



MEMORANDUM

TO: Alcoholic Beverage Control Board DATE: January 22, 2024
FROM: Kristina Serezhenkov, Regulations RE: Large Resort Endorsement.
Specialist

Background: This project was initiated because 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.

At the Board's last meeting the Board approved a draft to send to Law for preliminary review of the large resort endorsement proposed regulation that would exempt a “large resort” from the prohibition against minors being present on licensed premises under AAS 04.16.049(a) as described above.

Department of Law, non-approval: Upon preliminary review, Law advises that the regulation cannot be approved as proposed. Law outlines that the proposed regulation conflicts with the underlying statute (AS 44.62.030) and that the proposed regulation is not supported by statutory authority (AS 44.62.020).

Attachment:

A copy of the draft sent to Law.

Options for the board:

- 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 subparagraph to read:

(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;

(Eff. ____/____/_____, Register _____; am ____/____/_____, Register _____)

Authority:	AS 04.06.090	AS 04.09.420	AS 04.09.500
	AS 04.06.100	AS 04.09.430	AS 04.09.510
	AS 04.09.200	AS 04.09.440	<u>AS 04.16.049</u>
	AS 04.09.350	AS 04.09.450	