

3 AAC is amended by adding a new chapter to read:

Chapter 305. Alcoholic Beverage Control Board.

Article

2. Manufacturer Licenses, Endorsements, Permit (3 AAC 305.200 – 3 AAC 305.230)

Article 2. Manufacturer licenses, endorsements, permits

Section

200. License required

210. Manufacturer sampling endorsement

220. Brewery repackaging endorsement

230. Inventory resale permit

3 AAC 305.200. License required. A license is required to manufacture, package, store, and sell a manufacturer’s brewed beverages, wine, or distilled spirits as set out under AS 04.09.020 – AS 04.09.040. (Eff. ___/___/_____, Register _____)

Authority: AS 04.06.090 Sec. 1, ch.8, SLA 2022 Sec. 171, ch.8, SLA 2022
AS 04.06.100

3 AAC 305.210. Manufacturer sampling endorsement. (a) An application required under AS 04.09.410 to obtain a manufacturer sampling endorsement must identify by a line

drawing the area of the licensed premises to which the manufacturer sampling endorsement attaches.

(Eff. ___/___/_____, Register _____)

Authority: AS 04.06.090 Sec. 1, ch.8, SLA 2022 Sec. 171, ch.8, SLA 2022
AS 04.06.100

3 AAC 305.220. Brewery repackaging endorsement. A brewery manufacturer who was licensed as a brewpub under the former AS 04.11.135, who operated as a brewpub on December 31, 2023, and who also holds, wholly or in part, a beverage dispensary license, a beverage dispensary tourism license, a restaurant or eating place license, or a seasonal restaurant or eating place tourism license may hold a repackaging endorsement to permit the sale of its brewed beverages for off-the-licensed premises consumption as set out under AS 04.09.520. (Eff. ___/___/_____, Register _____)

Authority: AS 04.06.090 Sec. 1, ch.8, SLA 2022 Sec. 171, ch.8, SLA 2022
AS 04.06.100

3 AAC 305.230. Inventory resale permits. The director may approve an inventory resale permit under the conditions set out under AS 04.09.680. (Eff. ___/___/_____, Register _____)

Authority: AS 04.06.090 Sec. 1, ch.8, SLA 2022 Sec. 171, ch.8, SLA 2022
AS 04.06.100

DRAFT

From: [Tiffany Hall](#)
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Comments on Articles 1 & 2
Date: Friday, April 21, 2023 2:31:36 PM
Attachments: [image001.png](#)
[04-21-23 Recover Alaska Public Input Regs Articles 1+2.pdf](#)

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Hello,

Attached please find Recover Alaska's comments on the regulations coming before the ABC board next week.

Thank you,
Tiffany

Tiffany Hall

[Executive Director](#) | she/her



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Anchorage, AK 99503
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Dena'inaq elnen'aq' gheshtnu ch'q'u yeshdu. (Dena'ina)
I live and work on the land of the Dena'ina. (English)

Translation by J. Isaak and S. Shaginoff-Stuart



April 21, 2023

Public Input on Draft Regulations, Title 4 Rewrite Updates: 3 AAC 305 – Articles 1 and 2

To the Alcoholic Beverage Control (ABC) Board and Alcohol & Marijuana Control Office (AMCO):

Thank you for the opportunity to provide comments on draft regulations released March 31, 2023 for Board discussion at the upcoming regular meeting on May 2, 2023.

Recover Alaska is a multi-sector action group working to reduce excessive alcohol use and its harms across the state. Our vision is for Alaskans to live free from the harms of substance misuse, so we are all empowered to achieve our full potential. There are many paths toward recovery and well-being. Our organization supports effective policies and programs, including regulating alcohol production, distribution, sales, and service in ways that balances the economic benefits of the hospitality industry with the measurable harms that alcohol causes and contributes to families, communities, and our state as a whole.

As you are aware, Recover Alaska was also an integral stakeholder throughout the Title 4 Rewrite process, including passage of Senate Bill 9 (2022) as well as Senate Bill 165 (2016). We continue to support the effective implementation of this important legislation, and participate as a stakeholder to ensure that the resulting regulations, policies, and processes put into place reflect the legislative intent of this project, including protection of public health.

Overall, Recover Alaska has no major objections to date to these 2 articles as drafted. Specific comments are provided below on selected draft regulations. Where no comments are provided, Recover’s position should be considered neutral or “no objection.”

Comments on Article 1: Board Administration, Licensing, Fees

1. 3 AAC 305.020 Public comment at board meetings.

Recover Alaska strongly supports maintaining opportunities for public comment, including items on the agenda as well as those not on the agenda, and the specific language “conduct of business by licensees.” The Board is charged with overseeing the licensing system, but also acting in accordance with the public interest. This requires open communication with the public, including opportunities for members of the public to raise concerns, questions, and bring other items to the attention of the Board in a public setting. Maintaining a broad scope for allowed public comment ensures that the public may be heard on items relevant to alcohol control, which may include action on a specific license, as well as broader issues or concerns beyond the scope of an individual license.

2. 3 AAC 305.025 Conduct of office: subsection (e)

Recover Alaska supports the stated requirement for AMCO to post information to the agency’s website about fetal alcohol effects resulting from a person drinking alcohol during pregnancy. This requirement is part of the existing statutory requirement for package store licensees who ship alcohol in response to written orders, who are required to include this warning information for customers. This requirement will also be in place for any licensee who obtains a Manufacturer Direct Shipment License, which is likely to include many businesses who operate out of state and will ship to Alaska customers. Posting this



information online in an electronic format will make the required documentation easily available online, with little to no additional burden on licensees to follow the law.

