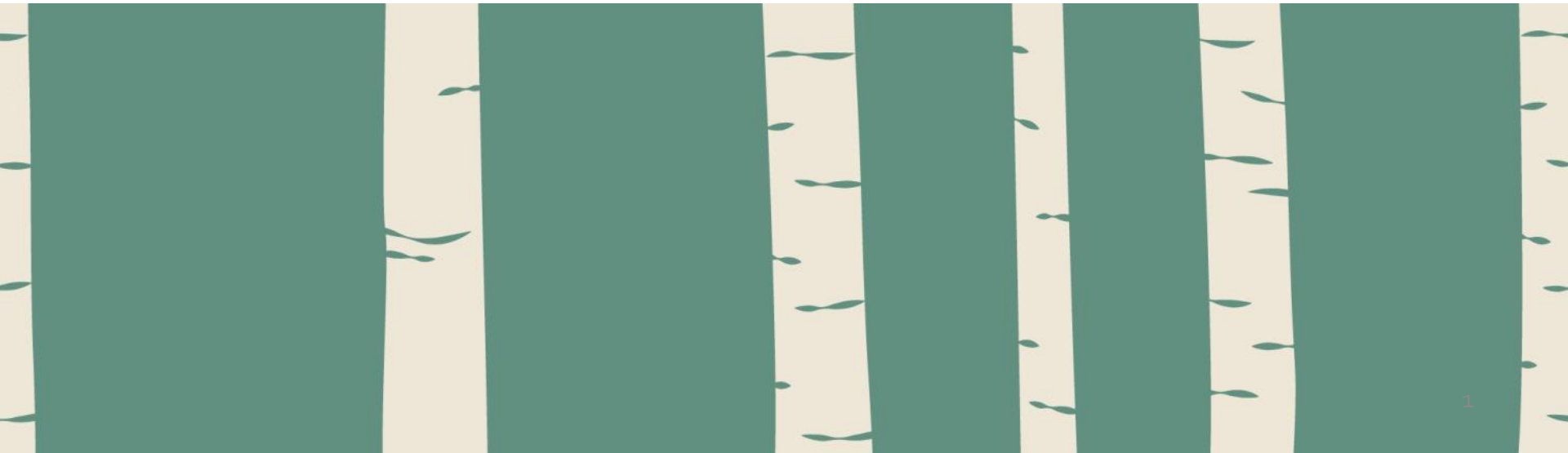


Alcoholic Beverage Control (ABC) Board Title 4 Review Project

Overview of Senate Bill 52

Senate Labor and Commerce Committee

March 28, 2019



Goals of Title 4 Review Process

Promote a fair business climate and protect public health and safety.

1. Create **rational regulation** for all tiers of the state's alcohol industry.
2. **Limit youth access** to alcohol, while ensuring youth are not criminalized
3. Promote **responsible alcohol use** and reduce the harms of overconsumption.

Make Title 4 a clear and consistent legal framework.

1. Increase swiftness, proportionality and consistency of **penalties**.
2. Increase **local law enforcement** of Title 4.
3. Increase **licensee accountability** before the ABC Board for Title 4 violations.

Diverse Stakeholders



Youth



Local Governments



Public Health



Business



Public Safety

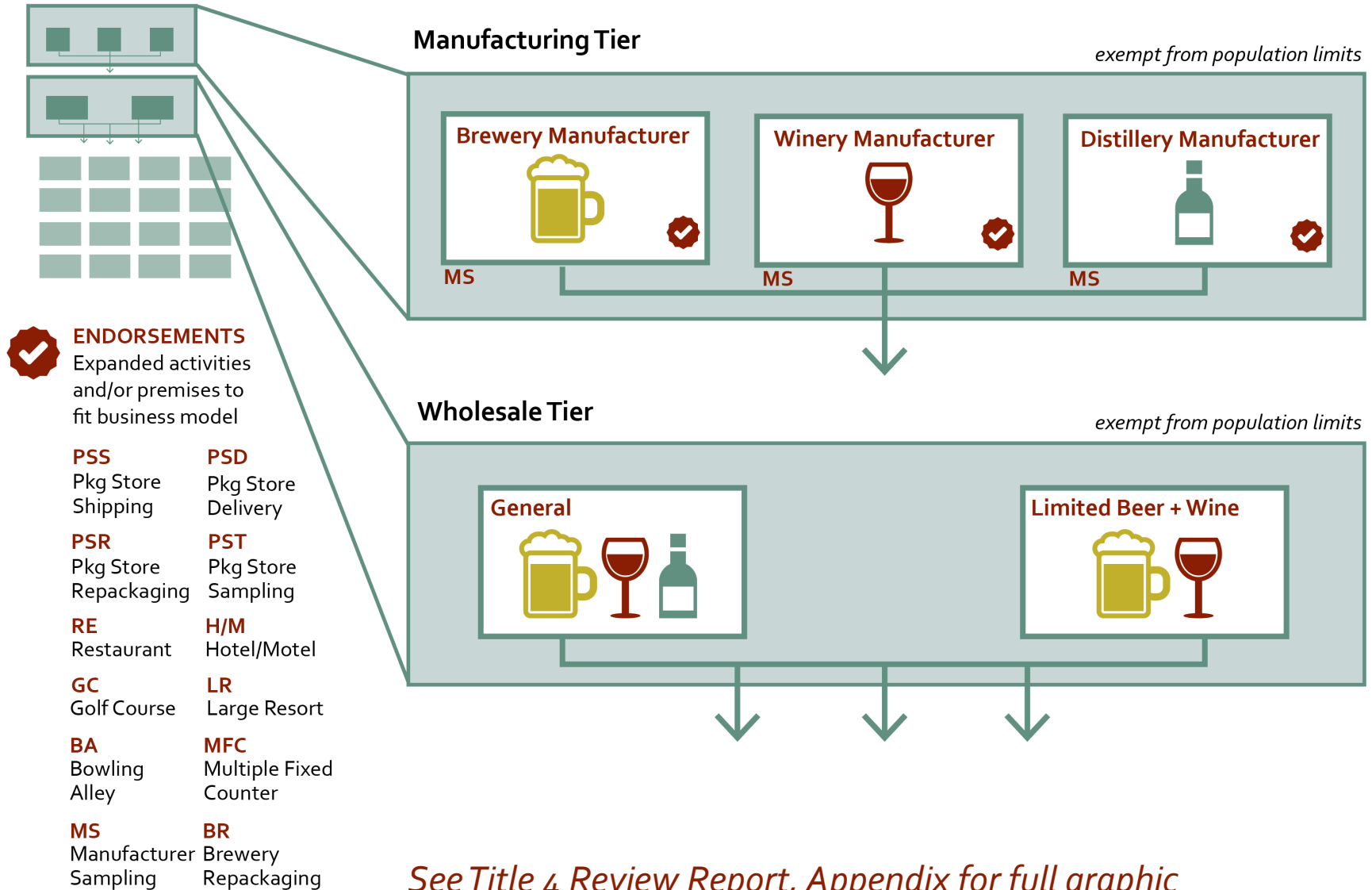


Rural Communities

- ABC Board, AMCO (staff)
- Public Safety and Law Enforcement
- Industry
 - Manufacturers
 - Wholesalers
 - Retailers
- Public Health
 - Recover Alaska
 - Department of Health and Social Services
 - Alaska Mental Health Trust Authority
 - Rasmuson Foundation
- Community Advocates
- Local Governments

