



Alaska Cabaret, Hotel, Restaurant, and Retailers Association
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October 1, 2020

Alcoholic Beverage Control Board
amco.regs@alaska.gov

Re: Support for Proposed Regulatory Changes Regarding Internet-based Alcohol Server Courses

Dear members of the Alcoholic Beverage Control (ABC) Board:

The Alaska Cabaret, Hotel, Restaurant, and Retailers Association (CHARR) – as a representative of Alaska’s alcohol industry as a whole – supports the regulation project regarding internet-based alcohol server courses. We appreciate the ABC Board’s desire to ensure that consistent, current, and high-quality education is provided to workers in Alaska’s alcohol industry throughout the state.

While I drafted the original language for this project, I have received valuable input from industry members and recommend some important changes. Please consider adopting the attached track changes to the draft (or putting them back out for public comment, if necessary), which would do the following:

- Clarify that course books, tests, and other materials that are given to students may be provided in digital formats (if approved by the ABC Board).
- Clarify that the residency requirement for the course provider pertains to its registered agent (which is consistent with AS 04.11.430 for licensees) and instructors. The current language might violate interstate commerce laws, so the attached amendments would both capture the original intent and conform with federal law.

Thank you for your consideration and interest in continuing to responsibly regulate the industry.

Respectfully,

Sarah D. Oates
President & CEO

(Words in boldface and underlined indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

3 AAC 304.465(b) is amended to read:

(b) State or nationally recognized organizations or associations that address the subject of responsible alcoholic beverage service may obtain approval of an alcohol server education course by making written application on forms provided by the board. The application must include the course book or digital materials to be provided to students, any video or audio presentations that will be used, the written or online test required under (d) of this section, detailed lesson plans, and a description of the qualifications of and training provided to course instructors. The application must identify the communities where the course will be presented and the frequency of the presentation. [THE APPLICANT SHALL EXPLAIN HOW RURAL PREMISES WILL BE SERVED UNDER (E) OF THIS SECTION.]

3 AAC 304.465(e) is repealed.

(e) Repealed ____/____/____.

Repealed language [(e) RURAL PREMISES ARE THOSE LICENSED PREMISES NOT ON A STATEWIDE ROAD SYSTEM OR FURTHER THAN 50 MILES ON A ROAD SYSTEM FROM A COMMUNITY WHERE A COURSE IS HELD AT LEAST ONCE EVERY MONTH. FOR THE PURPOSE OF TRAINING FOR RURAL PREMISES, COURSE PROVIDERS MAY PROVIDE VIDEO OR AUDIOTAPES AND WRITTEN MATERIALS TO A LICENSEE THAT COVER ALL TOPICS REQUIRED UNDER (C) OF THIS SECTION, AND CONDUCT TELEPHONIC QUESTION AND ANSWER SESSIONS FOR THE STUDENTS. A COURSE PROVIDER MAY PRESENT TRAINING FOR RURAL PREMISES BY MEANS OF AN INTERNET-BASED PROGRAM. AN INTERNET-BASED PROGRAM MUST INCLUDE STEPS THAT THE COURSE PROVIDER TAKES TO VERIFY THE

IDENTITY OF THE PERSONS RECEIVING THE INSTRUCTION, TESTING, AND CERTIFICATION OF ALCOHOL SERVER TRAINING. THE VERIFICATION PROCESS MUST BE APPROVED BY THE BOARD AND MAY BE REVIEWED AND REEVALUATED ON AN ANNUAL BASIS TO DETERMINE ITS VALIDITY AND EFFECTIVENESS. THE STUDENTS SHALL, UNDER THE SUPERVISION OF THE LICENSEE OR LICENSEE'S MANAGER, TAKE THE TEST REQUIRED UNDER (D) OF THIS SECTION. THE LICENSEE OR LICENSEE'S MANAGER, WHOEVER SUPERVISES THE TEST, SHALL CERTIFY TO THE COURSE PROVIDER THAT THE STUDENT DID NOT RECEIVE OUTSIDE HELP IN TAKING THE TEST AND THAT NO COPIES OF THE TEST HAVE BEEN KEPT.]

3 AAC 304.465 is amended by adding a new subsection to read:

(m) A provider of an alcohol server education course may obtain approval from the board to provide its course to students in an Internet-based webinar or video teleconference format by making a request with an application required under (b) of this section. An Internet-based or video teleconference alcohol server education course provider ~~shall~~must:

(1) have a live instructor presenting the approved alcohol server course material and be available throughout the course to answer questions from students;

(2) check the identity of each student while maintaining confidentiality of personally identifiable information;

(3) provide a printable certificate of completion to each student who passes the written test required under (d) of this section to be used as temporary proof of completion until the student receives the course card described under (a) of this section;

(4) mail the course card within five business days from the date the student passed

the test;

(5) certify that each instructor isbe an individual resident of the state of Alaska to ensure maintained knowledge of current alcoholic beverages statutes and regulations in the state; ~~and~~

(6) update the course material with any applicable changes to AS 04 and this chapter within 10 days of the effective date of the change; and

~~(6)~~(7) provide a printable digital copy of the written course materials to each student.

3 AAC 304.465 is amended by adding a new subsection to read:

(n) If the alcohol server education course provider is a corporation or limited liability organization, the registered agent of the corporation or limited liability organization must be an individual resident of the state. (Eff. 4/1/1994, Register 129; am 8/24/2001, Register 159; am 12/13/2009, Register 192; am 9/16/2017, Register 223; am 2/23/2020, Register 233; am_ /_ /_, Register____)

Authority: AS 04.06.090 AS 04.06.110 AS 04.21.025

AS 04.06.100