



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,  
and Economic Development

ALCOHOL AND MARIJUANA CONTROL OFFICE

550 W 7<sup>TH</sup> AVENUE, STE 1600  
Anchorage, AK 99501  
Main: 907.269.0350

To: Alcoholic Beverage Control Board  
Date: September 16, 2025  
From: Kevin Richard, Director  
RE: Director's Report

- **Introduction**

- This report summarizes the activities of the Alcohol and Marijuana Control Office (AMCO) from the last board meetings held in June 2025.

- **Discussion Topics**

- **AO 358**

- The Board has received copies of Administrative Order 358 issued by the Governor on May 9, 2025. This has placed restrictions on travel, implemented a hiring freeze, and a freeze on the promulgation of new regulations by all agencies. When reviewing regulatory projects, I encourage the Board to consider which are necessary to protect the safety of the public or to meet other essential State responsibilities.

- **AO 360**

- Administrative Order 360 was issued on August 4<sup>th</sup>, 2025. This order rescinded and replaced AO 157 and AO 266. There are multiple goals and outcomes associated with this AO, culminating in a reduction of the number of regulatory requirements by 15% by December 31, 2026, and 25% (cumulative) by December 31, 2027. Currently staff is tasked with preparing stakeholder meetings, compiling guidance documents, and calculating baseline regulatory requirements.

- **Licensing**

- Sonya Irwin will update you on the progress that has been made since the June 2025 board meetings.

- **Enforcement**

- Investigator Joe Bankowski will update you on the activities of the AMCO Enforcement Unit since the June board meetings. There is currently a vacancy in the Enforcement Unit for one Special Investigator I. The recruitment waiver has been submitted.

- **Administrative**

- The AMCO Administrative Unit has a vacancy for an Administrative Assistant I position. Staff are working to reclassify the position to make it more in-line with the job responsibilities. There is a vacancy for a Regulatory Specialist 2.

- **Legislative Review**



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,  
and Economic Development

ALCOHOL AND MARIJUANA CONTROL OFFICE

550 W 7<sup>TH</sup> AVENUE, STE 1600  
Anchorage, AK 99501  
Main: 907.269.0350

- Currently, AMCO is monitoring the following bills in preparation for the upcoming legislative session:
  - HB 37: Alcohol Warning Signs On Lic. Premises
    - Sponsor: Representative Gray
    - Current Status: (H)L&C
  - HB 68: Alcohol: Sale, Warning Signs
    - Sponsor: House Labor & Commerce
    - Current Status: (H)HSS
  - HB 155: Alcohol Sales: Local Option
    - Sponsor: Representative Foster
    - Current Status: (H)CRA
  - HB 182: Alcohol License: Live Music/Entertainment
    - Sponsor: Representative Holland
    - Current Status: (H)RLS
- **Topics to be Considered**
  - **Regulations Projects**
    - AO 358 has temporarily paused work on current regulations projects. The two outstanding projects are General Amendments to Trade Practices and Providing Guidance or Requirements to Local Jurisdictions for additional REPLs.
  - **Acceptance of DMV Mobile ID Verifier as Proof of Age**
    - The Alaska Department of Motor Vehicles, through the DMV Mobile ID Verifier, provides a mobile identification card (mID). This mID is a digital representation of the information contained in a physical identification card or driver's license. By downloading the Alaska mID app, one can verify identity and display their ID when necessary to prove age or identity. The mID is meant to be a companion to a physical ID and not a replacement.
- **Next Board Meeting**
  - The next Alcoholic Beverage Control Board meeting is scheduled for December 2nd in Anchorage, AK. If required, a special meeting may be scheduled at the discretion of the Chair.

A handwritten signature in black ink, appearing to read "Kevin Richard".

Kevin Richard  
Director  
Alcohol & Marijuana Control Office  
[kevin.richard@alaska.gov](mailto:kevin.richard@alaska.gov)

**HOUSE BILL NO. 37**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVE GRAY**

**Introduced: 1/22/25**

**Referred: Labor and Commerce, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1   **"An Act relating to the posting of warning signs for alcoholic beverages."**

2   **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3    \* **Section 1.** AS 04.21.065(a) is amended to read:

4                   (a) A holder of one of the following types of licenses or permits shall post on  
5           the licensed or designated premises two [THREE] separate warning signs as described  
6           in (b) of this section:

7                   (1)   brewery manufacturer license under AS 04.09.020 with a  
8           manufacturer sampling endorsement under AS 04.09.410;

9                   (2)   winery manufacturer license under AS 04.09.030 with a  
10          manufacturer sampling endorsement under AS 04.09.410;

11                  (3)   distillery manufacturer license under AS 04.09.040 with a  
12          manufacturer sampling endorsement under AS 04.09.410;

13                  (4)   beverage dispensary license under AS 04.09.200;

14                  (5)   restaurant or eating place license under AS 04.09.210;

15                  (6)   club license under AS 04.09.220;

- (7) package store license under AS 04.09.230;
- (8) pub license under AS 04.09.240;
- (9) theater license under AS 04.09.250;
- (10) common carrier dispensary license under AS 04.09.260;
- (11) sporting activity or event license under AS 04.09.270;
- (12) outdoor recreation lodge license under AS 04.09.280;
- (13) fair license under AS 04.09.290;
- (14) golf course license under AS 04.09.300;
- (15) destination resort license under AS 04.09.310;
- (16) brewery retail license under AS 04.09.320;
- (17) winery retail license under AS 04.09.330;
- (18) distillery retail license under AS 04.09.340;
- (19) beverage dispensary tourism license under AS 04.09.350;
- (20) seasonal restaurant or eating place tourism license under AS 04.09.360;
- (21) beverage dispensary caterer's permit under AS 04.09.610;
- (22) restaurant caterer's dining permit under AS 04.09.620;
- (23) club caterer's permit under AS 04.09.630;
- (24) art exhibit event permit under AS 04.09.640;
- (25) music festival permit under AS 04.09.650;
- (26) nonprofit organization event permit under AS 04.09.660;
- (27) package store tasting event permit under AS 04.09.680;
- (28) conditional contractor's permit under AS 04.09.710;
- (29) another license or permit issued by the board authorizing consumption of alcoholic beverages.

\* **Sec. 2.** AS 04.21.065(b) is amended to read:

(b) The warning signs required by (a) of this section must be at least 11 inches by 14 inches, and the lettering must be at least one-half inch high and in contrasting colors. The first sign must read, "WARNING: Alcohol use [DRINKING ALCOHOLIC BEVERAGES SUCH AS BEER, WINE, WINE COOLERS, AND DISTILLED SPIRITS OR SMOKING CIGARETTES] during pregnancy can cause

1 birth defects. **Alcohol use can cause cancer, including breast and colon cancers.**"

2 The second sign must read, "WARNING: **An unaccompanied person under 21**

3 **years of age who enters these premises in violation of law may, under**

4 **AS 04.16.049(e), be civilly liable for damages of \$1,500.** A person who provides

5 alcoholic beverages to a person under 21 years of age, if convicted under

6 AS 04.16.051, could be imprisoned for up to five years and fined up to \$50,000."

7 [THE THIRD SIGN MUST READ, "WARNING: AN UNACCOMPANIED

8 PERSON UNDER 21 YEARS OF AGE WHO ENTERS THESE PREMISES IN

9 VIOLATION OF LAW MAY, UNDER AS 04.16.049(e), BE CIVILLY LIABLE

10 FOR DAMAGES OF \$1,500." ] The license or permit holder shall display the first

11 **sign** [AND SECOND SIGNS] in a manner that would make **it** [THEM] conspicuous

12 to a person who will be purchasing or consuming alcoholic beverages or smoking

13 cigarettes on the licensed or designated premises and shall conspicuously display the

14 **second** [THIRD] sign at each door through which customers enter the licensed

15 premises.

