THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development

Alcohol and Marijuana Control Office

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Anchorage, AK 99501
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MEMORANDUM

TO: Alcoholic Beverage Control Board

DATE: January 24, 2026

FROM: Jane P. Sawyer,
Program Coordinator 2

RE: Seasonal Restaurant or Eating Place Tourism License in the Municipality of Skagway

This is an application for a Seasonal Restaurant or Eating Place Tourism License ("SREPTL") by Alaska 360, LLC d/b/a Alaska 360 in the Municipality of Skagway ("Skagway").

Under AS 04.09.360, one of the criteria to qualify for a SREPTL is that the municipality has a population of 40,000 or less and receives more than 4,000 visitors a year. Skagway has a resident population of about 1,123, and, according to the data (Skagway Seasonal Arrival Statistics…) received by the applicant, receives more than 4,000 visitors a year.

Skagway received a total of 2,025,841 visitors in 2025. Following the formula under 3 AAC 305.310 to determine number of potentially available SREPTL: 2,025,841 (visitors) / 182 (days) / 1,500 (people per 1 license) = 7.42 (8).

If the board accepts the Skagway Season Arrival Statistics… data, the board is accepting it as a reliable source (3 AAC 305.910), and the board will use the annual visitor count to every application of this type, in Skagway, during the calendar year.

In addition to the visitor data. The board should review the application as it does any other restaurant or eating place license and the applicant's tourism statement – encouragement of tourism is one of the criteria to meet for this type of license.

If this application for SREPTL licensure is approved, it would be the first SREPTL in Skagway.

Skagway currently has six (6) resident population capped restaurant or eating place licenses.

AS 04.09.360. Seasonal restaurant or eating place tourism license. (a) A seasonal restaurant or eating place tourism license authorizes a restaurant or eating place to

(1) sell brewed beverages and wine for consumption only on the licensed premises for a period not to exceed six months in each calendar year; and

(2) allow a person

(A) under 21 years of age access as provided in (f) of this section to the licensed premises; and

(B) to enter or remain on the licensed premises to consume food or nonalcoholic beverages as authorized under AS 04.16.010(c)(5).

(b) The biennial seasonal restaurant or eating place tourism license fee is $1,250

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

(2) the 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.

(d) The board may issue a license under this section only in a municipality or established village that

(1) has a population of 40,000 or less; and

(2) receives more than 4,000 visitors a year, as determined by the board in regulation.

(e) The board may issue a license or approve an application for the transfer of ownership of a license under this section if it appears that issuance or transfer will encourage the tourism trade.

(f) The board may authorize the holder of a seasonal restaurant or eating place tourism 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 does not obtain alcoholic beverages.

(g) The holder of a seasonal restaurant or eating place tourism license shall ensure that gross receipts from the sale of food for consumption on the licensed premises are not less than the total of the gross receipts from the sale of alcoholic beverages for consumption on the licensed premises in each calendar year. At the time the holder submits an application for renewal of the license, the holder shall submit a statement to the board certifying that the holder has met the requirement under this subsection for the designated period of the license under AS 04.11.680. The board may renew a seasonal restaurant or eating place tourism license only if the licensee provides evidence satisfactory to the board that, during the designated period of the license under AS 04.11.680, the gross receipts from the sale of food for consumption on the licensed premises were not less than the total of the gross receipts from the sale of alcoholic beverages for consumption on the licensed premises.

(h) The board shall adopt a regulation establishing a formula to limit the number of seasonal restaurant or eating place tourism licenses.

(i) The holder of a seasonal restaurant or eating place tourism license may provide entertainment on or adjacent to the licensed premises only between the hours of 10:00 a.m. and 11:00 p.m. unless additional hours are approved by the director upon the written request of the licensee for a specific occasion. The director may not grant approval for additional hours of entertainment on or adjacent to the licensed premises of an individual licensee more than three times in a calendar year. In this subsection, “entertainment” includes dancing, karaoke, live performances,

or similar activities, but does not include recorded or broadcast performances without live participation.
(j) Except as provided under AS 04.09.620, 04.09.640, and AS 04.16.120(c), the holder of a seasonal restaurant or eating place tourism license commits the offense of failure to comply with the terms of a seasonal restaurant or eating place tourism license if the person sells brewed beverages or wine in violation of (a) of this section, engages in activity not authorized by the board under (f) of this section, or fails to comply with the requirements of (f), (g), or (i) of this section.
(k) Failure to comply with the terms of a seasonal restaurant or eating place tourism license is a violation.

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.

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.

3 AAC 305.910. Determining visitor population. (a) For the purposes of determining whether a municipality or established village receives more than 4,000 visitors a year, the board may rely on visitor statistics generated annually by a reliable government, trade association, nonprofit, or commercial source presented by
(1) the municipality or established village;
(2) an applicant that would qualify for a seasonal restaurant or eating place tourism license; or
(3) an applicant for a transfer of ownership of a seasonal restaurant or eating place tourism license.
(b) The board will apply the same annual visitor count to every application filed under AS 04.11.260 for a seasonal restaurant or eating place tourism license in a specific qualifying municipality or established village during each calendar year. The board may reconsider that

visitor count and how it calculates that visitor count each calendar year.