



MEMORANDUM

TO: The Alcoholic Beverage Control Board

DATE: November 7, 2023

FROM: Joan M. Wilson

RE: Director's Report

While my reports usually detail AMCO's activities between the prior regularly scheduled board meeting to the present, this report takes a different approach and details our upcoming priorities in light of the January 1, 2024 effective date of the majority of the provisions of the Title 4 Rewrite. The primary focus of our office is having January 1, 2024 operate as business as usual for the majority of our licensees, many of whom will require endorsements or new licenses to do so, and then plan accordingly to permit new activities to occur on that date or as soon thereafter as possible.

A. AMCO Title 4 Rewrite Priorities

1. Regulations

Lieutenant Governor Dahlstrom has filed her approval of the Title 4 Rewrite regulations, excluding trade practices. Those regulations and the repeal of 3 AAC 304 are effective January 1, 2024. As of this writing, the trade practices regulations are currently with the Department of Law. They have until the first week of December to complete their review in advance of public comment. You will also see that this meeting includes two potential follow-up regulations projects to fully implement the Title 4 Rewrite.

2. Bail Schedule

The bail schedule for violations under the Title 4 Rewrite are currently with the Alaska Supreme Court for review. We expect the schedule to be implemented January 1, 2024. Our enforcement team will be working with local law enforcement to train peace officers on the same. A citation form is also in preparation.

3. Licenses and Endorsements

The agenda for this meeting will include a discussion of requested approvals from the Board and requested delegated authority so licensees can permissibly engage in activities on the effective date of the Title 4 Rewrite. A handout of motions for the board to consider is enclosed with this report.

4. Permits

We do not envision difficulties implementing the statutory and regulatory changes to the permits the Director may approve. Our largest concern, however, is whether not-for-profit organizations will be prepared to have all its servers maintain active server education cards. We are also prepared to have live music or entertainment permits for manufacturer retail licenses and package store tasting event permits issuable as of January 1, 2024.

5. On-Line Licensing System

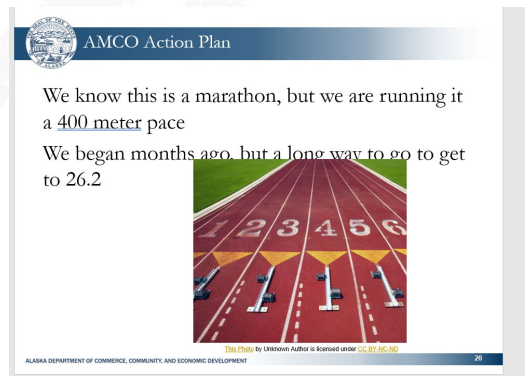
As of November 8, 2023, our new online licensing system, AK-ACCIS, will be utilizable for all license and endorsement types. The system is already processing license renewals. Online payments will be in place by November 15, 2023. The last piece to complete for alcohol licensing will be submittal of transfer applications through the portal. I will report on the date of this availability at the board meeting. Permit applications will be possible at the start of 2024.

B. Scheduling for 2024 Board Meetings

AMCO's Program Coordinator will provide the Board the dates of potential board meetings for 2024. An agenda item includes discussion of meeting locations.

C. Conclusion

This time last year, our office presented this slide to the Board in preparation for the Board's implementation of the Title 4 Rewrite.



We had not yet completed the request for a proposal for a new licensing system. We were only beginning to contemplate the rewrite of all of the Board's regulations, which this Board achieved only after numerous additional board meetings. Our education program of the new law's requirements was in its infancy. No development of the bail schedule had begun.

Today, the finish line of successful Title 4 Rewrite implementation is in view. Our goal is to ensure all alcoholic beverage licensees cross that line with us. We will not declare success until this is wholeheartedly and successfully achieved.



Title 4 Rewrite – Uncodified Laws

Section 163

The uncodified law of the State of Alaska is amended by adding a new section to read:

Direct Court Rule Amendment. Rule 17(h) Alaska Rules of Minor Offense Procedure, is amended to read:

(h) Joinder limits. A prosecutor may not join a violation of AS 04.16.049, AS 04 16.050, or AS 04.16.050(g) or a similar municipal board ordinance with a related criminal charge.

Section 164

The following statutes are repealed.