**HOUSE BILL NO. 68**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Introduced: 1/24/25

Referred: Labor and Commerce, Health and Social Services

**A BILL**

**FOR AN ACT ENTITLED**

1   **"An Act relating to the sale of alcohol; and relating to the posting of warning signs for**  
2   **alcoholic beverages."**

3   **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4    \* **Section 1.** AS 04.09.210(c) is amended to read:

5                   (c) The board may issue or renew a license under this section only if the

6                         (1) board determines that

7                                 (A) the licensed premises is a bona fide restaurant as defined in  
8                   AS 04.21.080(b);

9                                 (B) there is supervision on the premises adequate to reasonably  
10                   ensure that a person under 21 years of age will not obtain alcoholic beverages,  
11                   **unless the person is employed as permitted in AS 04.16.049(d);** and

12                                 (C) it is unlikely that persons under 21 years of age not  
13                   employed on the premises will enter and remain on the licensed premises for  
14                   purposes other than dining; and

(2) sale and service of food and alcoholic beverages and any other business conducted on the licensed premises of the restaurant or eating place is under the sole control of the licensee.

\* **Sec. 2.** AS 04.09.210(d) is amended to read:

(d) The board may authorize the holder of a restaurant or eating place license

(1) to allow a person who is at least 16 years of age but under 21 years of age to enter and remain on the licensed premises for dining only;

(2) to allow a person who is under 16 years of age to enter and remain on the licensed premises for dining only if

(A) the person is accompanied by a person who is 21 years of age or older; and

(B) the parent or guardian of the person consents to the person being on the licensed premises; and

(3) subject to AS 04.16.049, to employ or permit the employment of a person who is at least 16 years of age but under 21 years of age on the licensed premises if the employer provides adequate supervision to ensure that **an employee who is 16 or 17 years of age** [THE PERSON] does not obtain alcoholic beverages.

\* **Sec. 3.** AS 04.09.250(c) is amended to read:

(c) The holder of a theater license may sell or serve alcoholic beverages only in designated areas on the licensed premises and only for **a period beginning two hours** [ONE HOUR] before the event **until one hour after the event** [AND DURING INTERMISSIONS].

\* **Sec. 4.** AS 04.09.360(c) is amended to read:

(c) The board may issue or renew a license under this section only if

(1) the board determines that

(A) the licensed premises is a bona fide restaurant as defined in AS 04.21.080(b);

(B) there is supervision on the premises adequate to reasonably ensure that a person under 21 years of age will not obtain alcoholic beverages, **except as provided under AS 04.16.049(d)**; and

(C) it is unlikely that persons under 21 years of age not

1 employed on the premises will enter and remain on the licensed premises for  
2 purposes other than dining; and

3 (2) the sale and service of food and alcoholic beverages and any other  
4 business conducted on the licensed premises of the restaurant or eating place is under  
5 the sole control of the licensee.

6 \* **Sec. 5.** AS 04.09.360(f) is amended to read:

7 (f) The board may authorize the holder of a seasonal restaurant or eating place  
8 tourism license

9 (1) to allow a person who is at least 16 years of age but under 21 years  
10 of age to enter and remain on the licensed premises for dining only;

11 (2) to allow a person who is under 16 years of age to enter and remain  
12 on the licensed premises for dining only if

13 (A) the person is accompanied by a person who is 21 years of  
14 age or older; and

15 (B) the parent or guardian of the person consents to the person  
16 being on the licensed premises; and

17 (3) subject to AS 04.16.049, to employ or permit the employment of a  
18 person who is at least 16 years of age but under 21 years of age on the licensed  
19 premises if the employer provides adequate supervision to ensure that **an employee**  
20 **who is 16 or 17 years of age** [THE PERSON] does not obtain alcoholic beverages.

21 \* **Sec. 6.** AS 04.09.450(d) is amended to read:

22 (d) The board may issue an endorsement under this section only if the board  
23 finds

24 (1) that the establishment or portion of the establishment for which the  
25 endorsement is requested is a bona fide restaurant;

26 (2) there is supervision on the premises adequate to reasonably ensure  
27 that a person under 21 years of age will not obtain alcoholic beverages, **except as**  
28 **provided under AS 04.16.049(d)**; and

29 (3) that it is unlikely that persons under 21 years of age not employed  
30 on the premises will enter and remain on the premises of the bona fide restaurant for  
31 purposes other than dining.



1 \* **Sec. 7.** AS 04.09.450(e) is amended to read:

2 (e) The board may authorize the holder of a license with a restaurant  
3 endorsement

4 (1) to allow a person who is at least 16 years of age but under 21 years  
5 of age to enter and remain on the licensed premises for dining only;

6 (2) to allow a person who is under 16 years of age to enter and remain  
7 on the licensed premises for dining only if

8 (A) the person is accompanied by a person who is 21 years of  
9 age or older; and

10 (B) the parent or guardian of the person consents to the person  
11 being on the licensed premises; and

12 (3) subject to AS 04.16.049, to employ or permit the employment of a  
13 person who is at least 16 years of age but under 21 years of age on the premises of the  
14 bona fide restaurant if the employer provides adequate supervision to ensure that **an**  
15 **employee who is 16 or 17 years of age** [THE PERSON] does not obtain alcoholic  
16 beverages.

17 \* **Sec. 8.** AS 04.16.049(d) is amended to read:

18 (d) Notwithstanding any other provision in this section **and AS 04.16.050(a)**,  
19 a person 18, 19, or 20 years of age may be employed within the licensed premises of a  
20 **brewery manufacturer, winery manufacturer, distillery manufacturer**, hotel or  
21 motel, large resort, golf course, general wholesaler, limited brewed beverage and wine  
22 wholesaler, common carrier dispensary, outdoor recreation lodge, **brewery retailer,**  
23 **winery retailer, distillery retailer**, or restaurant, may enter and remain within those  
24 premises for the purpose of employment, **and, other than for a business that offers**  
25 **adult entertainment**, [BUT] may [NOT], in the course of employment, sell, serve,  
26 deliver, or dispense alcoholic beverages.

27 \* **Sec. 9.** AS 04.16.049(h) is amended to read:

28 (h) Notwithstanding any other provision in this section, a person under 21  
29 years of age may be present

30 **(1)** on the licensed premises of a

31 **(A)** common carrier dispensary, destination resort, or outdoor

recreation lodge for the purpose of travel, travel lodging, or outdoor recreation activities provided by the licensee if the person is

(i) [(1)] at least 16 years of age; or

(ii) [(2)] under 16 years of age and a parent or legal guardian of the underaged person consents;

**(B) theater if the person is**

**(i) at least 16 years of age; or**

**(ii) under 16 years of age, is accompanied by a person who is at least 21 years of age, and a parent or legal guardian of the underaged person consents;**

**(2) in the areas of a licensed premises covered by a large resort endorsement, but excluding the areas of the premises originally covered by the licensee's beverage dispensary or beverage dispensary tourism license where alcohol is being served, for the purpose of travel, travel lodging, or outdoor recreation activities provided by the large resort if the person is**

**(A) at least 16 years of age; or**

**(B) under 16 years of age and a parent or legal guardian of the underaged person consents.**

\* **Sec. 10.** AS 04.16.049 is amended by adding a new subsection to read:

(k) In this section, "business that offers adult entertainment" has the meaning given in AS 23.10.350(f).