Recommended change: The term in the current draft, “fetal alcohol syndrome” (FAS) is not the most current term used in the public health and medical community. Instead, the current terminology recognizes a wide range of symptoms and severity as “fetal alcohol spectrum disorder” (FASD), with FAS being a specific diagnosis within this spectrum. Recover Alaska recommends referring to the latter, to recognize the range of impacts alcohol use during pregnancy can have on a developing fetus.

Definition from the CDC: “FASDs refer to a collection of diagnoses that represent the range of effects that can happen to a person who was exposed to alcohol before birth. These conditions can affect each person in different ways, and can range from mild to severe.”

Source: <https://www.cdc.gov/ncbddd/fasd/facts.html>

3. 3 AAC 305.055 Reinstatement of license.

Recover has no objection to the Board providing a path for a licensee to reinstate their license – provided that they follow the required process, pay a reinstatement fee (\$1,000), and also pay any other required fees, including penalty fees. Recover supports maintaining this \$1,000 fee and other requirements in the current draft to provide this alternative path.

It is a licensee’s responsibility to complete a license application, and to communicate as early as possible with AMCO staff if they cannot meet the timeline, even if there are extenuating circumstances that will make it impossible for them to meet the required timeline. There should also be a cost for this option, to incentivize licensees to complete the process on time, and recognizing the additional staff time, and potentially Board time, that may be required to process a license renewal outside of the regular cycle.

4. 3 AAC 305.075 Public notice.

Recover Alaska supports maintaining a clear requirement for public notice for license applications, with flexibility for small communities to utilize the most appropriate channels for notice, while still requiring the licensee to make a good-faith effort to provide the community information about the application. The language such as “newspaper of general circulation,” and excluding other types of publications with a narrower audience, is important to ensure licensees know what is considered acceptable public notice.

5. 3 AAC 3015.135 Permits.

Recover Alaska supports the currently-written requirements in (a) for permit applications, including that the applicant must make a statement that all individuals serving alcohol and checking ID must have a current server education card by the first day of the event. This is a new requirement added by SB 9, and applies both to licensees with permits (whose employees are already required to meet this requirement), and to organizations who do not have a license but who exercise one or more event permits in a year for activities such as fundraising. The purpose is to ensure that all persons serving alcohol are trained in how to check IDs, recognizing signs of intoxication, and other topics covered in alcohol server education which are designed to protect public health and avoid harms such as over-service and over-consumption. This requirement will not only reduce risk of harms occurring at permitted events, but also help organizations who do not operate licensed businesses to maintain a standard of compliance and responsible service.



6. 3 AAC 3015.150 Permits and common carrier approval fees.

Recover Alaska supports the permit fees in the current draft regulation, as well as the provision that an application submitted later than the required timeframe for approval (3 business days in advance) will be charged a double fee. The statute change allowed the ABC Board to establish permit fees in regulation, with a minimum fee of \$50 per event day; this is intended to allow for scaling fees that recognizes there is a certain level of staff work required to process permit applications, regardless of event size, but also that larger (multi-day) events tend to have more complex planning and review, which takes additional time.

Comments on Article 2: Manufacturing Licenses

1. 3 AAC 305.210 Manufacturer sampling endorsement.

Recover supports the current language requiring that the area where sampling will occur is designated within the licensed premises. This ensures that, for a license type that does not otherwise allow service or sales to the public for consumption on the premises, there is a clear record of where consumption may occur on premises.

Recommended change: Because the manufacturer sampling endorsement may be held by a licensee who does not have a retail operation, and therefore does not serve the public and would normally not be required to maintain a server education card, it may be useful to include a new subsection (b) stating that this is required for anyone providing samples [AS 04.21.025(f)(1-3), taking effect 1/1/24]. While this issue is addressed in statute, reiterating this requirement in the regulation would help licensees understand the requirements, particularly in this case where their underlying license is exempt from the server education requirement in AS 04.21.05(a).

Possible language: “(b) the holder of a brewery manufacturer, winery manufacturer, or distillery manufacturer license who also obtains a manufacturer sampling endorsement is subject to the requirements of AS 04.21.025(a) for the licensee and any employees who may provide samples to customers on premises.”

Thank you for consideration of our comments, and for thoughtful implementation of the Title 4 Rewrite.

A handwritten signature in black ink, appearing to read "Tiffany Hall", written over a light blue horizontal line.

Tiffany Hall
Executive Director

From: [Wild Fork Catering](#)
To: [CED AMCO REGS \(CED sponsored\)](#)
Subject: Food for thought
Date: Saturday, April 1, 2023 11:09:09 AM

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To whom it may concern,

The meeting that's looking to alter regulations- perhaps you could consider proposing to make special allowances for caterers-with commercial kitchens only(no onsite serving)-to be able to attain a beer/wine license.

There are several times a year that we are asked to provide permitting to serve alcohol- I have to ask someone to allow me to use/borrow their licensing for an event. It would be nice to be able to qualify for my own license and therefore be able eliminate a 3rd party involvement in my business.

Just a thought. Thank you for your consideration.

Sincerely,

Heather@Wild Fork