS 04.09.210	AS 04.09.290	AS 04.09.370
AS 04.09.220	AS 04.09.300	AS 04.09.400
AS 04.09.230	AS 04.09.310	AS 04.09.410
AS 04.09.240	AS 04.09.320	

3 AAC 305.305. Seasonal restaurant or eating place tourism license. (a) Subject to the limitations of licenses as set out under 3 AAC 305.900, the board may approve an application for a seasonal restaurant or eating place tourism license under AS 04.09.360. The board may approve an application for the transfer of ownership of a seasonal restaurant or eating place tourism license to a person who files a license application under AS 04.11.260, if the applicant's licensed premises qualify as a bona fide restaurant or eating place under the sole control of the applicant and is

(1) located in a municipality or established village that has a population of 40,000 or less; and

(2) receives more than 4,000 visitors a year as determined under 3 AAC 305.910.

(b) The holder of a seasonal restaurant or eating place tourism license may provide entertainment as set out and identified in AS 04.09.360. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.090 AS 04.06.100 AS 04.09.360

3 AAC 305.310. Determining available seasonal restaurant or eating place tourism licenses. (a) The board will not issue seasonal restaurant or eating place tourism licenses in municipalities or established villages that qualify for this license type if the issuance results in more than one seasonal restaurant or eating place tourism license per 1,500 visitors per visitor day.

(b) Visitor count or fraction of visitor per visitor day is calculated by dividing the total annual visitor count as set out under 3 AAC 305.910 by 182.

(c) The board may further limit the available seasonal restaurant or eating place tourism licenses upon application if the number of restaurant and eating place licenses issued under AS 04.09.210 exceed the restaurant and eating place licenses permissible under AS 04.11.400(a), or as public interest requires. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.090 AS 04.06.100 AS 04.09.360

3 AAC 305.312. Unlicensed portion of business holding restaurant or eating place or seasonal restaurant or eating place tourism licenses. (a) In considering an application for issuance, transfer, or relocation of a restaurant or eating place license or a seasonal restaurant or eating place tourism license, the board will determine the portion of the premises or proposed

premises that constitutes a restaurant or eating place and will license only that portion for the sale and consumption of alcoholic beverages.

(b) The board may require the licensed premises to be separated from the unlicensed portion of the business in a manner acceptable to the board. The board must approve changes in the structure, layout, or use of any portion of the licensed premises before a licensee may begin those changes.

(c) Gross receipts generated from business conducted on unlicensed portions of a licensed business are excluded from the calculation of gross receipts for the of this section, AS 04.09.210, and 04.09.360. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.090 AS 04.09.210 AS 04.09.360
AS 04.06.100

3 AAC 305.315. Club license. The holder of a club license issued under AS 04.09.220 may not allow a club member who is working as a bartender or server of alcoholic beverages to sign in a non-member of the club as a guest. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.090 AS 04.06.100 AS 04.09.220

3 AAC 305.320. Common carrier dispensary license. (a) For the purposes of AS 04.09.260, "train" means a set route traveled by a series of one or more passenger cars owned or operated by a common carrier.

(b) An applicant for issuance or renewal of a common carrier dispensary license for an airline shall indicate whether the fee for the license is to be calculated under AS 04.09.260(b) or (c).

(c) The fee for a common carrier dispensary license for an airline under AS 04.09.260(b) requires payment of the specified fee for each aircraft in which alcoholic beverages are served on an intrastate flight operated by the airline.

(d) The fee for a common carrier dispensary license for an airline under AS 04.09.260(c) requires payment of the specified fee for each community served. For the purposes of AS 04.11.260(c) and this subsection, "each community served" means each community in which an airport is located at which the airline has an incoming or outgoing intrastate flight segment on which alcoholic beverages are served. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.090 AS 04.09.200 AS 04.09.260
AS 04.06.100

3 AAC 305.325. Beverage dispensary tourism licenses. (a) For the purposes of AS 04.09.350(c)(1), an applicant for the issuance, transfer of location, or renewal of a beverage dispensary tourism license shall include a description of how the requested license encourages the tourist trade by promoting the construction or improvement of a hotel, motel, or business as set out under AS 04.09.350(c)(1) or an airport terminal as set out under AS 04.09.350(c)(2).