\* **Sec. 11.** AS 04.16.052(a) is amended to read:

(a) A licensee or an agent or employee of the licensee may not with criminal negligence

(1) allow another person to sell, barter, or give an alcoholic beverage to a person under the age of 21 years within licensed premises, **except as provided in AS 04.16.049(d);**

(2) allow a person under the age of 21 years to enter and remain within licensed premises except as provided in AS 04.16.049;

(3) allow a person under the age of 21 years to consume an alcoholic beverage within licensed premises;

(4) allow a person under the age of 21 years to sell or serve alcoholic beverages, except as provided in AS 04.16.049(d);

(5) while working on licensed premises, furnish or deliver alcoholic beverages to a person under the age of 21 years, except as provided in AS 04.16.049(d).

\* **Sec. 12.** AS 04.21.065(b) is amended to read:

(b) The warning signs required by (a) of this section must be at least 11 inches by 14 inches, and the lettering must be at least one-half inch high and in contrasting colors. The first sign must read, "WARNING: Alcohol use [DRINKING ALCOHOLIC BEVERAGES SUCH AS BEER, WINE, WINE COOLERS, AND DISTILLED SPIRITS OR SMOKING CIGARETTES] during pregnancy can cause birth defects. Alcohol use can cause cancer, including breast and colon cancers."

The second sign must read, "WARNING: A person who provides alcoholic beverages to a person under 21 years of age, if convicted under AS 04.16.051, could be imprisoned for up to five years and fined up to \$50,000." The third sign must read, "WARNING: An unaccompanied person under 21 years of age who enters these premises in violation of law may, under AS 04.16.049(e), be civilly liable for damages of \$1,500." The license or permit holder shall display the first and second signs in a manner that would make them conspicuous to a person who will be purchasing or consuming alcoholic beverages or smoking cigarettes on the licensed or designated premises and shall conspicuously display the third sign at each door through which customers enter the licensed premises.

\* **Sec. 13.** AS 04.09.250(d) is repealed.

**HOUSE BILL NO. 155**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE FOSTER

Introduced: 3/26/25

Referred: Community and Regional Affairs, Labor and Commerce

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to alcohol; relating to local option elections; relating to the statewide  
2 database of alcohol purchases; relating to alcohol licenses, endorsements, and permits;  
3 relating to municipal regulation and taxation of alcoholic beverages; and providing for  
4 an effective date."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 \* **Section 1.** AS 04.06.095(a) is amended to read:

7 (a) The board, after consulting with package store licensees, shall create and  
8 maintain a statewide database that contains a monthly record of the alcohol purchased  
9 by, and shipped to, a person who resides in a municipality or established village that  
10 has restricted the sale of alcoholic beverages under AS 04.11.491(a)(1), (2), [OR] (3),  
11 or (6) or (b)(1) or (2).

12 \* **Sec. 2.** AS 04.09.460(c) is amended to read:

13 (c) An endorsement holder may ship alcoholic beverages only to the purchaser  
14 and may ship alcoholic beverages only in response to an order. The endorsement

holder may not, in response to an order, ship alcohol to a purchaser at an address other than the address where the purchaser resides or, if the purchaser resides in a municipality or established village that has adopted a local option under AS 04.11.491(a)(1), (2), [OR] (3), or (6) or (b)(1) or (2) for which a community delivery site has been designated under AS 04.11.491(f), to an address other than that community delivery site except as provided by AS 04.11.491(f)(1) and (2).

\* **Sec. 3.** AS 04.09.460(e) is amended to read:

(e) If a shipment is to an area that has restricted the sale of alcoholic beverages under AS 04.11.491(a)(1), (2), [OR] (3), or (6) or (b)(1) or (2), an endorsement holder may not ship to a purchaser more than 10.5 liters of distilled spirits or 24 liters or more of wine, or either a half-barrel keg of brewed beverages or 12 gallons or more of brewed beverages in individual containers in a calendar month, or a lower amount of distilled spirits, wine, or brewed beverages if the municipality or established village has adopted the lower amount by local option under AS 04.11.491(g). Before shipping alcohol to a purchaser in a restricted area, an endorsement holder shall consult the database maintained by the board under AS 04.06.095 for any alcoholic beverage shipments made to the purchaser during that calendar month by a package store. An endorsement holder may not ship an amount of alcoholic beverages to a purchaser in a restricted area that, when added to the amount already shipped, exceeds the amount authorized by this subsection. An endorsement holder shall immediately enter into the database the date and the amount of alcoholic beverages shipped to the purchaser.

\* **Sec. 4.** AS 04.11.010(b) is amended to read:

(b) Except as provided in this subsection, a person may not solicit or receive orders for the delivery of an alcoholic beverage in an area that has adopted a local option under AS 04.11.491. If the area has adopted a local option under AS 04.11.491(a)(1), (2), [OR] (3), or (6) or (b)(1) or (2), a package store licensee outside of that local option area may receive orders as provided under a package store shipping endorsement under AS 04.09.460 but may not solicit in that area or receive orders through an agent or employee in that area. This subsection does not apply to a package store licensee who operates a package store in an area that has adopted a local option under AS 04.11.491(a)(2)(C), [OR] (3)(C), or (6)(C) or (b)(2)(C). A person

1 who violates this subsection is punishable upon conviction as provided under  
 2 AS 04.16.200(a) or (b).

3 \* **Sec. 5.** AS 04.11.320(a) is amended to read:

4 (a) An application requesting issuance of a new license or endorsement shall  
 5 be denied if

6 (1) the board finds, after review of all relevant information, that  
 7 issuance of the license or endorsement would not be in the best interests of the public;

8 (2) issuance of the license is prohibited by AS 04.11.410, relating to  
 9 location of premises near churches and schools;

10 (3) the application has not been completed in accordance with  
 11 AS 04.11.260;

12 (4) issuance of the license or endorsement would violate the  
 13 restrictions pertaining to the particular license or endorsement imposed under this title;

14 (5) issuance of the license is prohibited under this title as a result of an  
 15 election conducted under AS 04.11.507;

16 (6) the requirements of AS 04.11.420 - 04.11.450 relating to zoning,  
 17 ownership and location of the license, and the identity and financing of a licensee have  
 18 not been met or the requirements of AS 04.11.430(b) relating to location of the  
 19 endorsement have not been met;

20 (7) issuance of the license is prohibited under AS 04.11.400(a) or  
 21 prohibition of issuance of the license is found necessary under AS 04.11.400(b);

22 (8) the application contains false statements of material fact;

23 (9) the license is sought for the sale of alcoholic beverages in a first or  
 24 second class city where there are no licensed premises at the time of application unless  
 25 a majority of the voters have voted not to approve a local option to restrict or prohibit  
 26 the sale of alcoholic beverages under AS 04.11.491, have voted to approve a local  
 27 option to allow the type of premises under AS 04.11.491(a)(2), [OR] (3), or (6), or  
 28 have voted to remove a restriction or prohibition on the sale of alcoholic beverages  
 29 under AS 04.11.495; or

30 (10) the license is sought for the sale of alcoholic beverages in an  
 31 established village where there are no licensed premises at the time of application

1 unless a majority of the voters have voted not to approve a local option to restrict or  
 2 prohibit the sale of alcoholic beverages under AS 04.11.491, have voted to approve a  
 3 local option to allow the type of premises under AS 04.11.491(b)(2), or have voted to  
 4 remove a restriction or prohibition on the sale of alcoholic beverages under  
 5 AS 04.11.495.