Alaska's Liquor License System: Proposed Changes

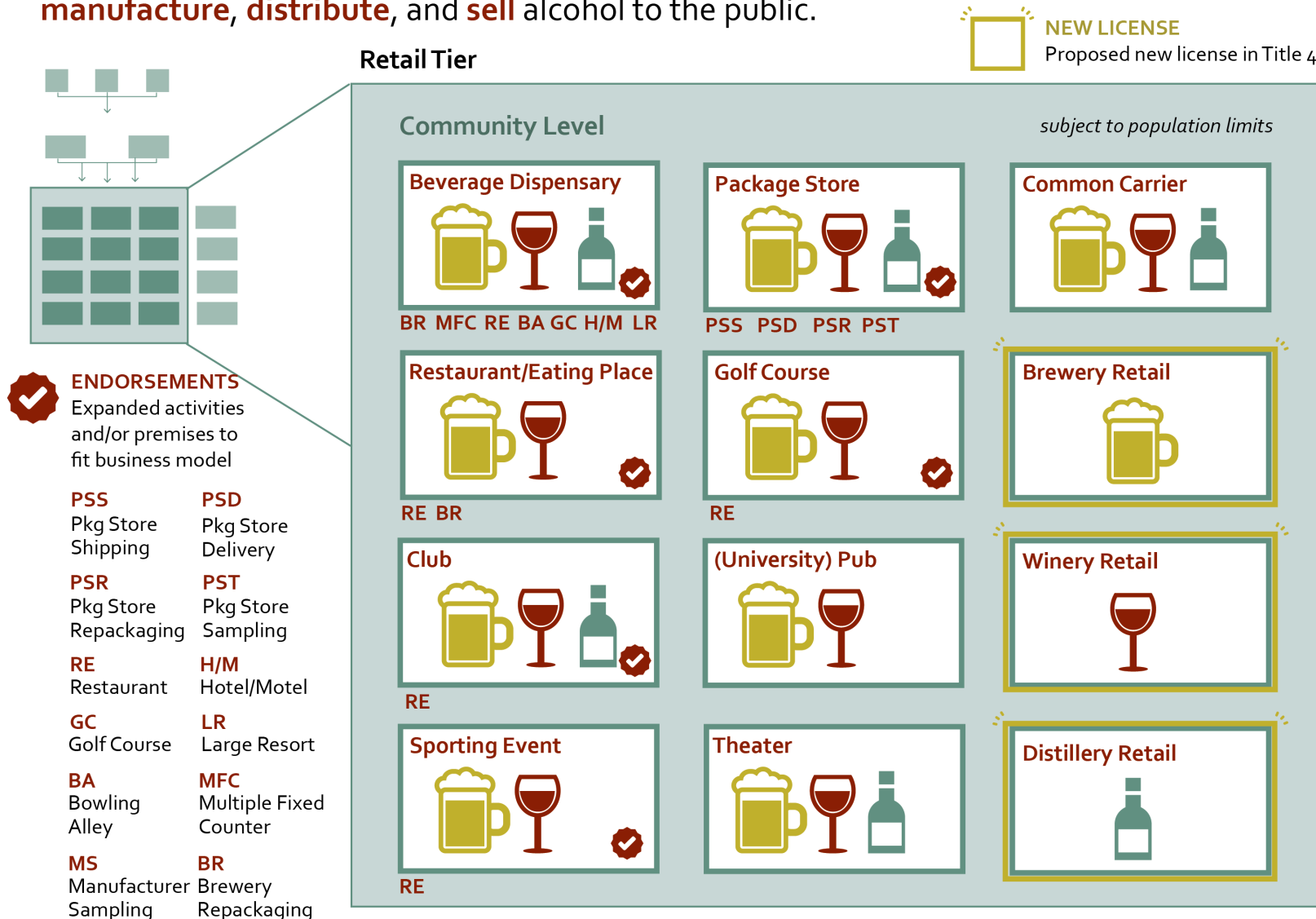
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See Title 4 Review Report, Appendix for full graphic