STATUTE	SUBJECT MATTER	Effective Date
AS 04.11.070	Power limited to the board	January 1, 2024
AS 04.11.080	Types of licenses and permits	January 1, 2024
AS 04.11.090	Beverage dispensary license	January 1, 2024
AS 04.11.100	Restaurant or eating place license	January 1, 2024
AS 04.11.110	Club license	January 1, 2024
AS 04.11.115	Golf course license	January 1, 2024
AS 04.11.120	Bottling works license	January 1, 2024
AS 04.11.130	Brewery license	January 1, 2024
AS 04.11.135	Brewpub license	January 1, 2024
AS 04.11.140	Winery license	January 1, 2024
AS 04.11.150	Package store license; delivery to social events	January 1, 2024
AS 04.11.160	Wholesale license	January 1, 2024
AS 04.11.170	Distillery license	January 1, 2024
AS 04.11.180	Common carrier dispensary license	January 1, 2024
AS 04.11.200	Retail stock sale license	January 1, 2024
AS 04.11.210	Recreational Site license	January 1, 2024
AS 04.11.220	Pub license	January 1, 2024
AS 04.11.225	Outdoor recreation lodge license	January 1, 2024
AS 04.11.230	Caterer's permit	January 1, 2024

AS 04.11.240	Special events permit	January 1, 2024
AS 04.11.250	Conditional contractor's permit	January 1, 2024
AS 04.11.255	Destination resort license	January 1, 2024
AS 04.11.400(d)	Beverage dispensary tourism license	January 1, 2024
AS 04.11.400(h)	Club license movement	January 1, 2024
AS 04.11.400(j)	Outdoor recreation lodge provision	January 1, 2024
AS 04.16.070	Sales on election day	January 1, 2024
AS 04.16.100	Restriction on size of containers	January 1, 2024
AS 04.16.180(a)	Penalties for violation (no more Class A misdemeanor unless express)	January 1, 2024
AS 04.16.180(d)	Juvenile alcohol safety action program	January 1, 2024
AS 04.16.210	Penalty for making false statement	January 1, 2024
AS 4.21.080(b)(3)	Bottling definition	January 1, 2024

Section 165

The following statutes are repealed

STATUTE	SUBJECT MATTER	Effective Date
AS 04.11.400(e)	REPL tourism	Immediate effective date
AS 04.11.400(g)	Public convenience license	Immediate effective date

Section 166

The following statute is repealed

STATUTE	SUBJECT MATTER	Effective Date
AS 04.11.270(f)	Limit on manufacturer retails license decreased	Jan. 1, 2029

Section 167

(a) The uncodified law of the State of Alaska is amended by adding a new section to read:

The provisions of section 13 – 24, 34, 85 – 88, 90 – 135, 140 – 143, 145, and 153 – 155 of this Act apply to offenses committed on or after the effective date of each of those respective sections.

(b) References to previous convictions in AS 04.11.270(a), as amended by section 27 of this Act, AS 04.16.180(b), as amended by section 128 of this Act, AS 04.16.180(e), as

amended by sec. 129 of this Act, and AS 04.16.220(i), as amended by sec. 134 of this Act, apply to convictions occurring before, on, or after the effective date of each of those respective sections.

Section 168

The uncodified law of the State of Alaska is amended by adding a new section to read:

Notwithstanding sec. 177 of this Act, to timely provide for the issuance, renewal, and transfer of licenses, endorsements, and permits, beginning on January 1, 2024, the Alcoholic Beverage Control Board may begin to implement the changes that will be made under secs. 6, 6, 12, 13, 25, 27, 75, and 169 of this Act by sending out notices, relating to, accepting applications for, and collecting fees for licenses, endorsements, and permits according to the changes that will be made when secs. 6, 7, 12, 13, 25, 27, 75, and 169 of this Act take effect. **However, the Alcoholic Beverage Control Board may not issue licenses, endorsements, and permits under secs. 6, 7, 12, 13, 25, 27, 75, and 169 of this Act before January 1, 2024.**

Request to issue licenses, endorsements, and permits effective January 1, 2024.

Section 169

The uncodified law of the State of Alaska is amended by adding a new section to read:
Transition: Conversion of applications and licenses.

(a) **[TAKES EFFECT IMMEDIATELY BUT THEN REPEALED JANUARY 1, 2024]** Notwithstanding the population limits under AS 04.11.400(a) or (b), the Alcoholic Beverage Control Board shall convert, within 90 days after the effective date of this subsection.

Conversion of Public Convenience Licenses – Complete.

(b) **[TAKES EFFECT JANUARY 1, 2024]** Notwithstanding the population limits under AS 04.11.400(a) or (b), the Alcoholic Beverage Control Board **shall convert**, within 90 days after the effective date of this subsection,

1	A license issued or renewed as a bottling works license under former AS 04.11.120, repealed by sec. 164 of this Act, into a brewery manufacturer license or into a winery manufacturer license
2	A license issued or renewed as a brewpub license into a brewery manufacturer license

3	A license issued or renewed as a beverage dispensary license or restaurant or eating place license for a premises that is a theater under former AS 04.11.090 or AS 04.11.100, repealed by sec. 164, into a theater license under AS 04.09.250
4	A license issued or renewed as a wholesale license under former AS 04.11.160(a) into a general wholesale license
5	A license issued or renewed as a wholesale license under former AS 04.11.160(b) into a limited wholesale brewed beverage and wine license
6	A license issued or renewed as a beverage dispensary license under AS 04.11.400(d), repealed by sec. 164 of this Act [beverage dispensary tourism], into a beverage dispensary tourism license under AS 04.09.350
7	A duplicate license issued or renewed as a duplicate beverage dispensary license under former AS 04.11.090(e), repealed by Section 164 of this Act, into a multiple fixed counter endorsement under AS 04.09.420, added by sec. 13 of this Act

(c) [TAKES EFFECT January 1, 2024] Notwithstanding the population limits under AS 04.11.400(a) or (b), the Alcoholic Beverage Control Board **shall, upon application by the licensee, convert** a license issued or renewed as a recreational site license under former AS 04.11.210, repealed by sec. 164 of this Act, into a sporting activity or event license under AS 04.09.270, added by sec. 13 of this Act or another applicable license under AS 04.09.

