

# **ServSafe Alcohol Online Course**

## **State of Alaska Supplement**



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## **Section 1 – Alcohol Law and Your Responsibility**

### ***Alaska Alcoholic Beverage Control (ABC) Board***

Alaska's ABC Board enforces rules and regulations that govern establishments licensed to serve or sell beverage alcohol. Alaska is "license" state with issuance of licenses by the board to private business. The Board has, within the State of Alaska, the power of and duties to:

- Control the manufacture, barter, possession, and sale of alcoholic beverages.
- Submit fingerprints to the Department of Public Safety to obtain a report of criminal justice information as under AS 12.62 and a national criminal history record check.
- Adopt and enforce regulations governing the manufacture, barter, possession, and sale of alcoholic beverages. These regulations include but are not limited to:
  - Procedures, terms, and conditions for licenses and permits.
  - Reporting requirements from business entities.
  - Enforcing possession prohibitions for minors or drunken persons.
  - Reviewing all applications and ordering the issue, revocation, transfer, or suspensions of licenses and titles.

### ***Alcohol Server Education Course***

As a condition of issue or renewal of a license and selling alcoholic beverages under a license, the board requires a licensee, and a licensee's agents and employees who serve alcoholic beverages or check the identification of a guest, to complete an alcohol server education course approved by the board. This course is required of beverage dispensaries, restaurants or eating places, clubs, package stores, recreational sites, pubs, and contractors. The board reviews approved courses at least once every three years.

Licensees are required to keep written proof of successful course completion (rosters, attendance sheets, certificate names and numbers) on premises and available for inspection during working hours. A licensee, agent, or employee must complete the course within thirty days of licensing or employment.

Common carrier dispensary licensees have additional compliance requirements.

### ***Overview of Alaska Alcoholic Beverage Control Laws***

Keep a complete and up-to-date copy of the Alaska Alcoholic Beverage Control Laws on the physical premises at all times. Listed below are the key regulations that every licensee, agent, and employee should know and follow. For further clarification, please refer to the specific Alaska ABC requirement. The purpose of this summary is to provide information relating specifically to Alaska's ABC law. It is not meant to serve as legal counsel nor is it inclusive. Please consult with the appropriate professionals, local municipalities, and the Alaska ABC Board prior to implementing your specific business plans, policies, procedures, or standards of operation.

## Licensing

A license or permit is required for the manufacture, barter, possession, and sale of alcoholic beverages. In Alaska, communities may adopt a "local option" that restricts or prohibits the sale of alcoholic beverages within a geographically defined area. This local option reflects a significant exception and carries the potential for criminal prosecution for possessing alcoholic beverages in excess of state mandated limits, for it creates a presumption that the person possessed the alcoholic beverages for sale. You may not be licensed in an area that has exercised (voted for) a local option. Review Title 04 for additional exceptions.

There are twenty licenses and permits that are issued under Title 04.

| Type of license                                  | Key points (refer to actual sections for complete requirements)  |
|--|--|
| Beverage dispensary license                      | <ul style="list-style-type: none"> <li>• Sell or serve any alcoholic beverage on licensed premises only.</li> <li>• Issued to a hotel, motel, resort; may include dining, banquet, guest rooms, and other public areas.</li> <li>• One room with a fixed counter or service bar.</li> <li>• May stock guest room locked refrigerated unit, but only stocked by a person 21 years or older and may not be serviced during prohibited sales hours; key may be given only to occupant who is 21 or older.</li> <li>• Can be assigned to a bowling alley with restrictions.</li> </ul>   |
| Beverage dispensary license for additional rooms | <ul style="list-style-type: none"> <li>• Duplicate for above license is required for each additional room with a fixed counter or bar service.</li> <li>• License must be approved by local municipality.</li> </ul>   |
| Restaurant or eating place license               | <ul style="list-style-type: none"> <li>• Sell or serve beer and wine for consumption only on the licensed premises.</li> <li>• Board must determine premises are a bona fide restaurant or eating place.</li> <li>• All business (food and alcoholic beverage) must be under the sole control of one licensee.</li> <li>• Renewal only if licensee provides evidence that gross receipts from food constitute no less than 50 percent of each of the 2 preceding years.</li> <li>• Review the specific requirements for licensing prior to October 01, 1996.</li> </ul>  |
| Club license                                     | <ul style="list-style-type: none"> <li>• Authorizes a club to sell only on the licensed premises.</li> <li>• Issued only to a club, fraternal organization, patriotic organization, or social organization as defined in the regulations.</li> <li>• Must be not for profit.</li> <li>• Soliciting of public patronage is a violation, except as approved by the board.</li> <li>• Alcoholic beverages may only be purchased by members and families, widows/widowers of deceased members with privileges, military personnel on active duty who are extended the privilege in military associations; and they must be purchased only in the areas licensed.</li> <li>• Guests may be served but not sold alcoholic beverages.</li> <li>• A guest must leave when the inviting member leaves.</li> </ul> |