(b) For purposes of AS 04.09.350(c)(2)(A), "operates" means the holder of the beverage dispensary tourism license controls the functioning of the hotel, motel, resort, or similar business relating to the tourist trade, unless the license was approved before January 1, 2024.

(c) For the purposes of AS 04.09.350(c)(1)(A) and AS 04.09.350(c)(1)(2), "hotel" or "motel" excludes establishments that substantially provide long-term rental units or who are not subject to bed taxes if the local government in which it is located collects bed taxes, unless the license was approved prior to January 1, 2024. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.090 AS 04.09.200 AS 04.09.350
AS 04.06.100

3 AAC 305.330. Endorsements available to beverage dispensary and beverage dispensary tourism licenses. (a) A beverage dispensary licensee or a beverage dispensary tourism licensee may hold the following endorsements:

(1) a multiple fixed counter endorsement as set out under AS 04.09.420; multiple fixed counters must be located in the same building under the same contiguous premises; unless

(A) a beverage dispensary or beverage dispensary tourism licensee also holds a large resort, hotel or motel endorsement; or

(B) a beverage dispensary or beverage dispensary tourism licensee held a duplicate beverage dispensary or duplicate beverage dispensary tourism license on non-contiguous licensed premises before January 1, 2024;

(2) a hotel or motel endorsement as set out under AS 04.09.430, if the licensee is a hotel, motel, resort, or similar business premises that caters to the traveling public as a substantial part of its business; under this paragraph,

(A) the endorsement permits the holder to sell or serve alcoholic beverages on the licensed premises, including a dining room, banquet room, other public areas approved by the board, and in guest rooms;

(B) the endorsement holder shall also hold a multiple fixed endorsement for secondary locations located in different buildings from the primary premises as described under AS 04.09.430(c); and

(C) subject to the requirements for provision of alcoholic beverages by employees who are 21 and older as set out under AS 04.09.430(d), the holder of the hotel and motel endorsement may stock alcoholic beverages in guest rooms for sale and consumption only in the guest room;

(3) a large resort endorsement, if the licensee is a large resort as defined at AS 04.09.440(h), under this paragraph

(A) the endorsement permits the holder to sell or serve alcoholic beverages on the licensed premises, including in a dining room, banquet room, open air venue, and ingress or egress routes between those areas;

(B) the endorsement holder shall also apply for a multiple fixed counter endorsement to sell or serve alcoholic beverages from multiple locations within the large resort's property as set out under AS 04.09.440(c) - (f); and

(C) subject to the requirements for provision of alcoholic beverages by employees who are 21 and older as described under AS 04.09.440(g), the holder of the hotel and motel endorsement may stock alcoholic beverages in guest rooms for sale and consumption only in the guest room;

(4) a restaurant endorsement as set out under AS 04.09.450, if the establishment or portion of establishment for which the endorsement is sought is a bona fide restaurant as defined at AS 04.21.080(b);

(5) a bowling alley endorsement as described under AS 04.09.500; the endorsement permits the license holder to sell or serve alcoholic beverages in the concourse or lane areas of the bowling alley that are adjacent and contiguous to the primary licensed premises of the beverage dispensary or beverage dispensary tourism license;

(6) a golf course endorsement as described under AS 04.09.510; the endorsement permits the license holder to sell or serve alcoholic beverages on the golf course, driving range, club house, and other buildings located on the course and by vending cart on, to, and from the course, excluding the parking lot; a person under the age of 21 years of age may be present on the premises subject to the endorsement for the purpose of playing golf or attending golf-related events as described under AS 04.16.049(g).