(d) [TAKES EFFECT January 1, 2024, with the exception of (d)(10) that has an immediate effective date] Notwithstanding the population limits under AS 04.11.400(a) or (b), the Alcoholic Beverage Control Board **may**

1	Convert a license issued or renewed as a brewery license under AS 04.11.130 into a brewery manufacturer license and a brewery retail license (upon application by the licensee)
2	Convert an application submitted to the board that meets all the requirements under AS 04.11.130 into an application for a brewery manufacturer license and a brewery retail license
3	Issue a brewery manufacturer license and a brewery retail license to an applicant who applies to the board under former AS 04.11.130 if the board converts the application under (2) of this subsection
4	Convert a license issued or renewed as a winery license under AS 04.11.140 into a winery manufacturer license and a winery retail license (upon application by the licensee)
5	Convert an application submitted to the board that meets all the requirements under AS 04.11.140 into an application for a winery manufacturer license and a winery retail license

6	Issue a winery manufacturer license and a winery retail license to an applicant who applies to the board under former AS 04.11.140 if the board converts the application under (5) of this subsection
7	Convert a license issued or renewed as a distillery license under AS 04.11.170 into a distillery manufacturer license and a distillery retail license (upon application by the licensee)
8	Convert an application submitted to the board that meets all the requirements under AS 04.11.170 into an application for a distillery manufacturer license and a distillery retail license
9	Issue a distillery manufacturer license and a distillery retail license to an applicant who applies to the board under former AS 04.11.170 if the board converts the application under (8) of this subsection
10	Establish an application form and procedure for conversion applications under this subsection

Section 170 (Immediate Effective Date)

Already accomplished transitional seasonal restaurant or eating place tourism license – no further Board action needed under this section.

Repealed January 1, 2024

Section 171(Immediate Effective Date)

Transition: Regulations. DECD and the ABC Board may adopt regulations necessary to implement the changes made by this Act. The regulations take effect, but not before the effective date of the law implemented by the regulation.

Nearly complete.

Section 172

Section 169(a) and 170 are repealed January 1, 2024

Section 173

The uncodified law of the State of Alaska is amended by adding a new section to read:

AS 04.16.060(k), enacted by section 109 of this Act, and section 163 of this Act take effect only if Section 163 of this Act receives the two-thirds majority of each house (achieved)

Section 174

Sections 36, 41, 43, 49, 54, 59, 164, 169(a), 169(d)(10), 170, and 171 of this act take effect immediately

Section 175

Section 168 takes effect September 1, 2023.

Section 176

Section 51 of this Act takes effect January 1, 2030.

Section 177

Except as provided in section 174 – 176 of this Act, this Act take effect January 1, 2024.

Title 4 Rewrite – Motions to Consider (Actions may not be effective until date permitted by statute)

1. The automatic conversions under Section 169(b)
2. The automatic conversions under Section 169(c) if there are completed applications
3. The discretionary conversions without application under Section 169(d)
4. The discretionary conversions with application under Section 169(d) – delegated authority to Director for temporary approval (address status of application review)
5. Delegated authority to Director for temporary approval of applications for package store shipping endorsements (address status of application review)
6. Delegated authority to Director for temporary approval of applications for package store repackaging endorsements (address status of application review)
7. Delegated authority to Director for temporary approval of applications for brewery repackaging endorsements (address status of application review)
8. Delegated authority to Director for temporary approval of applications for manufacturer sampling endorsements (address status of application review)
9. Delegated authority to Director for temporary approval of applications for restaurant endorsements (address status of application review)
10. Delegated authority to Director for temporary approval of applications for hotel or motel endorsements (address status of application review)\
11. Delegated authority to Director for temporary approval of applications bowling alley endorsements (address status of application review)
12. Delegated authority to Director for temporary approval of common carrier approval applications
13. (Other potential delegations, board to consider time sensitive nature of conduct at issue – manufacturer direct shipment license, large resort endorsement, package store delivery endorsement, package store sampling endorsement, golf course endorsement)
14. Other matters.

- a. Office will be prepared to issue live music or entertainment permits as early as January 1, 2024 if an entity is approved for a manufacturer retail license)
- b. Keg registration forms will be in place
- c. Proof of completion of server education for servers at a nonprofit organization event – Plan to prepare nonprofit organizations for the same, but potential impact on January events