



THE STATE  
*of* ALASKA  
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,  
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE

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*Transmitted via email*  
*House.Labor.And.Commerce@akleg.gov*

March 6, 2024

The Honorable Jesse Sumner  
And members of the  
Labor and Commerce Committee  
Alaska State House of Representatives  
Alaska State Capitol  
120 4<sup>th</sup> Street  
Juneau, Alaska 99801

Re: Advisory Opinion HB 189

Dear Representatives:

I write to provide the Alcoholic Beverage Control Board's ("ABC Board's" or "Board's") advisory opinion – as permitted under AS 04.06.090(h) -- on HB 189, a bill providing for the sale of alcohol by persons under 21. We reached this opinion by a unanimous vote at our most recent board meeting on January 29 -30, 2024 in Juneau, Alaska.

First, we thank this Committee for sponsoring this bill. The Board regularly discusses the challenges facing alcoholic beverage licensees. Post Covid, this includes the lack of the return of a full work force to restaurants and other licensed premises, making many of the licensees unable to provide the expected levels of customer service to its patrons. One way to address this shortage is to expand the labor pool by permitting some activities by 18-, 19-, and 20-year-old employees.

HB 189 accomplishes this by amending AS 04.16.049(d), access by persons under the age of 21 to licensed premises. Under Section 7 of the bill, these younger employees would be permitted to sell, serve, deliver, or dispense alcoholic beverages.

The ABC Board supports this new accommodation to industry with the exception of dispensing alcoholic beverages. The industry understanding of "dispense" means to fill glasses or growlers with alcoholic beverages, mix distilled spirits, and work behind the bar to prepare alcoholic beverages for consumers. We do not believe this close

connection to alcoholic beverages should be provided to individuals not of legal age. The potential for diversion, even if adequate supervision, would be too great.

We have no objection to 18,19-, and 20-year-old employees selling (i.e., taking an order and providing it to an employee of age), serving (i.e., bringing an alcoholic beverage to a customer), or delivering (i.e., same meaning as serving, but also extended to nonretail licensees, such as wholesalers) alcoholic beverages to customers or other employees. However, we respectfully request that these young employees be neither exempt from the server education requirements of AS 04.21.025 or go unsupervised by employees over the age of 21. Both requirements will provide necessary allowances to increase in the labor pool, while protecting against the diversion of alcoholic beverages.

Thank you for the opportunity to express both our support and suggestions for amendments to HB189. On behalf of the Board, I look forward to further dialogue with this Committee and to answering any questions you might have.

Respectfully,

*/s. Dana Walukiewicz/*  
Dana Walukiewicz  
Alcoholic Beverage Control Board  
Chair

cc: Joan M. Wilson, AMCO Director  
Lizzie Kubitz, Special Assistant and Legislative Liaison  
Julie Sande, Commissioner, Department of Commerce,  
Community, and Economic Development