(b) For the purposes of this section,

(1) "contiguous" means having contact on all or most of one side.

(2) "adjacent" means next to or adjoining something else or having a common vertex and a common side. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.090 AS 04.09.420 AS 04.09.450
AS 04.06.100 AS 04.09.430 AS 04.09.500
AS 04.09.200 AS 04.09.440 AS 04.09.510
AS 04.09.350

3 AAC 305.333. Guest room restocking for licensees with a hotel or motel endorsement or a large resort endorsement. (a) A licensee with a hotel or motel endorsement or a large resort endorsement may sell the following alcoholic beverages in their original closed containers from a secured unit in a guest room:

(1) distilled spirits in containers of not less than one ounce and not more than two ounces;

(2) wine or vinous liquors in containers of not more than 13 fluid ounces;

(3) beer, ale, or malt liquor in containers of not more than 12 fluid ounces.

(b) A licensee, licensee's agent, or licensee's employee subject to this section may not stock or restock a supply of alcoholic beverages in a secured unit in a guest room if that licensee, agent, or employee determines that

(1) a drunken person is in the room;

(2) a person under the age of 21 is consuming alcohol in the room;

(3) illegal gambling, illegal drug use or sales, or prostitution is occurring in the room; or

(4) the amount of alcoholic beverages in the guest room, including that in the secured unit, would exceed the capacity of the secured unit.

(c) A person who purchases an alcoholic beverage stocked in a secured unit in a guest room may not remove the alcoholic beverage from that guest room.

(d) The secured unit may not be a coin-operated machine or similar device. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.090 AS 04.09.200 AS 04.09.430
AS 04.06.100 AS 04.09.350 AS 04.09.440

3 AAC 305.335. Restaurant endorsements. (a) A restaurant endorsement as described in AS 04.09.450 is available in addition to a license identified at 3 AAC 305.330(a)(4) to holders of a club license, sporting activity or event license, outdoor recreation lodge license, fair license, golf course license, or destination resort license if the establishment or portion of the establishment for which the endorsement is sought is a bona fide restaurant as defined at AS 04.21.080(b).

(b) An application for a restaurant endorsement must include a premises diagram specifying the establishment or portion of the premises to be subject to the endorsement and a security plan that demonstrates how the endorsement holder will comply with AS 04.09.450(d)(2) - (3) and AS 04.16.049, as applicable. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.090 AS 04.09.270 AS 04.09.300
AS 04.06.100 AS 04.09.280 AS 04.09.310
AS 04.09.200 AS 04.09.290 AS 04.09.450
AS 04.09.220

3 AAC 305.340. Endorsements available to package store licenses. (a) A package store licensee may hold

(1) a package store shipping endorsement as set out in AS 04.09.460;

(2) a package store delivery endorsement as set out in AS 04.09.470;

(3) a package store repackaging endorsement as set out in AS 04.09.480; and

(4) a package store sampling endorsement as set out in AS 04.09.490.

(b) The holder of a package store shipping endorsement shall utilize only common carriers approved under AS 04.09.750 for the purposes of shipping and shall follow the requirements for written orders as set out under at 3 AAC 305.345. A delivery to a purchaser under a shipping endorsement shall not occur within 24 hours of entry of the written order.

(c) A package store delivery endorsement authorizes the holder to deliver alcoholic beverages between the hours of 8:00 a.m. and 5:00 p.m. to a responsible adult at the location of a social event. A delivery under this section may be made only after a sale by written or electronic

order received from a person who makes payment in full not less than 48 hours before the delivery. A delivery authorized under this section must

(1) be made following a written or electronic order that includes

(A) the name and address of the purchaser;

(B) the date, time, and address of the delivery; and

(C) the name and address of the responsible adult who will receive the delivery of alcoholic beverages;

(2) be made by the licensee or an employee of the licensee who has completed alcohol server training as required under AS 04.21.025;

(3) only be made to a responsible adult at the delivery address on the written order; the responsible adult shall

(A) provide identification and proof of age as defined in AS 04.21.050; and

(B) acknowledge receipt of the alcoholic beverages in writing.

