



## MEMORANDUM

TO: Alcoholic Beverage Control Board      DATE: November 7, 2023  
FROM: Kristina Serezhenkov, Regulations      RE: Large Resort Endorsement.  
Specialist for Joan Wilson, Director

As described at the Board's last meeting, the Director noted that the large resort endorsement as authorized by statute was in conflict with AS 04.16.049, particularly regarding minors located at ingress and egress areas but potentially in other areas designated for alcoholic beverage consumption. The proposed regulation would apply AS 04.16.049(j) and permit the presence of minors in areas subject to the large resort endorsement if the minors are present for the purposes of travel, travel lodging, or outdoor recreation activities. It does so by defining an "outdoor recreation lodge" for purposes of AS 04.16.049(j) to include the holders of a large resort endorsement. Although "outdoor recreation lodge" is defined at AS 04.09.280(d), it is defined solely for purposes of that section, not AS 04.16. The attached regulations draft is for board discussion.

### **3 AAC 305.330 Endorsements available to beverage dispensary and beverage dispensary tourism licenses.**

A new paragraph is added at 305.330(a)(3)(D) under large resort endorsements that, for the purposes of enforcement of AS 04.16.049(j) (**Access of persons under the age of 21 to licensed premises.**), allows a holder of a large resort endorsement to qualify as an outdoor recreation lodge.

Options for the board:

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

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

3 AAC 305.330(a)(3) is amended by adding a new paragraph to read:

**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:

**Commented [KRS1]:** Entire section 305.330 included for review purposes. Amended change is at 305.330(a)(3) with new paragraph (D) highlighted in yellow.

(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; **and**

**(D) for purposes of enforcement of AS 04.16.049(j), an “outdoor recreation lodge” is defined to include the holder of a large resort endorsement;**

**Commented [KRS2]:** AS 04.16.049 Access to persons under the age of 21 to licensed premises and reads:  
**(j) Notwithstanding any other provision in this section, a person under 21 years of age may be present on the licensed premises of 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**  
**(1) at least 16 years of age; or**  
**(2) under 16 years of age and a parent or legal guardian of the underaged person consents.**

(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

Register \_\_\_\_\_, \_\_\_\_\_ 2024

COMMERCE, COMMUNITY, AND EC. DEV.

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