6 \* **Sec. 6.** AS 04.11.320(b) is amended to read:

7 (b) An application requesting issuance of a new permit shall be denied if

8 (1) the board finds, after review of all relevant information, that  
 9 issuance of the permit would not be in the best interests of the public;

10 (2) the board finds that any of the statements made in the application  
 11 are untrue;

12 (3) the application has not been completed in accordance with  
 13 AS 04.11.260; or

14 (4) the permit is sought for the sale of alcoholic beverages in a first or  
 15 second class city or established village where there are no licensed premises at the  
 16 time of application unless a majority of the voters have voted not to approve a local  
 17 option to restrict or prohibit the sale of alcoholic beverages under AS 04.11.491, have  
 18 voted to approve a local option to allow the type of permit under AS 04.11.491(a)(2)  
 19 or (6) or (b)(2), or have voted to remove a restriction or prohibition on the sale of  
 20 alcoholic beverages under AS 04.11.495.

21 \* **Sec. 7.** AS 04.11.491(a) is amended to read:

22 (a) If a majority of the persons voting on the question vote to approve the  
 23 option, a municipality shall adopt a local option to prohibit

24 (1) the sale of alcoholic beverages;

25 (2) the sale of alcoholic beverages except by one or more of the  
 26 following listed on the ballot:

27 (A) a restaurant or eating place licensee;

28 (B) a beverage dispensary licensee;

29 (C) a package store licensee;

30 (D) a caterer holding a beverage dispensary caterer's permit  
 31 under AS 04.09.610 to sell alcoholic beverages at a site within the municipality

1 who is also licensed under a beverage dispensary license for premises outside  
2 of the municipality;

3 (E) a winery manufacturer licensee;

4 (F) a winery manufacturer licensee, except that sales may occur  
5 only to a person licensed under this title or in another state or country;

6 (G) an outdoor recreation lodge licensee; or

7 (H) a package store licensee limited to selling only beer and  
8 wine;

9 (3) the sale of alcoholic beverages except on premises operated by the  
10 municipality and under a type of licensed premises listed on the ballot, that may  
11 include one or more of the following:

12 (A) a restaurant or eating place license;

13 (B) a beverage dispensary license; or

14 (C) a package store license;

15 (4) the sale and importation of alcoholic beverages; [OR]

16 (5) the sale, importation, and possession of alcoholic beverages; or

17 **(6) the sale of alcoholic beverages except by one or more of the**  
18 **following listed on the ballot:**

19 **(A) a restaurant or eating place licensee;**

20 **(B) a beverage dispensary licensee;**

21 **(C) a package store licensee on premises operated by the**  
22 **municipality.**

23 \* **Sec. 8.** AS 04.11.491(d) is amended to read:

24 (d) The ballot for an election on the option set out in (a)(2)(A), (a)(3)(A), or  
25 (b)(2)(A) of this section must include a summary explanation of the authority to sell  
26 alcoholic beverages given to a restaurant or eating place under AS 04.09.210(a). The  
27 ballot for an election on the option set out in (a)(2)(B) or (D), (a)(3)(B), or (b)(2)(B) or  
28 (D) of this section must include a statement that a beverage dispensary license is  
29 commonly known as a "bar" and a summary explanation of the authority to sell  
30 alcoholic beverages given to a beverage dispensary licensee under AS 04.09.200. The  
31 ballot for an election on the option set out in (a)(2)(C), (a)(3)(C), **(a)(6)(C),** or



(b)(2)(C) of this section must include a statement that a package store license is commonly known as a "liquor store" and a summary explanation of the authority to sell alcoholic beverages given to a package store licensee under AS 04.09.230.

\* **Sec. 9.** AS 04.11.491(f) is amended to read:

(f) A municipality or established village that has adopted a local option under (a)(1), (2), [OR] (3), or (6) or (b)(1) or (2) of this section may designate a site for the delivery of alcoholic beverages to individuals in the area or a site for a person to bring alcoholic beverages if the alcoholic beverages are imported into the area. This subsection does not apply to the delivery or importation of

(1) one liter or less of distilled spirits, two liters or less of wine, or one gallon or less of malt beverages; or

(2) alcoholic beverages to a premises licensed under (a)(2), (3), or (6) [(a)(2) - (3)] or (b)(2) of this section.

\* **Sec. 10.** AS 04.11.491(g) is amended to read:

(g) If a municipality or established village has adopted a local option under (a)(1), (2), (3), [OR] (4), or (6) or (b)(1), (2), or (3) of this section, the municipality or established village, as part of the local option question or questions placed before the voters, may

(1) adopt an amount of alcoholic beverages that may be imported that is less than the amounts set out in AS 04.09.460(e);

(2) adopt an amount of alcoholic beverages that would give rise to a presumption that the person possessed the alcoholic beverages for sale; the amounts adopted under this paragraph may be lower than those set out in AS 04.11.010(c);

(3) opt to not apply a class C felony to violations of AS 04.16.051 that apply solely by reason of the municipality or established village adopting a local option under this section.

\* **Sec. 11.** AS 04.11.503 is amended to read:

**Sec. 04.11.503. Effect on licenses of restriction on sale.** If a majority of the voters vote under AS 04.11.491(a)(2) or (6) or (b)(2) to prohibit sale of alcoholic beverages except by the type or types of licensees or permit holders listed on the ballot, the board may not issue, renew, or transfer between persons or locations a

license for premises located within the boundaries of the municipality and in unincorporated areas within five miles of the boundaries of the municipality or within the perimeter of the established village, except the type or types of licenses listed on the ballot. A license in effect within the boundaries of the municipality or perimeter of the established village, and in unincorporated areas within five miles of the boundaries of the municipality, except the type of license listed on the ballot, is void 90 days after the results of the election are certified. A license that expires during the 90 days after the results of a local option election are certified may be extended, until it is void under this section, by payment of a prorated portion of the biennial license fee.

\* **Sec. 12.** AS 04.11.505 is amended to read:

**Sec. 04.11.505. Licensing after prohibition on sale except in premises operated by municipality.** (a) If a majority of the voters vote under AS 04.11.491(a)(3) or (6) to prohibit the sale of alcoholic beverages except on premises operated by the municipality, the board may not issue, renew, or transfer between persons or locations a license for premises located within the boundaries of a municipality and in unincorporated areas within five miles of the boundaries of the municipality, with the exception of the type of license listed on the ballot and operated under a license held by the municipality. A license in effect is void 90 days after the results of the election are certified. A license that expires during the 90 days after the results of a local option election are certified may be extended, until it is void under this subsection, by payment of a prorated portion of the biennial license fee.

(b) The local governing body of a municipality shall apply for a license to operate the type of licensed premises listed on the ballot under AS 04.11.491(a)(3) or (6)(C) and approved by a majority of the voters. The municipality shall operate the premises subject to the conditions and fees applicable to the type of license. Nothing in this section precludes a municipality from applying to be a licensee under other provisions of this title.