(d) The package store endorsement holder shall retain the written or electronic order and the responsible adult's written acknowledgment for at least one year after delivery.

(e) For the purposes of AS 04.09.490(e), the holder of a package store sampling endorsement may notify its existing customers of sampling activities by electronic mail or by short message service or multimedia message service for telephone numbers gathered from existing customers while the existing customers are on the licensed premises. No other means of electronic notification is permissible.

(f) For the purposes of this section, a "social event" means a catered event if the delivery of alcoholic beverages is to another licensee responsible for alcoholic beverage service at the

event, or to a non-licensee for a private, by-invitation-only event, including a wedding, memorial, graduation, or holiday celebration. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.090 AS 04.09.460 AS 04.09.480
AS 04.06.100 AS 04.09.470 AS 04.09.490
AS 04.09.230

3 AAC 305.345. Written or electronic orders. (a) A package store licensee with a shipping endorsement issued under AS 04.09.460 or a holder of a manufacturer direct shipment license under AS 04.09.370 may sell alcoholic beverages in response to a written or electronic order. The licensee shall retain the original, a clear photocopy, or an electronic copy of one of the following documents that bears the purchaser's signature and shows by date of birth or statement of age that the purchaser is at least 21 years of age:

(1) valid government-issued photographic identification from any state;

(2) a tribal identification card, issued by a federally recognized tribe that meets the following criteria:

(A) the identification card has a photograph, a signature, and a date of birth; and

(B) the identification card has security features as identified in AS 28.15.111(a)(4); or

(3) a foreign or domestic passport.

(b) Alcoholic beverages may be sold in response to a written or electronic order only if the order

(1) is signed and dated by the purchaser;

(2) describes in reasonable detail the type and quantity of alcoholic beverages being ordered;

(3) refers by number to the purchaser's proof-of-age document required by (a) of this section;

(4) bears a signature reasonably determined by the licensee to match that on the proof-of-age document;

(5) states the physical residence address of the purchaser; the address must be sufficient for the licensee to determine whether the residence is within an area that has restricted the sale, importation, or possession of alcoholic beverages under AS 04.11.491;

(6) includes the community delivery site's physical address if delivery is at a community delivery site designated under AS 04.11.491(f); and

(7) is entered into the written and electronic order database established under AS 04.06.095 if the alcoholic beverages are to be shipped to an area that has restricted the sale of alcoholic beverages under AS 04.11.491(a)(1), (2), or (3) or AS 04.11.491(b)(1) or (2); an order subject to this paragraph may not be for an amount of alcoholic beverages that would exceed the amount in a calendar month authorized for the purchaser under AS 04.09.460(e) as indicated in the database.

(c) A written or electronic order, may be modified by the licensee not later than five working days after receipt of the written or electronic order if the modification is in accordance with an oral or written communication from the purchaser; if a modification is made, the licensee shall note on the original order the date of modification and the manner in which the modification was requested by the purchaser; alcoholic beverages shipped in response to a

written or electronic order must be packaged and shipped within five working days after receipt of the initial written or electronic order by the licensee or the licensee's agent or employee;

(d) Notwithstanding (c), a written or electronic order that is required under AS 04.09.460(e) or AS 04.09.370 to be entered into the written or electronic order database established under AS 04.06.095 may not be modified after it is entered into the database; a licensee shall calculate whether alcoholic beverages may be shipped to a purchaser under AS 04.09.460(e) by using the date that the order is entered into the database to determine if the amount ordered, combined with the amount already shipped in a calendar month to the purchaser, exceeds the amount authorized under AS 04.09.460(e) as indicated in the database; if the amount ordered under this paragraph

(A) does not exceed the amount authorized under AS 04.09.460(e), alcoholic beverages shipped in response to the written order must be packaged and shipped within five working days after receipt of the written order by the licensee or the licensee's agent or employee; or

(B) exceeds the amount authorized under AS04.09.460(e), the licensee shall

(i) hold the order for up to 72 hours and reenter it into the database for the next month as a new order; or

(ii) return the order to the purchaser unfilled if the licensee cannot reenter the order as a new order within 72 hours after receipt.