Alaska's Liquor License System: Proposed Changes

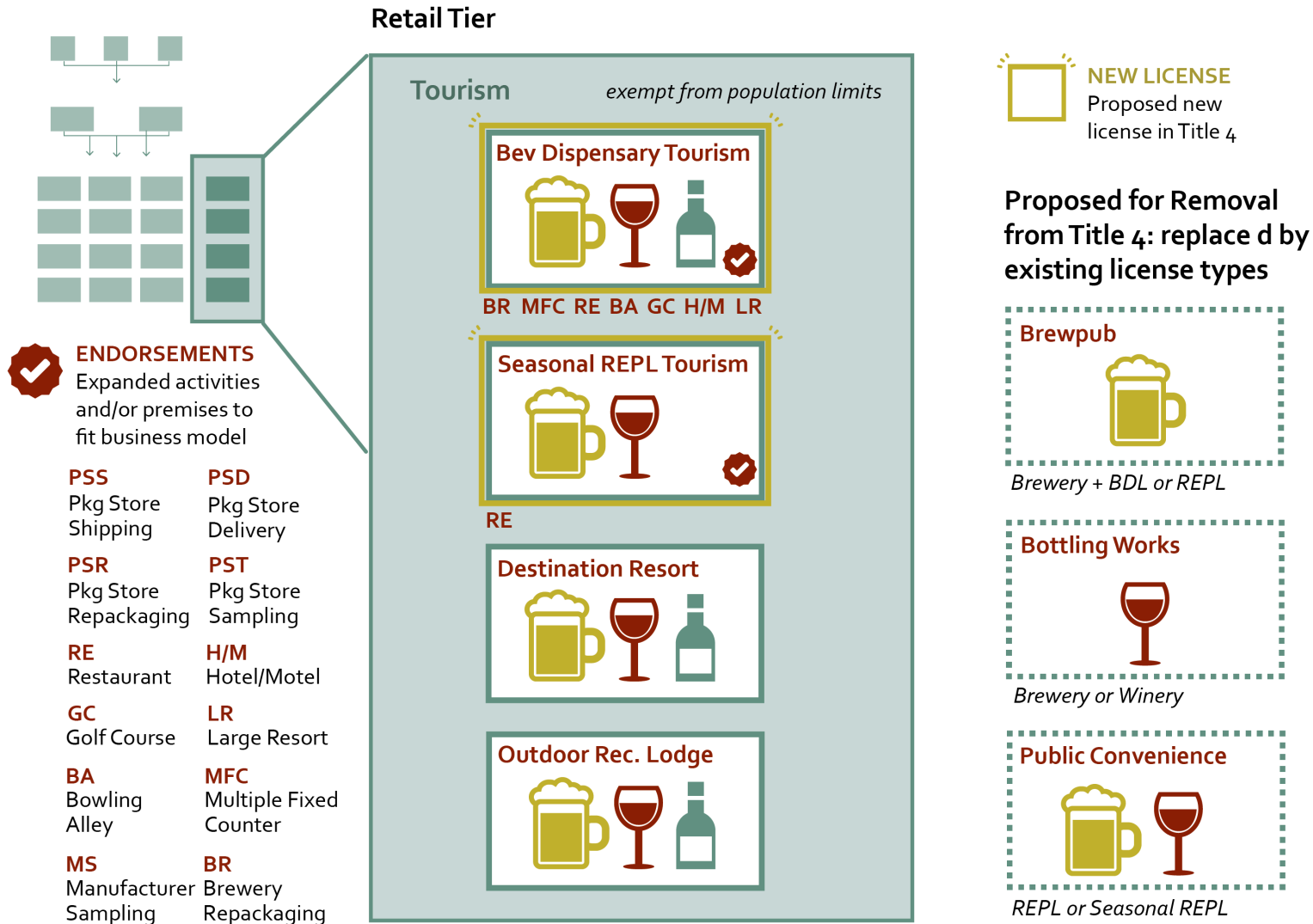
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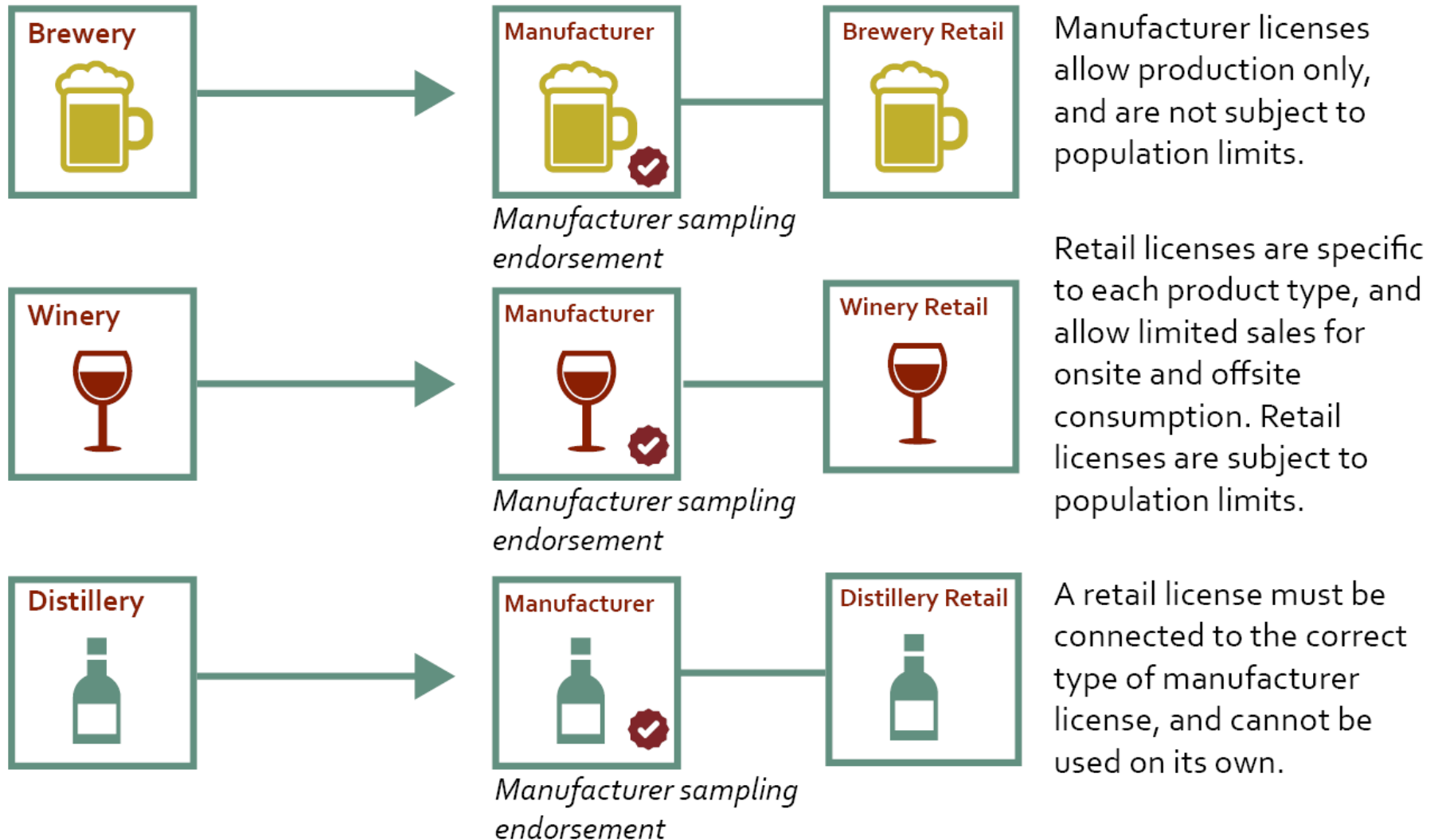
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Proposed: Manufacturer & Retail Licenses








Proposed: More Retail Options for Manufacturers



The Brewery license used as an example. The same system applies for wineries and distilleries.

Proposed: Limited Free Samples by Manufacturers

- Small free samples can be provided to the public, with a Manufacturer Sampling Endorsement
- Ounce limits are defined by product type, and roughly correspond to alcohol by volume (ABV)
- A Retail license is not required for sampling, but is required for any product sales to the public

Brewery	Winery	Distillery
12 oz. Beer 	6 oz. Wine or Mead * 	1.5 oz. Spirits 
6 oz. Sake 	12 oz. Cider * 	

** Cider and mead limits depend on alcohol content: products below 8.5% ABV have a higher sales limit.*

Proposed: Manufacturer Sales Limits by Product Type

	Brewery Retail	Winery Retail	Distillery Retail
Onsite Sales	36 oz. Beer <i>Equivalent: 3 cans</i> 	18 oz. Wine or Mead * <i>Equivalent: 3 glasses</i> 	3 oz. Spirits <i>Equivalent: 3 pours (1 oz. each)</i> 
	18 oz. Sake 	36 oz. Cider * 	
Offsite Sales	5.167 Gallons Beer <i>Equivalent of 1/6 barrel "pony keg," or 10 growlers</i> 	9 Liters Wine or Mead * <i>Equivalent: 12 bottles (1 case)</i> 	3.75 Liters Spirits <i>Equivalent: 5 standard bottles</i> 
	9 Liters Sake 	5.167 Gallons Cider * 	

* Cider and mead limits depend on alcohol content: products below 8.5% ABV have a higher sales limit.