\* **Sec. 13.** AS 04.21.010(a) is amended to read:

(a) A municipality may adopt ordinances governing the importation, barter, sale, and consumption of alcoholic beverages within the municipality and may ban possession of alcoholic beverages under AS 04.11.491(a)(5). An ordinance adopted

1 under this section may not be inconsistent with this title or regulations adopted under  
2 this title. In a municipality that has adopted a local option under AS 04.11.491(a)(1),  
3 (2), [OR] (3), or (6), an ordinance is not inconsistent with this title if it limits

4 (1) the monthly amounts of alcoholic beverages a person may import  
5 into the municipality;

6 (2) the percent of alcohol by volume that an alcoholic beverage may  
7 contain; a limit imposed under this paragraph may not be less than 40 nor more than  
8 76 percent alcohol by volume; or

9 (3) the type of alcoholic beverage container that may be possessed in  
10 the municipality.

11 \* **Sec. 14.** This Act takes effect January 1, 2026.

**HOUSE BILL NO. 182**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVES HOLLAND, Saddler, Story**

**Introduced: 4/11/25**

**Referred: Labor and Commerce**

**A BILL**

**FOR AN ACT ENTITLED**

1   **"An Act relating to live music and entertainment at breweries, wineries, and**  
2   **distilleries."**

3   **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4    \* **Section 1.** AS 04.09.320(e) is amended to read:

5                   (e) Except as provided under (g) of this section [AND AS 04.09.700], the  
6           holder of a brewery retail license may not

7                   (1) allow live music or performances, disc jockeys, karaoke,  
8           televisions, pool tables, dart games, or organized games or tournaments on the  
9           premises where the consumption occurs;

10                   (2) provide seats at the counter or bar where the brewed beverages are  
11           served;

12                   (3) open the room where the consumption occurs before 9:00 a.m.; or

13                   (4) serve brewed beverages after 9:00 p.m.

14   \* **Sec. 2.** AS 04.09.320(g) is amended to read:

1 (g) The holder of a brewery retail license may allow on the premises where the  
2 consumption occurs

3 (1) activities, presentations, television or video displays, or other  
4 displays that directly promote or educate customers about the brewery's products,  
5 processes, or establishment; [AND]

6 (2) other community organizations or businesses to provide  
7 presentations, classes, or product displays or host fundraisers; **and**

8 **(3) not more than four live music events or other entertainment**  
9 **performances in a calendar year.**

10 \* **Sec. 3.** AS 04.09.330(e) is amended to read:

11 (e) Except as provided under (g) of this section [AND AS 04.09.700], the  
12 holder of a winery retail license may not

13 (1) allow live music or performances, disc jockeys, karaoke,  
14 televisions, pool tables, dart games, or organized games or tournaments on the  
15 premises where the consumption occurs;

16 (2) provide seats at the counter or bar where the wine is served;

17 (3) open the room where the consumption occurs before 9:00 a.m.; or

18 (4) serve wine after 9:00 p.m.

19 \* **Sec. 4.** AS 04.09.330(g) is amended to read:

20 (g) The holder of a winery retail license may allow on the premises where the  
21 consumption occurs

22 (1) activities, presentations, television or video displays, or other  
23 displays that directly promote or educate customers about the winery's products,  
24 processes, or establishment; [AND]

25 (2) other community organizations or businesses to provide  
26 presentations, classes, or product displays or host fundraisers; **and**

27 **(3) not more than four live music events or other entertainment**  
28 **performances in a calendar year.**

29 \* **Sec. 5.** AS 04.09.340(e) is amended to read:

30 (e) Except as provided under (g) of this section [AND AS 04.09.700], the  
31 holder of a distillery retail license may not

1 (1) allow live music or performances, disc jockeys, karaoke,  
2 televisions, pool tables, dart games, or organized games or tournaments on the  
3 premises where the consumption occurs;

4 (2) provide seats at the counter or bar where the distilled spirits are  
5 served;

6 (3) open the room where the consumption occurs before 9:00 a.m.; or

7 (4) serve distilled spirits after 9:00 p.m.

8 \* **Sec. 6.** AS 04.09.340(g) is amended to read:

9 (g) The holder of a distillery retail license may allow on the premises where  
10 the consumption occurs

11 (1) activities, presentations, television or video displays, or other  
12 displays that directly promote or educate customers about the distillery's products,  
13 processes, or establishment; [AND]

14 (2) other community organizations or businesses to provide  
15 presentations, classes, or product displays or host fundraisers; and

16 (3) not more than four live music events or other entertainment  
17 performances in a calendar year.

18 \* **Sec. 7.** AS 04.09.700 is repealed.

# ABC OPENED REGULATION PROJECTS - STATUS

NAME OF PROJECT	STATUS
General Amendments to Trade Practices 305.500-590	Relisten to April board meeting and bring to board potential drafts with focus on Doug M. and Diane T. comments/concerns. Project opened at 6.28.24 board meeting. Draft as starting point brought to board at 9.10.24 meeting for discussion. At 9.10.24 meeting opened project using proposed draft, amended wording and approved to send to law and p.c.. Sent to law for initial review 9.18.24. On 2.7.25 Law returned draft with edits that are substantial change from what board approved. Taking Law's draft back to board for 4.15.25 board meeting. At April 25 mtg board tabled to the 6.25.25 mtg. 5.16.25 Per Gov. Admin Order 358 'on hold'.
Opened as regs project. Provide guidance/requirements to local jurisdictions re: Petition for additional REPL's under AS 04.11.405	Project opened at 11.19.24 mtg to provide guidance/requirements to those LGB's applying for additional REPL's under AS 04.11.405. limitation calculations on visitor numbers/ lgb's should know license counts/operations/ and provide for robust public comment. With staff for research. Provide the board a manual to explain process. Provide form or manual for local governments. 5.16.25 Per Gov. Admin Order 358 'on hold'.



## MEMORANDUM

TO: Alcoholic Beverage Control Board      DATE: May 20, 2025

FROM: Kristina Serezhenkov, Local Government Specialist      RE: Regulations Project – General Amendments of Trade Practices (3 AAC 305.500-305.590)

**At the April 15, 2025 meeting the board tabled this to the June 24, 2025 meeting.** This project was initiated at the June 2024 board meeting and the draft was approved at the September 2024 board meeting to send to Law for initial review and then out for public comment. Law has returned a review that substantially amends the draft the board approved and changes established regulations not envisioned in the board's approved draft.

Attached is a copy of the draft regulations the board approved and a copy of the draft regulations with Law's edits.

The main points of difference are found at:

1. 3 AAC 305.515(c)(2)(A) is amended by Law to reduce the total value of the product display to \$300.
2. The board draft to increase the amount of a single exterior sign from \$400 to \$800 at 3 AAC 305.515(c)(4)(C) is removed entirely.

Other differences exist between these drafts.