(e) In response to a written or electronic order, a licensee

(1) shall provide written or electronic information to the purchaser on fetal alcohol spectrum disorder and fetal alcohol effects resulting from a woman's consumption of alcohol during pregnancy;

(2) may not package or deliver alcoholic beverages, or enter a written order into the written order database established under AS04.06.095, until the licensee has received full payment for the order at the licensed premises;

(3) may personally deliver alcoholic beverages to the purchaser or to an individual who may legally possess alcoholic beverages and who is specifically authorized in the order to receive the purchase and deliver the alcoholic beverages to the purchaser; to verify the identity of the purchaser or the individual specifically authorized in the written order to receive the purchase, the licensee shall require the purchaser or the authorized individual to present an original of one of the forms of identification listed in (a) of this section;

(4) shall ship the alcoholic beverages by a common carrier approved under AS 04.09.750 to the purchaser; under this paragraph, if the order is to be shipped to a community that has specified a delivery site under AS 04.11.491(f) the order must be shipped to the purchaser at that delivery site address; or

(5) shall package an order that is delivered or shipped under this subsection in a shipping container that

(A) bears a non-removable label that

(i) identifies the licensee;

(ii) shows the written order number assigned under (g) of this section; and

(ii) contains the words "alcoholic beverages" in letters at least two inches high and drawn in lines one-quarter inch wide;

(B) contains one copy of the sales invoice must be enclosed in a non-removable, sealed envelope securely attached to the shipping container; the sales invoice

(i) must be legibly hand written or typed;

(ii) must be prepared by the licensee, licensee's agent, or employee; and

(iii) must show the description, quantity, unit price, extended price, and total value of the alcoholic beverages in the container;

(iv) may be retained by a municipality if the container is addressed to a delivery site in a municipality that imposes a sales and use tax on alcoholic beverages under AS 04.21.010(c)(4), or controls the quantity that may be imported under AS 04.21.010(a)(1).

(e) A community delivery site must be secure from unauthorized access, reasonably located for access by the public, clean and heated, and controlled by the local governing body to assure protection of orders for purchasers. The site must be open for pick-up by purchasers at least once a week, for three hours between 8:00 a.m. and 8:00 p.m. Alcoholic beverages may be claimed from the community delivery site only by the purchaser named on the container. The purchaser shall sign for the order on a form stating that the beverages are not for resale. The local governing body may impose reasonable storage and handling fees chargeable to the purchaser and may label or mark alcoholic beverage containers processed through the community delivery site. Upon approval of a community delivery site, the board will notify licensees that written or

electronic orders for shipment into the community may only be shipped to the community delivery site.

(f) The board will maintain a list of persons who, under AS 04.16.200, are convicted after October 24, 1987, of a violation of AS 04.11.010 and will provide this list to package store and manufacturer direct shipment licensees. A licensee who receives the list may not sell alcoholic beverages by written or electronic order to a person whose name appears on it until the board gives written notice to the licensee that sales to that person are no longer prohibited.

(g) The licensee shall fasten together the documents pertaining to each written order and shall keep them on file with the purchaser's proof-of-age document. The licensee shall retain order documents for at least one year after the order is delivered. The licensee shall maintain a log of written orders in a manner that

(1) allows cross-reference to the documents for each order;

(2) assigns an order number to each written order; and

(3) shows, for each order,

(A) the purchaser's name;

(B) dates the order was received, modified, and shipped or delivered; and

(C) the address to which shipment was made.