Proposed: Endorsements on Licenses

Add endorsements to existing licenses, giving businesses more flexibility without creating more situation-specific license types.



BASE LICENSE

ENDORSEMENTS

Expanded activities and/or premises to fit business model

Endorsements would allow sampling on premises, multiple bar rooms, deliveries by package stores, etc.

Section 10, 04.09.400; endorsements defined in 04.09.410 - .520

Proposed Endorsements

- R-7A | Bowling Alley Endorsement
- R-7B | Package Store Shipping Endorsement
- R-7C | Package Store Delivery Endorsement
- R-7D | Package Store Re-Packaging Endorsement
- [M-2] Manufacturer Sampling Endorsement
- [R-1] Multiple Fixed Counter Endorsement
- [R-1] Hotel/Motel Endorsement
- [R-1] Large Resort Endorsement
- [R-3] Package Store Sampling Endorsement
- [M-1] Brewery Repackaging Endorsement

Proposed: Options for Multiple Bar (Beverage Dispensary) Locations

- To operate two or more bar rooms in a beverage dispensary (BDL), a multiple fixed counter endorsement would be required. This would replace the duplicate license.
- Larger establishments like hotels and resorts could have additional bar locations in separate buildings on the property.

Multiple Fixed Counter



- One room with fixed bar per additional endorsement
- Must be on same (connected) licensed premises

Hotel or Motel



- Can serve in multiple rooms, including banquet rooms
- Hotel rooms can be stocked with alcohol for purchase
- Must be on same or adjacent property to main premises






Large Resort



- Can serve at multiple buildings within resort property
- Hotel rooms can be stocked with alcohol for purchase
- Property must be 10+ acres, offer outdoor recreation & lodging

Proposed: Limited Free Samples for Package Stores

- In current Title 4, Package Stores cannot allow any consumption on premises
- The bill would allow small free samples, with a Package Store Sampling Endorsement
- Ounce limits defined as: “Any combination of products, not to exceed the alcohol equivalent of any single product type”
- Ex: Customer A chooses 12 oz. beer. Customer B chooses 6 oz. cider and 3 oz. wine. Customer C chooses 2 oz. wine, 2 oz. sake, and 4 oz. beer.

12 oz.	6 oz.	1.5 oz.
Beer 	Wine, Mead * 	Spirits 
Cider * 	Sake 	

** Cider and mead limits depend on alcohol content: products below 8.5% ABV have a higher sales limit.*

R-7 Standardize Permits

- Unlike licenses, permits are typically issued for single events, on or off licensed premises.
- Define all permit types in statute, not just in regulation
- Fee for all permits is \$50 per event day
- Most permits listed are already in statute or regulation
- New permit: Tasting Event Permit, allowing a Package Store or Manufacturer to host an event on premises, in partnership with a BDL

Proposed Permits

- R-7F | Beverage Dispensary Caterer's Permit (AS 04.11.230; 3 AAC 304.685)
- R-7G | Restaurant Caterer's Dining Permit (3 AAC 304.680)
- R-7H | Club Caterer's Permit (3 AAC 304.690)
- R-7I | Nonprofit Event Permit (AS 04.11.240)
- R-7J | Art Exhibit Permit (3 AAC 304.697)
- R-7K | Alcoholic Beverage Auction Permit (3 AAC 304.699)
- R-7L | Inventory Resale Permit (Retail Stock Sale License, AS 04.11.200)
- R-7M | Tasting Event Permit (proposed)

Proposed: Package Store Tasting Event Permit

- Allows a package store or manufacturer to host a special tasting event on its own premises, with onsite consumption of alcohol for those attending event.
- The event may be in the store or another area of the property, such as a special event space.
- Licensees can only offer products in their inventory.

Hosting license



- Event may last up to 4 hours, and must end by 9 p.m.
- Must also serve food
- Each license can host 6 events per year in the same community as the license is located

F-1. Adjust License Fees to Reflect Current ABC Budgetary Needs

- Update license fees according to privileges and administrative costs of each, and collect sufficient revenue to cover the ABC Board's required activities:
 - Administration of licenses & permits
 - Education about Title 4 and related regulations
 - Enforcement of Title 4 and related regulations
- ABC Board required to review license fees at least every 5 years.
- See Appendix, Table 2 of the Title 4 Review report for current license fees and proposed changes.

Proposed: More Accountability for License Fees Allocated to Local Governments

- Current Title 4 allows for local governments to receive half of the license fees collected in their area, intended for enforcement of Title 4 and related ordinances.
- Reporting on these activities is required, but not defined in statute. Some jurisdictions report regularly, while others do not.
- The bill includes better reporting and prevention about use of these funds, and requiring reports about education activities as well as enforcement.



Section 77, 04.11.610

Population Limits: *Current Title 4*

(AS 04.11.400)

Population limits determine how many of each license type may be issued in each community.

Bars, Package Stores, etc.



$$= \frac{1}{3,000}$$

Restaurants



$$= \frac{1}{1,500}$$

Restaurants: 1 per 1,500 residents.