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| Golf course license       | <ul style="list-style-type: none"> <li>• Sell wine and beer on license premises located on a golf course.</li> <li>• Applicant must not hold a beverage dispensary license or restaurant eating place license; does not apply to a license acquired by a transfer. Refer to specific code.</li> <li>• Food similar to the submitted menu must be available during times when wine and beer are sold.</li> <li>• Course must have at least 9 holes and cover 2,950 yards.</li> <li>• Premises include building and vending cart to carry beverages or food located on the course.</li> </ul>   |
| Bottling works license    | <ul style="list-style-type: none"> <li>• Beer and wine may be bottled and sold only to a person licensed under this title and in quantities of more than 5 gallons.</li> </ul>  |
| <b>Type of License</b>    | <b>Key points (refer to actual sections for complete requirements)</b>  |
| Brewpub license           | <ul style="list-style-type: none"> <li>• Authorizes the holder of a beverage dispensary license to manufacture on premises up to 75,000 gallons of beer in a calendar year.</li> </ul>  |
|                           | <ul style="list-style-type: none"> <li>• Sell the manufactured beer for consumption on licensed premises.</li> <li>• Sell the same in quantities of up to 5 gallons per day to an individual who is present.</li> <li>• Provide a small sample of the same free of charge unless specifically prohibited.</li> <li>• Refer to other regulations.</li> </ul>   |
| Common carrier license    | <ul style="list-style-type: none"> <li>• Sell alcoholic beverages for consumption aboard a vehicle, boat, aircraft, or railroad buffet car licensed by a state or federal agency for passenger travel.</li> </ul>   |
| Recreational site license | <ul style="list-style-type: none"> <li>• Sell wine and beer at a recreational site during and one hour before and after a recreational event that is not a school event; consumption must occur in designated areas of the site.</li> </ul>   |
| Pub license               | <ul style="list-style-type: none"> <li>• Sell wine and beer for consumption at a designated premise located on the campus of an accredited college or university.</li> <li>• Only one pub license may be issued or renewed for each college in the state.</li> </ul>  |
| Caterer's permit          | <ul style="list-style-type: none"> <li>• Authorizes the holder of a beverage dispensary license to sell or dispense alcoholic beverages at conventions, picnics, social gatherings, sporting events, or similar events held off the holder's licensed premises.</li> <li>• It is issued for a designated premise and for a specific occasion and a limited period of time.</li> <li>• It cannot be transferred or removed.</li> <li>• The permit must be surrendered to the board, its agent, or the law enforcement agency approving the permit within 48 hours of its expiration time. Failure to surrender may cause denial of applications in the future by the permittee.</li> </ul> |