(h) A licensee who sells alcoholic beverages in response to written or electronic orders

(1) shall promptly notify the board of

(A) a person who places one or more written orders in a single week for, in the aggregate,

(i) more than 36 gallons of brewed beverages;

(ii) more than 12 cases of wine; or

(iii) more than 36 liters of distilled spirits; and

(B) a customer who engages in a regular practice of ordering alcoholic beverages in similarly large quantities;

(2) shall, if the alcoholic beverages are to be shipped to an area that has restricted the sale of alcoholic beverages under AS 04.11.491(a)(1), (2), or (3) or (b)(1) or (2),

(A) enter a written or electronic order into the written order database established under AS 04.06.095 not more than 24 hours after receiving full payment; and

(B) notify the board not more than 24 hours after calculating that the amount ordered exceeds the amount authorized under AS 04.09.460 as indicated in the database when added to the amount already shipped in a calendar month to the purchaser.

(i) If alcoholic beverages are not delivered to the purchaser personally on the licensed premises, title to the alcoholic beverages passes from the licensee to the purchaser at the time the alcoholic beverages are packed and addressed to the purchaser and payment is received, and these actions are sufficient to constitute a sale on the licensed premises.

(j) The licensee may not ship alcoholic beverages

(1) to a person other than the purchaser;

(2) in response to a telephonic order; or

(3) by taxicab.

(k) After a local option municipality submits written notification to the board that the municipality has imposed a sales and use tax on alcoholic beverages under AS 04.21.010(c)(4), a licensee that sells alcoholic beverages by written solicitation under AS 04.09.460 may not ship or deliver alcoholic beverages to that municipality until payment for the taxes is collected at the licensed premises in accordance with the ordinances of that municipality. The licensee shall

remit the payments of taxes to the municipality for which the tax was collected. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.090 AS 04.09.370 AS 04.09.480
AS 04.06.100 AS 04.09.460 AS 04.09.490
AS 04.09.230 AS 04.09.470

3 AAC 305.350. Wine clubs. (a) A package store licensee with a shipping endorsement may enter into a standing written or electronic shipment order agreement with a purchaser for periodic shipment of wine of the licensee's choice to the purchaser if

(1) the endorsement holder retains the original, a clear photocopy, or an electronic copy of the proof-of-age document in accordance with 3 AAC 305.345(b);

(2) the agreement is signed and dated by the purchaser and contains the information required for written orders under 3 AAC 305.345(c); and

(3) the agreement requires that the endorsement holder receives payment for the wine not fewer than five working days before the date of shipment and allows the endorsement holder or purchaser to terminate the agreement by giving five days' written notice of termination.

(b) A licensee shall consult the database maintained by the board under AS 04.06.095 in the manner required under AS 04.09.460(e) before shipping wine to an area that has restricted the sale of alcoholic beverages under AS 04.11.491(a)(1), (2), or (3) or (b)(1) or (2). Shipment of the wine must be in compliance with applicable provisions of 3 AAC 305.345(d) and (e).

(c) For each standing shipment order agreement, an endorsement holder shall keep a hard copy or electronic file that contains the agreement and a copy of all documents required under this section. The endorsement holder shall retain the agreement file for at least one year after termination of the agreement. The endorsement holder shall maintain a log of monthly shipments

of wine in a manner that

(1) allows cross-reference to the documents for each order;

(2) assigns an order number to each shipment; and

(3) for each order, shows the date payment for the shipment was received, the date the order was shipped, and the address to which the shipment was made.

(d) If an agreement under this section requires the endorsement holder to ship wine to an area that has restricted the sale of alcoholic beverages under AS 04.11.491(a)(1), (2), or (3) or (b)(1) or (2), the licensee shall enter a written order not later than 24 hours after receiving full payment into the written order database established under AS 04.06.095.