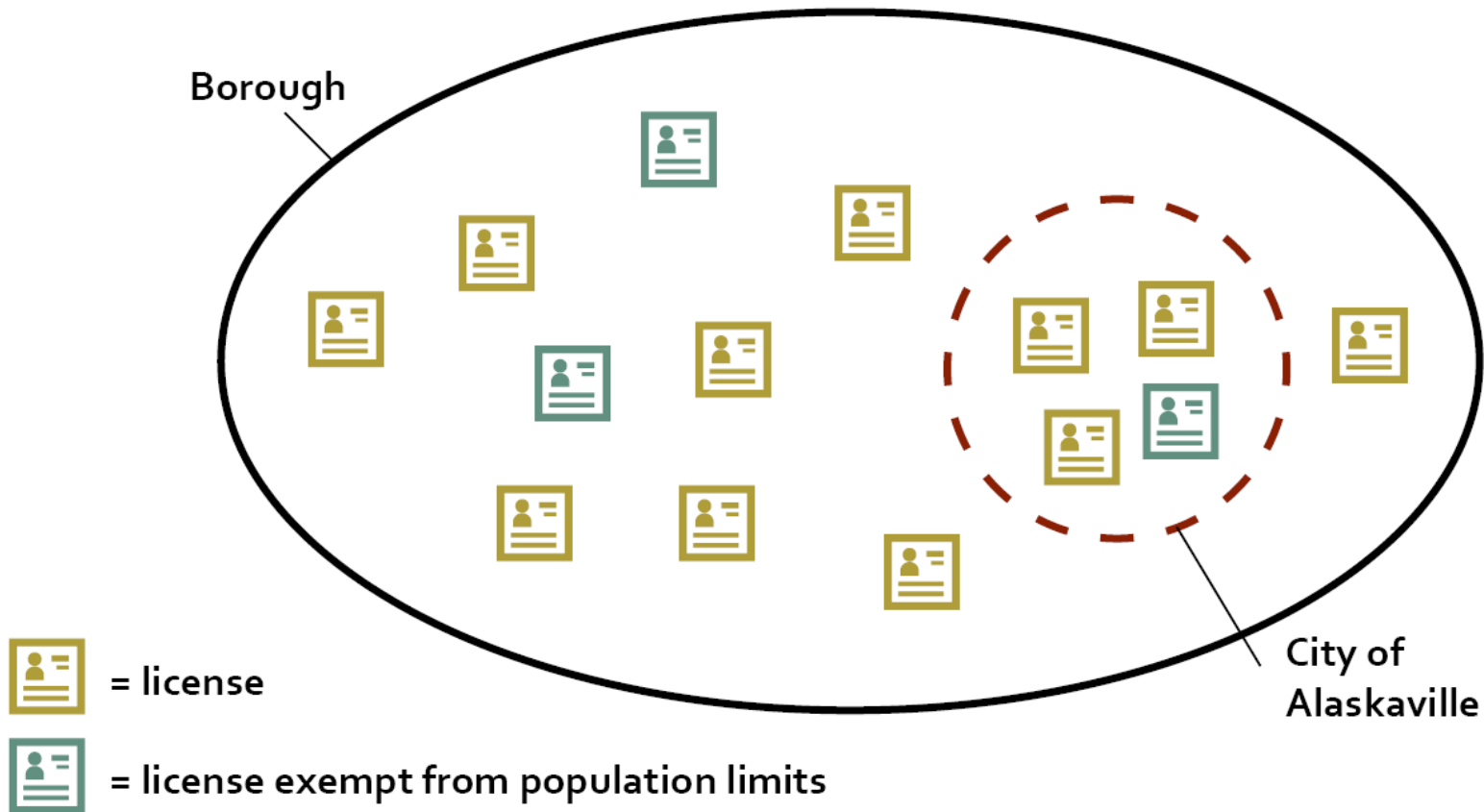
All other license types (bars, package stores, golf courses, breweries, etc.): 1 per 3,000 residents.

Some licenses are exempt from population limits: bars located in hotels or airports, restaurants issued for public convenience, and licenses that serve tourists.

Population Limits: *Current Title 4*

(AS 04.11.400)

- Some license types are exempt from population limits: most exempt license types are designed to serve tourists and travelers, such as hotels or outdoor recreation lodges.
- They can be issued if other qualifications are met (ex: minimum number of hotel rooms).



Proposed: Convert Public Convenience Licenses and Applications

Existing Public Convenience licenses would be converted to regular Restaurant or Eating Place Licenses (REPLs).

Public Convenience



Not transferrable



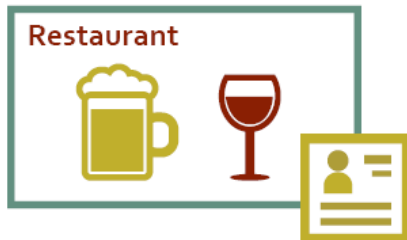
REPL



Transferrable to new owner or location

Applications that have been completed as of the bill's signing date would be converted to applications for regular REPLs, and could be approved by the ABC Board outside the existing population limits.

Public Convenience



Application



REPL



Can be approved outside of population limits

Proposed Seasonal REPL Tourism

- Seasonal restaurant license
- Available in smaller communities (< 40,000 pop.)
- Same operating requirements and privileges as full-year restaurants (REPL)
- Number of licenses per community determined by formula:

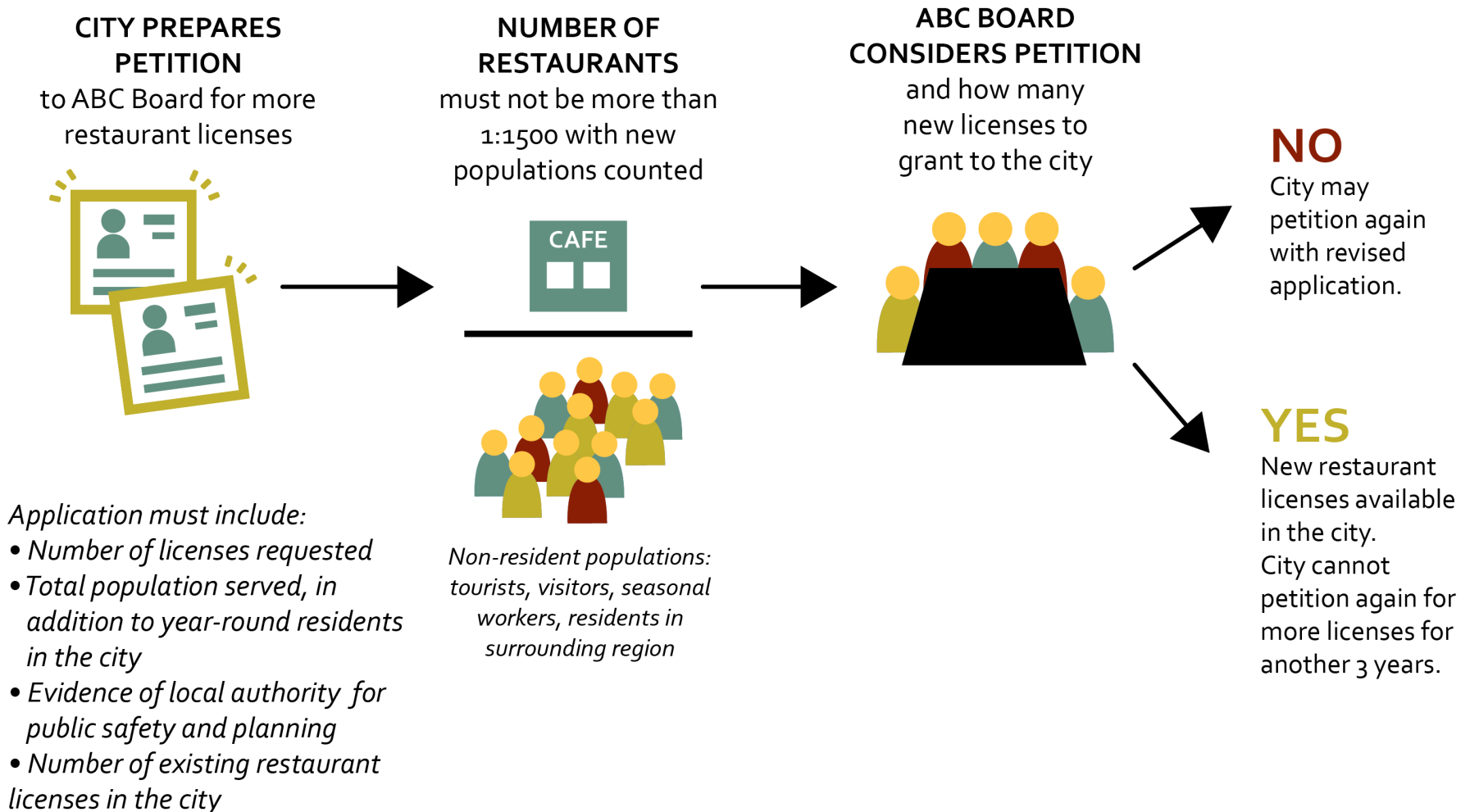
5-year average of annual visitors / months in season = Average monthly visitor population