Attachments:

Department of Law letter  
Regulations draft approved by the board  
Regulations draft with Law's edits

Options for the board:

- Move to approve and send out (with Law's approval) for subsequent public comment
- Move to amend and approve and then send to Law and (with Law's approval) out for subsequent public comment
- Move to send back to staff for more work
- Table the regulations project
- Close the regulations project





THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

P.O. Box 110300  
Juneau, Alaska 99811  
Main: 907.465.3600  
Fax: 907.465.2520

April 14, 2025

Alcoholic Beverage Control Board  
c/o Kristina Serezhenkov, Regulations Contact  
Alcohol & Marijuana Control Office  
550 W 7th Ave, Suite 1600  
Anchorage AK 98501

Re: Prohibited Trade Practices Regulations (our file no. 2024200415)

Dear Board Members:

This regulations project comes before the Alcoholic Beverage Control Board ("board") for consideration with changes proposed by the Department of Law ("department"), including an amendment to a provision previously approved by the department only last year. In light of these circumstances, I would like to take this opportunity for the benefit of the board to describe briefly how the regulations review process is conducted by the department and, in particular, the role that I play as the designated regulations attorney. In addition, I will explain why the offered changes are necessary to approve the proposed regulations for filing by the lieutenant governor.

The Alaska Administrative Procedure Act ("APA") requires in AS 44.62.125 that a "particular attorney, called the regulations attorney," within the Department of Law have primary responsibility over functions relating to the handling of administrative regulations. The attorney general has designated me as the regulations attorney. Among my duties as the regulations attorney under this section, is the duty to work with all administrative agencies possessing regulation-making power in drafting all new regulations, advising the agencies of legal problems encountered, and ensuring compliance with the drafting manual for administrative regulation.

In addition, I am required to "continually review" regulations to correct or remove "deficiencies, conflicts, and obsolete provisions" as I identify them. I review every regulation prior to its filing by the lieutenant governor to ensure its "legality, constitutionality, and consistency with other regulations," as well as the "existence of

statutory authority."<sup>1</sup> The lieutenant governor may not accept a regulation for filing unless I have provided a written statement approving the regulation.<sup>2</sup>

To facilitate my statutory role in overseeing all executive branch regulations, the Department of Law has housed the regulations review process in the Legislation, Regulations, and Legislative Research ("LRLR") Section, which I supervise. The attorneys in this section who support my work in regulation reviews are specially trained in the APA and the Drafting Manual for Administrative Regulations.

Neither I nor the other LRLR attorneys, however, could possibly be experts in all the diverse areas of law that regulations address. For that, we look to assistant attorneys general across the other sections of the Civil Division of the Department of Law who advise executive branch agencies and boards, such as the Alcoholic Beverage Control Board. These agency attorneys support our work by providing substantive review of regulations projects that touch on their areas of expertise. But the determination of whether a proposed regulation is legal, constitutional, and supported by sufficient statutory authority rests solely with LRLR and ultimately with me as the regulations attorney.

This project involves amendments to, among other provisions, 3 AAC 305.515, which provides exceptions to the statutory prohibition on so-called "tied-houses." A tied-house occurs when an alcoholic beverage distributor, such as a brewer or distiller, provides incentives to an alcoholic beverage retailer to induce the retailer to exclusively or preferentially carry the distributor's products. The board is granted authority in AS 04.16.017(b) to establish by regulation exceptions to the prohibition on tied-houses that are

- (1) consistent with federal law;
- (2) necessary to avoid practical difficulty or undue hardship on a licensee;
- (3) in the best interests of the public; and
- (4) consistent with the requirements of Title 4.

Pursuant to that statutory authority, the board first adopted 3 AAC 305.515 in August of 2024. Among the exceptions created in that project (Department of Law File No. 202300110.002) was 3 AAC 305.515(b)(2)(A), which authorizes a regulated alcohol distributor to provide to a retailer a product display with a total value not exceeding \$800 per brand per licensed premises or \$4,600 for any retailer with six or more licensed premises.

---

<sup>1</sup> AS 44.62.060(b).

<sup>2</sup> AS 44.62.060(c).

In that project, public feedback was provided to LRLR arguing that the \$4,600 limit on retailers with six or more licensed establishments was inconsistent with a federal regulation, 27 C.F.R. 6.83(c)(1), which says that the total value of product displays may not exceed \$300 per location. As we understood it, the commenter contended that there was inconsistency because the federal regulation is limited by each retail establishment and does not provide a total dollar restriction on retailers with greater than six locations. We did not agree at that time that the additional restriction on retailers with greater than six locations was necessarily inconsistent with federal law just because the federal regulation did not contain an equivalent six-store limitation.

In this project, it is further proposed to amend 3 AAC 305.515(c)(4)(C) to change the cap on expenditures by regulated distributors for exterior signs from \$400 to \$800. Under 27 C.F.R. 6.102(c), the cost of signs may not exceed \$400. Upon further analysis, we concluded that the proposed per-sign limit of \$800 in 3 AAC 305.515(c)(4)(C) would be inconsistent with the federal cap of \$400 because the regulation would authorize what federal law directly prohibits, expenditure on a sign greater than \$400. Similarly, the existing exception allowing expenditure up to \$800 on product displays in 3 AAC 305.515(b)(2)(A) also authorizes an amount that federal law prohibits.

We understand that the board felt that these higher limits were in the "best interest of the public" and "necessary to avoid practical difficulty or undue hardship on a licensee" under AS 04.16.017(b)(2) - (3), due to the higher costs of doing business in Alaska and because the federal cap has not changed since it was adopted in 1995.

The requirements listed in AS 04.16.017(b), however, are in the conjunctive because they are joined by the word "and." The principles of legal interpretation consequently require that each of those standards be independently satisfied, and compliance with one does not excuse compliance with the others. Thus, exceptions must be in the best interests of the public, necessary to avoid practical difficulty to licensees, *and* must also be consistent with federal law.

Because an upward deviation from the spending caps set by federal regulation creates an inconsistency with federal law by authorizing what it prohibits, we conclude that the board does not have statutory authority to adopt those amounts in regulation. My determination in this regard is not intended to frustrate the laudable goal of the board to adapt the federal limits to Alaska's unique circumstances in the interests of the public. Instead, as the regulations attorney, it is my role to ensure that these regulations are adopted in conformity with the applicable statutory authority and on the strongest possible legal footing to meet a potential legal challenge and withstand future judicial scrutiny.

I hope the foregoing is helpful to your review.

Sincerely,

Rebecca C. Polizzotto  
Chief Assistant Attorney General  
Legislation, Regulations, and  
Legislative Research Section

RCP/bhp

CC: Kristina Serezhenkov, Local Government Specialist  
Department of Commerce, Community and Economic Development

Kevin Higgins, Assistant Attorney General  
Department of Law

Parker Patterson, Assistant Attorney General  
Department of Law

**ABC Approved Trade Practices Draft Regs**

Register \_\_\_\_\_, \_\_\_\_\_ 2024 COMMERCE, COMMUNITY, AND EC. DEV.

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

3 AAC 305.515(b) is amended to read:

(b) The practices prohibited under AS 04.16.017(a)(1) or 3 AAC 305.510 do not apply to

(1) an entity that holds both a brewery manufacturer license under AS 04.09.020

**conducting business with its own** [AND A] brewery retail license under AS 04.09.320;

(2) an entity that holds both a winery manufacturer license under AS 04.09.030

**conducting business with its own** [AND A] winery retail license under AS 04.09.330; or

(3) an entity that holds both a distillery manufacturer license under AS 04.09.040

**conducting business with its own** [AND A] distillery retail license under AS 04.09.340.

3 AAC 305.515(c)(2)(A) is amended to read:

(A) the total value of the product display given by the entity to the retailer

does not exceed \$800 per brand at any one time in any single licensed premises [OR

\$4,800 PER BRAND IF THE RETAILER HAS SIX OR MORE LICENSED

PREMISES], excluding installation costs; under this subparagraph, entities may not pool

or combine dollar limitations to provide a retailer a product display valued at more than

\$800 per brand;

3 AAC 305.515(c)(4)(C) is amended to read:

(C) the cost of a single exterior sign does not exceed **\$800** [\$400] per

location;

**ABC Approved Trade Practices Draft Regs**

Register \_\_\_\_\_, \_\_\_\_\_ 2024 COMMERCE, COMMUNITY, AND EC. DEV.