(e) After a municipality submits written notification to the board that the municipality has imposed a sales and use tax on alcoholic beverages under AS 04.21.010(c)(4), an endorsement holder may not ship wine under a standing shipment order agreement to that municipality until payment for the taxes is collected at the licensed premises in accordance with the ordinances of that municipality. The licensee shall remit the payments of taxes to the municipality for which the tax was collected. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.090 AS 04.09.460 AS 04.09.480
AS 04.06.100 AS 04.09.470 AS 04.09.490
AS 04.09.230

3 AAC 305.355. Caterer's permits. (a) A beverage dispensary licensee or a beverage dispensary tourism licensee may hold a caterer's permit to sell or dispense alcoholic beverages at a convention, picnic, sporting activity or event, concert, street festival, or similar affair held off the holder's licensed premises for which a beverage dispensary license or a beverage dispensary

tourism license would not otherwise be required. The permit may only be issued for designated premises for a specific occasion and for a limited period. The caterer, or a specified employee or agent of the caterer, shall be present on the catered premises at all times alcoholic beverages are possessed, served, or consumed at the premises under the permit.

(b) A restaurant and eating place licensee or a seasonal restaurant or eating place tourism licensee may hold a restaurant caterer's permit to sell brewed beverages and wine before and during the service of food provided by the licensee at a single dining event held off the holder's licensed premises. The licensee shall comply with the requirements for gross receipts from food sales for a restaurant or eating place license under AS 04.09.210(e) or a seasonal restaurant or eating place tourism license under AS 04.09.360(g).

(c) A club licensee may hold a club caterer's permit to sell or dispense alcoholic beverages at an event held off the club's licensed premises. A restriction or prohibition under AS 04.09.630 regarding a club member or guest of a club member applies to the premises covered by the permit. The director may not issue more than three club caterer's permits to a club license in a calendar year.

(d) Violation of a statute, ordinance, or regulations pertaining to alcoholic beverages by a caterer is grounds for disciplinary action, including suspension or revocation of the caterer's alcoholic beverage license. (Eff. ____/____/_____, Register _____)

Authority:	AS 04.06.090	AS 04.09.220	AS 04.09.610
	AS 04.06.100	AS 04.09.350	AS 04.09.620
	AS 04.09.200	AS 04.09.600	AS 04.09.630
	AS 04.09.210		

3 AAC 305.360. Art exhibit permits. (a) A beverage dispensary licensee, a beverage dispensary tourism licensee, a restaurant or eating place licensee, or a seasonal restaurant or eating place tourism licensee may hold an art exhibit permit to sell and serve brewed beverages or wine for consumption at a specific art exhibit event as set out in AS 04.09.640. Food must be provided in conjunction with the service of brewed beverages and wine. Brewed beverages and wine may not be transported between specified sites.

(b) An art exhibit permit may not be exercised for an event that is expected to attract an audience under 21 years of age.

(c) Only one art exhibit permit may be exercised at any specified site on a single date.

(d) The art exhibit permit or an exact copy must be posted conspicuously at each specified site at each art exhibit event during times when brewed beverages or wine is served and consumed.

(e) An application for an art exhibit permit must be on a form prescribed by the board and be accompanied by the appropriate fee. An applicant must obtain and submit with the application written approval from the law enforcement agency with jurisdiction over the specified sites of the art exhibit events for which the permit is sought.

(f) An application for an art exhibit permit must clearly identify

(1) each art exhibit event date;

(2) each specified site for each event date;

(3) the designated areas for the service and consumption of brewed beverages and wine at each specified site for each event date; and

(4) the time during which brewed beverages and wine will be served and consumed at each specified site for each event date.

(g) The holder of a multiple events art exhibit permit may submit a written request for amendment of the permit to change event dates, specified sites, designated areas, or designated times where alcoholic beverage consumption is allowed. The request must be submitted to the director in writing not fewer than three days before the event and must include written approval of the law enforcement agency with jurisdiction over the specified sites.

(h) An art exhibit permit may not be transferred, relocated, or renewed.