(Residents + average monthly visitors) / 1,500 = Available Seasonal REP Tourism licenses

- Season defined as up to 6 months per year, in any combination
 - Example: May through September + 1 winter month

Proposed: Local Government Petition for Additional Restaurant Licenses

(Proposed AS 04.11.405)

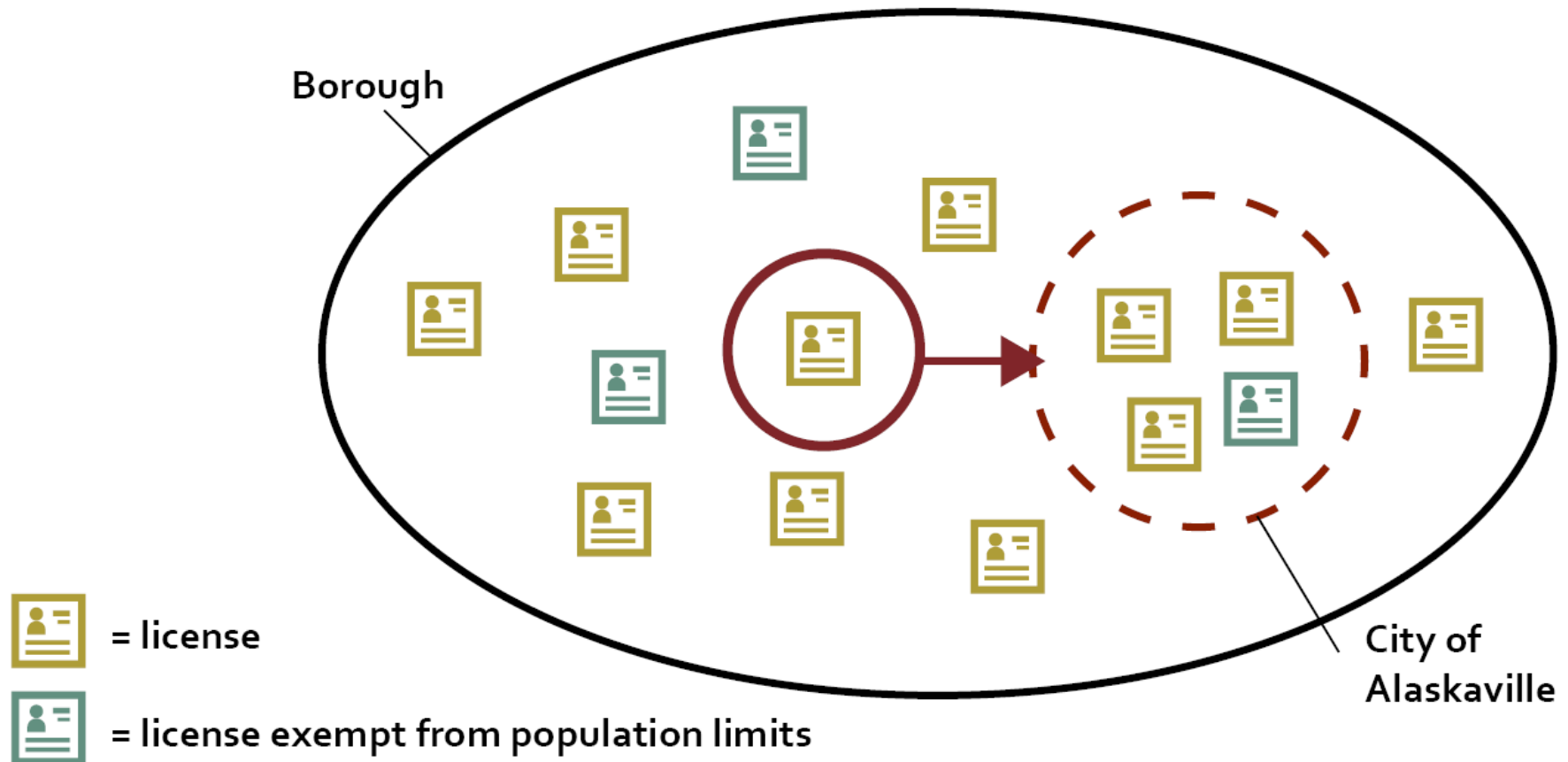


Sections 49-51, 04.11.405

Proposed: Option to Relocate Some Licenses from a Borough to a City

(AS 04.11.400)

- Current Title 4 allows relocation of a bar (BDL) from a borough to a city within that borough.
- The bill proposes also allowing relocation of package stores.



Section 48, 04.11.400(k)

Proposed: Option to Relocate Some Licenses from a Borough to a City

(AS 04.11.400(k))

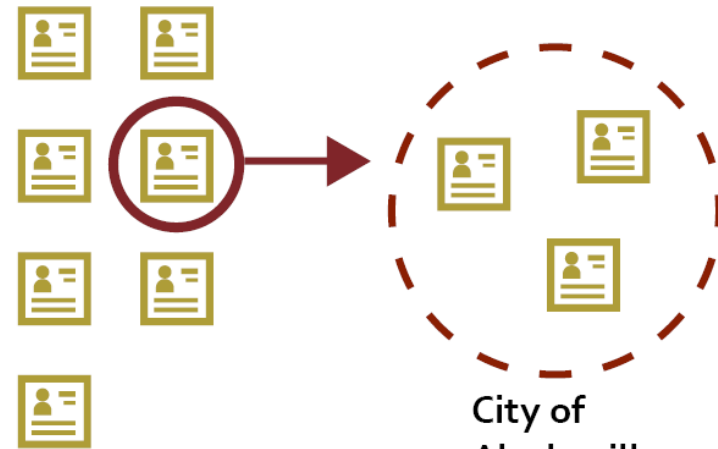
- All eligible boroughs have more licenses issued than population limits allow.
- Only the borough's licenses in excess of population limits would be eligible for relocation into a city.