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| Special events permit                    | <ul style="list-style-type: none"> <li>• Holder may sell or dispense beer or wine for consumption for a specific location and limited period of time.</li> <li>• Only nonprofit, fraternal, civic, or patriotic organizations active for at least 2 years before application and incorporated under AS 10.20.</li> <li>• All profits derived from the sale of beer and wine is to be paid to the organization and to an individual under this permit.</li> <li>• Written approval of the local law enforcement agency having jurisdiction must be obtained and accompany the application.</li> <li>• Permit must be surrendered within 48 hours of its expiration time and a maximum of 5 may be granted in any one calendar year, including auxiliary.</li> </ul> |
| Conditional contractor's permit          | <ul style="list-style-type: none"> <li>• Holder may serve wine and beer only on designated premises for 2 years from the date of issuance at construction sites that are located outside a city and inside the boundaries of a military or naval reservation.</li> <li>• Written permission is required from the commanding officer of the military or naval reservation and the prime contractor.</li> </ul>  |
| Retail stock sale license                | <ul style="list-style-type: none"> <li>• Authorizes holder to sell the remaining stock of a package liquor store when the owner wishes to close out or terminate the business of the store.</li> </ul>   |
| <b>Type of License</b>                   | <b>Key points (refer to actual sections for complete requirements)</b>   |
| Package store license                    | <ul style="list-style-type: none"> <li>• Refer to sec 04.11.150.</li> </ul>  |
| General wholesale license                | <ul style="list-style-type: none"> <li>• Refer to sec 04.11.160.</li> </ul>  |
| Wholesale malt beverage and wine license | <ul style="list-style-type: none"> <li>• Refer to sec 04.11.160.</li> </ul>  |
| Brewery license                          | <ul style="list-style-type: none"> <li>• Beer may be manufactured and bottled or barreled for sale.</li> <li>• May sell less than 5 gallons to an individual and may sell 5 gallons or more to a licensed person.</li> </ul>   |
| Winery license                           | <ul style="list-style-type: none"> <li>• Wine may be manufactured and bottled or barreled for sale.</li> <li>• May sell less than 5 gallons to an individual and may sell 5 gallons or more to a licensed person.</li> <li>• Provide a small sample of the same free of charge unless specifically prohibited.</li> </ul>  |
| Distillery license                       | <ul style="list-style-type: none"> <li>• Refer to sec 04.11.170.</li> </ul>  |

### **Liability**

The licensee is responsible to "exercise that degree of care that a reasonable person would observe" to ensure that the business is under that person's control, is being lawfully conducted, and in accordance with the Alaska ABC Laws. The licensee must also ensure compliance with public health, fire, and safety codes and ordinances of state or municipality having jurisdiction.

The exercise of reasonable care extends to the conduct of the licensee's agents and employees. Take the time to train, record training attendance, and provide written job aids and other required postings.

Remember:

- Licensees are liable for agents' and employees' actions.
- Agents and employees are liable for their actions and may jeopardize the licensee.

It is everyone's business and responsibility to ensure that beverage alcohol is legally and responsibly served and sold in accordance with the Alaska Alcoholic Beverage Control Laws.

***Civil Liability of Persons Providing Alcoholic Beverages***

As a licensee, or an agent or employee of a licensee you may be held civilly liable for injuries resulting from the intoxication of another person. This extends to:

- Alcoholic beverages provided to a person less than 21 years of age in violation of the regulations unless the licensee, agent, or employee secures from the person a signed statement, liquor identification card, or driver's license that meets the requirements that indicates the person is 21 or older.
- Alcoholic beverages provided to a drunken person in violation of the regulations.

### ***Posting of Warning Signs***

Two specific warning signs must be posted if you possess any of the specific licenses listed within this section. Upon request the board will furnish a sign to a person with the intention of displaying it. The signs must be displayed conspicuously to a person who will be purchasing or consuming alcoholic beverages or smoking cigarettes on the licensed or designated premises. The sign must be at least 11 inches by 14 inches and the lettering must be at least one-half inch high and in contrasting colors.

#### *The First Sign*

“WARNING: Drinking alcoholic beverages such as beer, wine, wine coolers, and distilled spirits or smoking cigarettes during pregnancy can cause birth defects.”

Alcohol-related birth defects are the leading causes of congenital mental disorders.

#### *The Second Sign*

“WARNING: A person who provides alcoholic beverages to a person under 21 years of age, if convicted under AS 04.16.051, could be imprisoned for up to five years and fined up to \$50,000.”

### ***Regulation of Sales and Distribution***

The licensee, agent, or employee has an obligation to enforce all restrictions within the licensed premises. Each person may not permit the consumption of alcoholic beverages by any person within the licensed premises unless it is permitted by the license.