(i) For the purposes of this section, "art exhibit event" or "event" means a public event involving an art display or similar activity approved by the board that is held for a limited period at one or more art galleries, art studios, art stores, art dealer stores, or museums. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.090 AS 04.09.200 AS 04.09.350
AS 04.06.100 AS 04.09.210 AS 04.09.360

3 AAC 305.365. Music festival permits. A restaurant or eating place licensee may hold a musical festival permit to sell or dispense brewed beverages and wine for consumption at a festival with multiple live music performances not held on the holder's licensed premises as set out in AS 04.09.645. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.090 AS 04.09.200 AS 04.09.350
AS 04.06.100 AS 04.09.210 AS 04.09.360

3 AAC 305.370. Colleges and universities. (a) For the purpose of granting a beverage dispensary caterer's permit, a restaurant caterer's permit, or a nonprofit organization event permit

under AS 04.09.650 where prohibitions are imposed under AS 04.11.410 and AS 04.16.080, "school" does not include an accredited college or university as defined in AS 04.09.240(f).

(b) Along with other approvals required by statute or regulation, an application for a permit for a designated premises at a college or university event must be approved by the board of regents or a similar governing body of the college or university, or the board's or body's designee.

(c) A holder of a sporting activity or event license under AS 04.09.270 or a recreational site license issued under AS 04.11.210 for a site where college or university sporting events are held may petition the board for designation of premises at the site where brewed beverages and wine may be sold during a college or university sporting event. (Eff. ____/____/_____, Register _____)

Authority:	AS 04.06.090	AS 04.09.270	AS 04.09.650
	AS 04.06.100	AS 04.09.610	AS 04.11.270
	AS 04.09.240	AS 04.09.620	

3 AAC 305.375. Permits available to package store licensees. A package store licensee may hold a tasting event permit as set out in AS 04.09.670. (Eff. ____/____/_____, Register _____)

Authority:	AS 04.06.090	AS 04.09.200	AS 04.09.600
	AS 04.06.100	AS 04.09.230	AS 04.09.670

3 AAC 305.380. Permits available to brewery retail, winery retail, and distillery retail licensees. A brewery retail licensee, a winery retail licensee, or a distillery retail licensee

may hold a live music or entertainment event permit as set out in AS 04.09.685. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.090 AS 04.09.320 AS 04.09.600
AS 04.06.100 AS 04.09.330 AS 04.09.685
AS 04.09.200 AS 04.09.340

3 AAC 305.385. Inventory resale permits. An inventory resale permit authorizes the sale of a business's remaining inventory of alcoholic beverages when the owner of the business no longer has a valid license under AS 04 and as set out in AS 04.09.680. An inventory resale permit sought by a non-licensee shall be brought to the board for approval. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.090 AS 04.09.600 AS 04.09.680
AS 04.06.100

3 AAC 305.390. Permits available to nonprofit organizations. (a) A nonprofit organization may hold a nonprofit organization event permit as set out in AS 04.09.650.

(b) a nonprofit organization may hold an alcoholic beverage auction permit as set out in AS 04.09.660. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.090 AS 04.09.600 AS 04.09.660
AS 04.06.100 AS 04.09.650

3 AAC 305.395. Conditional contractor's permit. A prime contractor may hold a conditional contractor's permit on construction sites as described under AS 04.09.690 and AS 04.11.680. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.090 AS 04.09.600 AS 04.11.680
AS 04.06.100 AS 04.09.690

3 AAC 305.397. Definitions. For the purposes of AS 04.21.080(b) "a variety of types of food items appropriate for meals is prepared on site" means that the meals are prepared on site in a commercial kitchen and that the majority of meal preparation involves more than warming or rewarming food in movable kitchen appliances, such as slow-cookers and microwave ovens. (Eff. ____/____/_____, Register _____)

Authority: AS 04.06.090 AS 04.06.100 AS 04.21.080