Licenses Within Population Limit



Not eligible for relocation

Additional Licenses in the Borough



Eligible for relocation

Borough (excluding population of incorporated cities)	Allowed Lic. (1:3000)	Beverage Dispensary (BDL)		Package Store (<i>Proposed</i>)	
		<i>Currently Issued</i>	<i>Qualify for Relocation</i>	<i>Currently Issued</i>	<i>Qualify for Relocation</i>
Fairbanks North Star	21	27	6	26	5
Kenai Peninsula	13	25	12	29	16
Matanuska-Susitna	28	31	3	33	5

Proposed: Regulate Internet Alcohol Sales

INT-1. Winery Direct Shipment License

- Create a license available to all U.S. (including Alaska) wineries to ship orders of wine to Alaska customers.
- Prohibit other online sales of alcohol not under this license or the Package Store Shipping endorsement.

INT-2. Collect Alaska Excise Tax for Internet Sales

- Require all out-of-state holders of a Winery Direct Shipment license to pay the same excise tax on Alaska orders.

INT-3. Board Approval of Common Carriers for Alcohol Delivery

- Require all common carriers who transport deliver alcohol directly to consumers in Alaska to be approved by ABC Board.

Proposed: Regulate Internet Alcohol Sales

- Alaska does not limit online sales of alcohol. Orders from out of state businesses are not subject to Alaska's alcohol excise tax, and the state cannot track how much alcohol is ordered each year.
- The bill would create a Winery Direct Shipment License and allow online alcohol sales only from U.S. wineries and Alaska package stores.



Alaska customer orders wine online from winery



Wine only: no beer or spirits



Winery Direct Shipment Licensee verifies:

- Is customer 21 or older?
- Is customer in a non-Local Option area?
- Is order within limit for personal use?
6 cases per sale
12 cases per year



Common carrier receives, transports and delivers order



Carrier verifies customer is 21+, delivers package in person

Proposed: Regulate Internet Alcohol Sales

- Common carriers must be approved by the ABC board to transport and deliver alcohol to consumers throughout the state.
- Carriers must demonstrate that they have policies and train employees to properly handle shipments of alcohol.



Carrier maintains policies:

- Safe alcohol handling
- Delivery to adult, age 21+
- Delivery in-person only

**ABC board reviews
and approves carrier
for alcohol transport
and delivery**

**ABC board
publishes list of
approved carriers**

Tracking Alcohol Orders in Local Option Areas:

Current Title 4

Residents in Local Option communities that allow importation of alcohol may order a limited amount of alcohol each month for personal and non-commercial use.

Monthly Importation Limit



12 gal. Beer

*Or 1 half-barrel
(15.5 gal) keg*



24 L wine

(32 bottles)



10.5 L spirits

(14 bottles)



**Alaska customer sends
order to package store**



Licensee verifies:

- Is customer 21 or older?
- Has customer met monthly order limit?
- Is new order within monthly limit?



**Licensee records
new order in ABC
Board database**

Access limited to:

- ABC Board
- Package stores
- Law enforcement



Carrier delivers package



**Common carrier receives,
transports and delivers order**

Sections 7-8, 04.06.095; monthly limits defined in AS 04.11.010

Proposed: Publish Community-Level Data from Local Option Order Database

- In current Title 4, **all** data in the Local Option order database is private, and deleted after 1 year.
- The bill would keep individual order information private, but retain aggregate data for 10 years and allow the ABC Board to publish annual total sales volume by region or community.
- This valuable information would be available to communities and law enforcement to understand the flow of alcohol into Local Option communities via legal sales.

Keep community
level data

10
years

Protect individual
order data



ABC Board publishes
annual data reports



Proposed: Revise Penalties for Lesser Offenses

- In current law, almost all violations of Title 4 are Class A misdemeanors.
- When penalties are set high across the board and perceived to be too strict for most offenses, law enforcement is less likely to issue citations and courts are less likely to pursue those cases.
- In the bill, many penalties would become minor offenses. Serious violations, such as selling alcohol without a license, allowing gambling on the premises, or perjury on a license application would remain misdemeanors or felonies, as they are today.

Minor Offense (Violation)

- Up to \$500 fine (most are \$250)
- Community work service
- Does not require court appearance



Example: Failure to post required warning signs, noncompliance with a permit requirement

Class A Misdemeanor

- Up to \$10,000 fine
- Up to 1 year in prison
- 10 years probation
- Requires court appearance



Example: Selling alcohol without a license, knowingly allowing underage sales by employees

Class C Felony

- Up to \$50,000 fine
- Up to 5 years in prison
- 10 years probation
- Requires court appearance



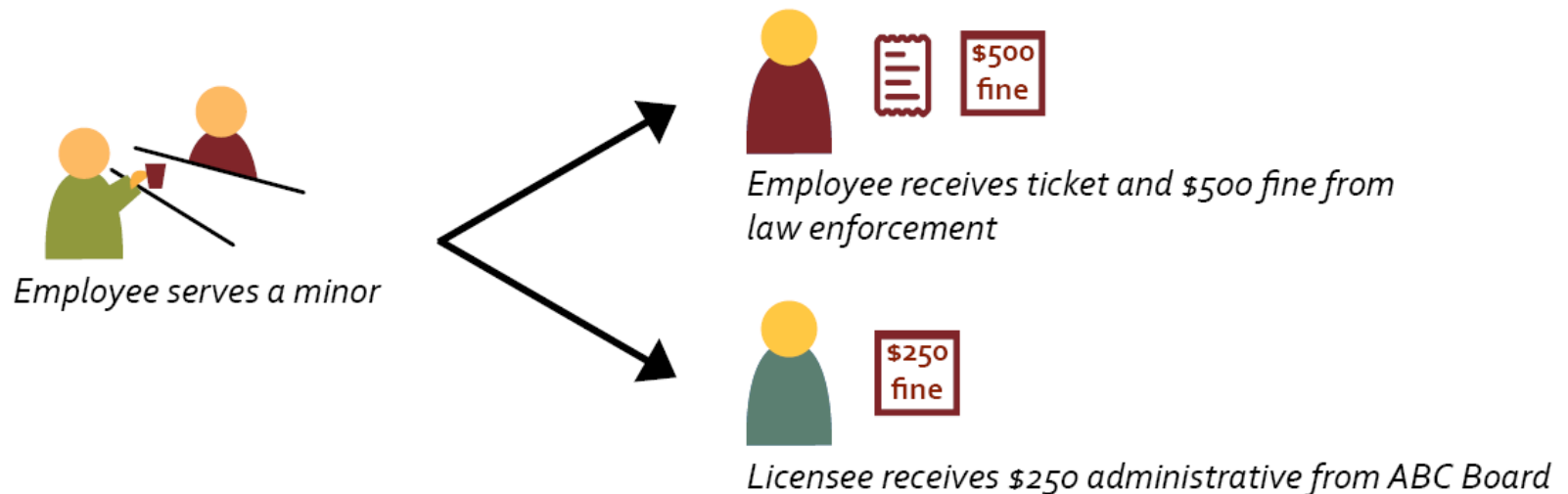
Example: Perjury on state license application (Class B), importing large amount of alcohol into local option area