3 AAC 305.515(c)(8) is amended to read:

(8) provide for the maintenance or cleaning of an alcoholic beverage dispensing system, including alcoholic beverage taps or drafting equipment, to a person holding a retail license under AS 04.09.200 – 04.09.370; maintenance costs exceeding **\$100** [\$50] shall be billed to the retailer and collected not later than 30 days after the date of performance of the service; cleaning may be provided free of cost to the retailer;

3 AAC 305.515(c)(17)(A) is amended to read:

(A) the retailer sends notice by mail or electronic mail to all entities from which the retailer received alcoholic beverages **subject to the reset** within the past 12 months or distributors of those entities; notice under this subparagraph must

(i) include the date and time of the contemplated movement or reset; and

(ii) be sent not less than two weeks before the contemplated reset date;

3 AAC 305.515(d)(2) is amended to read:

(2) “temporary retailer” means a person who does not hold a retail license under AS 04.09.200 – 04.09.370, but who is supplied with **a nonprofit organization event permit under AS 04.09.650 not more than five times in a calendar year or auction permit under AS 04.09.660** not more than five times in a calendar year and where each event does not exceed four days. (Eff. 8/9/2024, Register 251; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_)

**ABC Approved Trade Practices Draft Regs**

Register \_\_\_\_\_, \_\_\_\_\_ 2024 COMMERCE, COMMUNITY, AND EC. DEV.

**Authority:** AS 04.06.090 AS 04.06.100 AS 04.16.017

3 AAC 305.525(4)(A) is repealed:

(A) repealed \_\_\_\_/\_\_\_\_/\_\_\_\_;

3 AAC 305.525(4)(B) is amended to read:

(B) the contest prize, premium offer, or like item does not exceed **\$800**  
[\$400] in value on any single licensed premises and that dollar value may not be pooled  
or combined across multiple licensed premises;

3 AAC 305.525(4)(D) is amended to read:

(D) the entity determines the winner of the contest prize, premium offer,  
or like item [AND THE NAME OF THE WINNER IS POSTED ON THE LICENSED  
PREMISES OF THE RETAILER WHERE THE EVENT OCCURRED FOR A PERIOD  
OF 30 DAYS]; and

(Eff. 8/9/2024, Register 251; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 04.06.090 AS 04.06.100 AS 04.16.017

## Laws Edits of Trade Practices Draft Regs

Register \_\_\_\_\_, \_\_\_\_\_ 2024 COMMERCE, COMMUNITY, AND EC. DEV.

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

3 AAC 305.515(b) is amended to read:

(b) The practices prohibited under AS 04.16.017(a)(1) or 3 AAC 305.510 do not apply to

(1) an entity that holds both a brewery manufacturer license under AS 04.09.020

**conducting business with its own** [AND A] brewery retail license under AS 04.09.320;

(2) an entity that holds both a winery manufacturer license under AS 04.09.030

**conducting business with its own** [AND A] winery retail license under AS 04.09.330; or

(3) an entity that holds both a distillery manufacturer license under AS 04.09.040

**conducting business with its own** [AND A] distillery retail license under AS 04.09.340.

3 AAC 305.515(c)(2)(A) is amended to read:

(A) the total value of the product display given by the entity to the retailer

does not exceed **\$300** ~~[\$800]~~ per brand at any one time in any single licensed premises

[OR \$4,800 PER BRAND IF THE RETAILER HAS SIX OR MORE LICENSED

PREMISES], excluding installation costs; under this subparagraph, entities may not pool

or combine dollar limitations to provide a retailer a product display valued at more than

\$800 per brand;

3 AAC 305.515(c)(8) is amended to read:

(8) provide for the maintenance or cleaning of an alcoholic beverage dispensing

system, including alcoholic beverage taps or drafting equipment, to a person holding a retail



**Laws Edits of Trade Practices Draft Regs**

Register \_\_\_\_\_, \_\_\_\_\_ 2024 COMMERCE, COMMUNITY, AND EC. DEV.

license under AS 04.09.200 – 04.09.370; maintenance costs exceeding **\$100** [\$50] shall be billed to the retailer and collected not later than 30 days after the date of performance of the service; cleaning may be provided free of cost to the retailer;

3 AAC 305.515(c)(17)(A) is amended to read:

(A) the retailer sends notice by mail or electronic mail to all entities from which the retailer received alcoholic beverages **subject to the reset** [WITHIN THE PAST 12 MONTHS] or distributors of those entities; notice under this subparagraph must

(i) include the date and time of the contemplated movement or reset; and

(ii) be sent not less than two weeks before the contemplated reset date;

3 AAC 305.515(d)(2) is amended to read:

(2) “temporary retailer” means a person who does not hold a retail license under AS 04.09.200 – 04.09.370, but who is supplied with **either a nonprofit organization event permit under AS 04.09.660 or** an alcoholic beverage **auction** permit **under AS 04.09.670** not more than five times in a calendar year and where each event does not exceed four days. (Eff.

8/9/2024, Register 251; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 04.06.090 AS 04.06.100 AS 04.16.017

3 AAC 305.525(4)(A) is repealed:

(A) repealed \_\_\_\_/\_\_\_\_/\_\_\_\_;

**Laws Edits of Trade Practices Draft Regs**

Register \_\_\_\_\_, \_\_\_\_\_ 2024 COMMERCE, COMMUNITY, AND EC. DEV.

3 AAC 305.525(4)(B) is amended to read:

(B) the contest prize, premium offer, or like item does not exceed **\$800**  
[\$400] in value on any single licensed premises and that dollar value may not be pooled  
or combined across multiple licensed premises;

3 AAC 305.525(4)(D) is amended to read:

(D) the entity determines the winner of the contest prize, premium offer,  
or like item [AND THE NAME OF THE WINNER IS POSTED ON THE LICENSED  
PREMISES OF THE RETAILER WHERE THE EVENT OCCURRED FOR A PERIOD  
OF 30 DAYS]; and

(Eff. 8/9/2024, Register 251; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 04.06.090 AS 04.06.100 AS 04.16.017



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,  
and Economic Development

ALCOHOL AND MARIJUANA CONTROL OFFICE

550 W 7<sup>TH</sup> AVENUE, STE 1600  
Anchorage, AK 99501  
Main: 907.269.0350

Friday, June 20, 2025

To: Alcoholic Beverage Control Board  
From: Kevin Richard, Director  
RE: AS 04.11.405 Petition for additional restaurant or eating place licenses for certain local governing bodies

Members of the Alcoholic Beverage Control Board,

Previous meeting of the Alcoholic Beverage Control Board have included petitions from certain local governing bodies for additional REPLs under AS 04.11.405:

- At the August 22, 2023, meeting the City of Valdez requested and was approved for an additional 10 REPLs.
- At the November 13, 2023, meeting the City of Wasilla requested and was approved for an additional 20 REPLs
- At the April 16, 2024, meeting the City of Soldotna requested and was approved for an additional 20 REPLs.
- At the June 25, 2024, meeting the Haines Borough was denied issuance of 10 additional REPLs citing a lack of a robust public comment period and a lack of source documentation to validate visitor data.
- At the February 4, 2025, meeting the Haines Borough requested 6 additional REPLs and was approved for an additional 2 REPLs.
- At the April 15, 2025, meeting the City of Homer requested 10 additional REPLs and was approved for 5 additional REPLs.
- At the April 15, 2025, meeting the City and Borough of Juneau requested an additional 8 REPLs and was approved for 8 additional REPLs.