### ***Hours of Sale***

The standard closing hours (hours of sales and presence) are between 5:00 a.m. and 8:00 a.m. each day. This means that between these hours and on the licensed premises:

- A person may not sell, offer for sale, give, furnish, deliver, or consume an alcoholic beverage.
- A licensee, an agent, or employee may not permit a person to enter and a person may not enter.
  - However, this does not apply to common carriers or an employee of the licensee who is on the premises to prepare for the next day’s business.
  - It also does not apply to a person who enters a bona fide restaurant or eating place licensed to serve food or non-alcoholic beverages.

Note: a municipality may provide for additional hours of closing but may not permit beer to be served 24 hours a day

### ***Happy Hours: Pricing and Marketing of Alcoholic Beverages***

The purpose of this section is to set specific standards of conduct on the part of the licensee, agent, or employee as it applies to setting prices and marketing (promotions, group sales, specials). Private functions and catered events (not open



to the general public) have some defined exceptions. If providing these services is part of your business model, please refer to the specific regulation.

A licensee, an agent, or employee may not:

- Offer or deliver, as a marketing device, to the general public free alcoholic beverages.
- Deliver an alcoholic beverage to a person already possessing two or more.
- Sell, offer to sell, or deliver an unlimited number of alcoholic beverages to a person or group during a set period of time for a fixed price.
- Sell, offer to sell, or deliver alcoholic beverages at a price less than those charged to the general public.
- Encourage or permit an organized game or contest that involves drinking alcoholic beverages.
- Engage in false advertising of any kind, including advertising alcohol content that is less than or greater than the actual amount

This does not restrict you from:

- Offering free food or entertainment at any time.
- Serving wine by the bottle or carafe.
- Serving beer by the pitcher.
- Including an alcoholic beverage as part of the meal package.

## **Section 2 – Recognizing & Preventing Intoxication**

### ***Drunken Persons***

Alaska ABC laws specifically prohibit licensees, agents and employees from certain conduct as it applies to “drunken persons.” A violation is considered to be criminal negligence. The terms “Drunken Persons” and “knowingly” refer to what a reasonable person would know in the given situation. This is why your observation techniques are so important. Focus on the observation techniques.

The prohibited conduct within the licensed premises includes: selling, giving or bartering alcoholic beverages, allowing a person to do the same, allowing a drunken person to enter and remain or to consume an alcoholic beverage, and permitting a drunken person to sell or serve alcoholic beverages.

A key issue you to be aware of is that it is prohibited for a person receiving compensation for transporting alcoholic beverages to knowingly deliver alcoholic beverages to a drunken person.

## **Section 3 – Checking Identification**

### ***Persons Under the Age of 21***

The regulations focus on six individual sections regarding age: access, possession, furnishing by a person, furnishing by a licensee, room rental for the purposes of consuming alcoholic beverages, and purchase by or delivery to persons under the age of 21. Although a number of these sections may not apply specifically to the licensee, an agent, or employee, it is important to be aware of each because a violation within any of these sections may place your operation at risk and can put you and your team in criminal and civil jeopardy.

### ***Access to the Premises by Persons Under the Age of 21***

A person under 21 may not knowingly enter or remain on licensed premises unless they are:

- Accompanied by a parent, guardian, or spouse who is 21 years or older.
- At least 16, the premises are board designated as a restaurant, and the person enters and remains for dining.
- Under 16, accompanied by a person over 21, the parent or guardian consents, the premises is board designated as a restaurant, and the person enters and remains for dining only.

However, you have the right to refuse entry or service to anyone under 21 from “that part of the premises in which alcoholic beverages or sold, served, or consumed.” You can also require a person to leave that portion of the premises.

There are age standards for employment as well. The board, at the licensee’s request, will designate which premises are a hotel, restaurant, or eating place. The standards are:

- 16- to 19-year-olds may be employed as long as they don’t serve, mix, deliver, or dispense alcoholic beverages, they have parental or guardian written consent, and an exemption from the prohibition is granted by the Department of Labor.
- 19- to 20-year-olds may be employed but may not sell, serve, deliver, or dispense alcoholic beverages.