Defined throughout; most prohibited acts defined in chapters 11 + 16

Proposed: Licensee Penalties for Overserving an Adult or Serving a Minor

(AS 04.16.030 and AS 04.16.052)

- In current Title 4, a licensee or employee who knowingly overserves an intoxicated adult or who serves alcohol to a minor is guilty of a Class A Misdemeanor.
- The bill would change the penalty for both statutes to a Minor Offense, with a \$500 fine.
- In addition to the penalty to the person who commits the violation, the owner of the license would receive an administrative (non-criminal) penalty of \$250. This alerts the owner that a violation occurred, holds them immediately accountable and encourages future compliance.

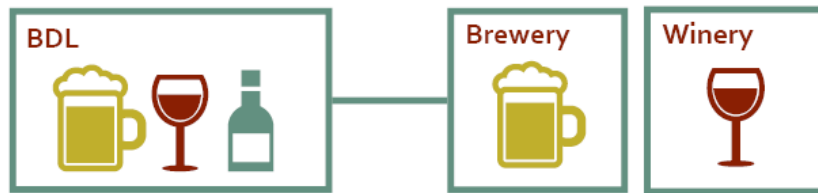


Section 88, 04.16.030; section 100, 04.16.052; sections 123 - 125, 04.16.180

Proposed: Regulate Trade Practices

Some activities, known as trade practices, are illegal in federal law: practices of alcohol manufacturers and wholesalers to exert power over retailers' buying decisions, or stopping them from buying competitors' products.

Tied house



Partial ownership of retail license by a manufacturer, to control what products are sold or exclude competitors. Does not apply to 100% manufacturer-owned licenses.

Exclusive outlet



Agreement between supplier and retailer to exclude other retailers or suppliers.

Commercial bribery



Supplier pays bonus or provides merchandise in exchange for exclusive arrangement or agreement not to purchase other products.

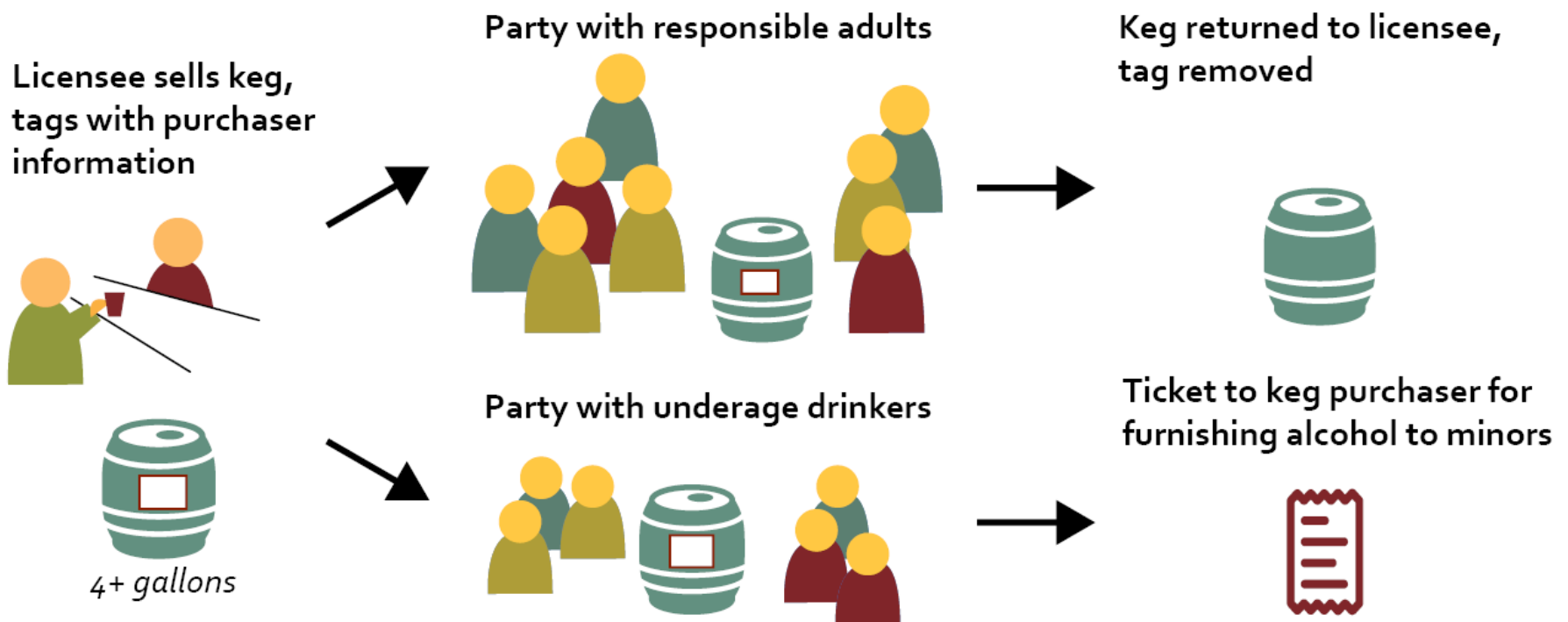
Consignment sales



Supplier and retailer make deals to take back unsold products.

Proposed: Require Keg Registration

- Reduces adults' incentive to legally purchase alcohol and supply an underage drinking party.
- Kegs tagged with the purchaser's contact information can be tracked if confiscated at an underage party or other situation where minors are given access to alcohol.
- A person, not a licensee, possessing an untagged keg containing alcohol could be fined.
- Modeled on existing Anchorage and Juneau ordinances.



Proposed: Convert Existing Licenses

Existing manufacturer licenses will become two licenses: one for production, one for retail sales.