AMCO would like to collaborate with the board on providing educational material to local governments wishing to petition for additional REPLs. AMCO has drafted a requirements document and worksheet, and would like the boards contributions on what else could/should be added to best serve qualifying local governments.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Richard".

Kevin Richard  
Director



**04.11.405 PETITION FOR ADDITIONAL RESTAURANT OR EATING PLACE  
LICENSES FOR CERTAIN LOCAL GOVERNING BODIES**

**Sec. 04.11.405. Petition for additional restaurant or eating place licenses for certain local governing bodies.**

(a) A first class city, a home rule city, or a unified municipality may submit a resolution to the board, adopted by its legislative body, petitioning the board for the issuance of additional restaurant or eating place licenses under [AS 04.09.210](#) that exceed the limits under [AS 04.11.400\(a\)](#) in accordance with this section.

(b) The board, following a public hearing, may issue one or more additional restaurant or eating place licenses under [AS 04.09.210](#), within the boundaries of the municipality, if the board finds that

(1) the municipality

(A) serves as a center for commercial activity within and outside the boundaries of the municipality by providing goods and services to a population that is greater than the permanent resident population within the boundaries of the municipality;

(B) maintains a local law enforcement department;

(C) exercises planning or land use authority; and

(D) at the time of the petition, meets or exceeds the maximum limit under [AS 04.11.400\(a\)](#) for restaurant or eating place licenses issued under [AS 04.09.210](#);

(2) the number of additional licenses does not exceed the number of additional licenses requested by the municipality in the petition; and

(3) granting the additional licenses is in the public interest.

(c) A resolution submitted by a municipality under (a) of this section must include

(1) information demonstrating that the petitioner meets the criteria in (b) of this section;

(2) the most recent estimate of the number of people who claim residency or work outside the boundaries of the municipality and who are served by the municipality, including the



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,  
and Economic Development

ALCOHOL AND MARIJUANA CONTROL OFFICE

550 W 7<sup>TH</sup> AVENUE, STE 1600  
Anchorage, AK 99501  
Main: 907.269.0350

(A) population located outside the boundaries of the municipality that relies on the municipality for goods and services;

(B) visitor population; and

(C) nonresident worker population that resides in the municipality, but that is not counted in the latest federal or state census for the municipality;

(3) the number of existing restaurant or eating place licenses

(A) within the boundaries of the municipality;

(B) in a geographic area that the municipality serves under (2) of this subsection;

(4) information showing that the number of additional licenses requested does not exceed one license for each 1,500 population of the population identified under (2) of this subsection; and

(5) additional justification, as necessary, to demonstrate that granting of the additional licenses is in the public interest.

(d) If the board grants a petition for additional restaurant or eating place licenses under this section to a municipality, the board may not authorize additional restaurant or eating place licenses to the same municipality under this section for the following year.



## **Requirements for a Petition for Additional Restaurant or Eating Place Licenses for Certain Local Governing Bodies**

1. You must be a:
  - a. First class city
  - b. Home rule city; or
  - c. Unified municipality
2. You must clearly document that the municipality:
  - a. Serves as a center for commercial activity within and outside the boundaries of the municipality by providing goods and services to a population greater than the permanent resident population within the boundaries of the municipality
  - b. Maintains a local law enforcement department
  - c. Exercises planning or land use authority
  - d. At the time of petition meets or exceeds the maximum limit of REPLs allowed under the population cap in AS 04.11.400.
3. The board may not grant additional licenses exceeding the number of additional licenses requested by the municipality.
4. You must provide documentation that demonstrates to the Alcoholic Beverage Control Board that the granting of these additional REPLs will be in the public interest.
5. You must provide a resolution from the municipality that documents:
  - a. Information demonstrating the criteria in sections 1-4 above.
  - b. The most recent estimate of the number of people who claim residency or work outside the boundaries of the municipality that are served by the municipality.

This includes:

    - i. The population located outside the boundaries of the municipality that rely on the municipality for goods and services,
    - ii. Visitor population, and
    - iii. Nonresident worker population that resides in the municipality but is not counted in the latest federal or state census for the municipality
  - c. The number of existing REPLs
    - i. Within the boundary of the municipality
    - ii. In a geographic area that the municipality serves under 5(b)
6. You must provide documentation that shows the number of additional licenses requested does not exceed one license for each 1,500 population under 5(b)



THE STATE  
*of* **ALASKA**  
GOVERNOR MIKE DUNLEAVY

**Department of Commerce, Community,  
and Economic Development**

ALCOHOL AND MARIJUANA CONTROL OFFICE

550 W 7<sup>TH</sup> AVENUE, STE 1600  
Anchorage, AK 99501  
Main: 907.269.0350

7. Please provide any additional justification to demonstrate that the granting of additional licenses is in the public interest.



**\*DRAFT WORKSHEET\***

Petition for REPLs for Certain Local Governing Bodies

Local Governing Body (City/Borough): \_\_\_\_\_

Contact Person: \_\_\_\_\_

Are you a: ☐ First Class City ☐ Home Rule City ☐ Unified Municipality

**Section 1: Verification of a qualifying local governing body**

**Please provide additional documentation for each “Yes” response.**

Does the municipality serve as a center of commercial activity as defined in AS 04.11.405(b)(1)(A)?

☐ Yes ☐ No

Does the applicant municipality maintain a local law enforcement department?

☐ Yes ☐ No

Does the applicant municipality exercise planning or land use authority?

☐ Yes ☐ No

At the time of petition, does the applicant municipality meet or exceed the maximum limit under AS 04.11.400(a) for a restaurant or eating place licenses issued under AS 04.09.210?

☐ Yes ☐ No

**Section 2: Resolution of the Municipality**

Please attach the resolution from the municipality requesting additional REPLs. The resolution **must include** all the information required under AS 04.11.405(c).

Provide documentation supporting population counts, visitor population, and nonresident worker population. This documentation must include appropriate source documents describing how the population counts were derived and the party responsible for providing those counts.





THE STATE  
*of* **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,  
and Economic Development

ALCOHOL AND MARIJUANA CONTROL OFFICE

550 W 7<sup>TH</sup> AVENUE, STE 1600  
Anchorage, AK 99501  
Main: 907.269.0350

Documentation must include information regarding any public comment period or public commentary regarding the resolution.

**Section 3: Public Interest**

Please provide any additional justification to demonstrate that granting of the additional licenses is in the public interest.

**Section 4: Additional Questions**

Has there been a public commentary period for the attached resolution?

☐ Yes

☐ No

How many REPLs are allowed by population?

How many REPLs are currently in your municipality?

How many REPLs are requested?

If all requested REPLS are approved, how many REPLs will be available or issued in your municipality?

Provide an estimate of the number of businesses that are actively seeking an REPL and, if the additional REPLs are granted, will be applying for a license in the next 12 months.