### ***Possession by Persons Under the Age of 21***

It is a violation for a person under 21 to knowingly consume, possess, or control alcoholic beverages. Please refer to the exceptions listed in the next section.

### ***Furnishing Persons Under the Age of 21***

A person may not furnish or deliver an alcoholic beverage to a person under the age of 21 with these exceptions. “A parent to the parent’s child, a guardian to the guardian’s ward or by a person to the legal spouse of that person if the furnishing or delivery occurs off licensed premises . . .” It may be legal for designated persons to serve under-aged people but it is not legal for that service to occur on licensed premises.

A licensee, an agent or employee is criminally negligent if they allow:

- Another person (including parents, guardians, and legal-aged spouses) to sell, barter, or give an alcoholic beverage to a person under the age of 21 within the licensed premise.
- A person under 21 to:
  - Enter and remain within licensed premises except as noted in the section *Access* above.
  - Consume an alcoholic beverage within licensed premises.
  - Sell or serve alcoholic beverages.

### ***Room Rental for the Purpose of Consuming Alcoholic Beverages***

A person may not rent a room in a hotel, motel, resort, or similar business for the purpose of providing alcoholic beverages to a person under 21.

### ***Purchase By or Delivery to Persons Under the Age of 21***

A person under 21 may not:

- Purchase or solicit another to purchase alcoholic beverages for them.
- "Offer or present to a licensee or an agent or employee of the licensee a birth certificate or other written evidence of age, that is fraudulent or false or that is not actually the person's own, or otherwise misrepresent the person's age, for the purpose of inducing the licensee or an agent or an employee of the licensee to sell, give, serve, or furnish alcoholic beverages contrary to law."
- Misrepresent the person's age or misrepresent having obtained the consent of the parent or guardian (see the appropriate section).

A person may not:

1. Influence the sale, gift, or service by misrepresenting the age of that person.
2. Order or receive an alcoholic beverage from a licensee, an agent, or employee, for the purpose of selling, giving, or serving it to a person under 21.

### ***Proof of Age***

1. Part (a) of the regulation is specific and poses requirements for two separate age criteria.

"If a licensee or an agent or an employee of the licensee questions or has reason to question whether a person entering licensed premises, or ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure alcoholic beverages,

- has attained the age of 21 years or,
- is entering without consent in violation of AS 04.16.049(a)(3) and has not attained the age of 16 years,

that licensee, agent or employee shall require the person to furnish proof of age acceptable under (b) of this section or proof of consent in a form determined by the board.

If the person questioned does not furnish proof of age acceptable under (b) of this section, or if a licensee, agent or employee questions or has reason to question the validity of the proof of age furnished, the licensee, employee or

agent shall require the person to sign a statement that the person is over the age of 21 or 16 years as appropriate.

This statement shall be made on the form prepared by and furnished to the licensee by the board.”

2. Part (b) refers to acceptable identification.

A valid driver’s license or a valid identification card is acceptable as proof of age if the license or identification card is meets each of these conditions.

- Made of or encased in plastic.
- Contains a photograph of license or card holder.
- Has a statement of age or date of birth.

Generally, acceptable ID’s include unaltered Federal or State documents, such as a military ID card, state issued driver’s license or ID card, or a passport issued by a foreign country.

Be sure that you are trained to secure a signed statement of age [Part (a)] in good faith, or to examine a valid driver’s license or identification card indicating that the owner and possessor of the presented identification is 21 or 16 years old or over, as appropriate. That step alone may cause you not to be charged with a violation.

## **Section 4 – Handling Difficult Situations**

### ***Refusal of Service***

A licensee an agent or employee of the licensee may refuse to sell, give, or serve alcoholic beverages to a person if the licensee, agent, or employee reasonably believes that the consumption of alcohol by that person may result in serious harm to that person or others.

### ***Suspension or Revocation of Licenses and Permits***

Among the reasons for suspension and revocation are:

- Use of licensed premises as a resort for illegal processors or users of narcotics, prostitutes, or promoters of prostitution. This may be proven by legally competent evidence or by general reputation.
- Illegal gambling within the limits of the licensed premises.
- The licensee allows a public offence involving moral turpitude.