



## Frequently Asked Questions

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### Serving Hours

#### During What hours may licensed businesses remain open?

The State's alcoholic beverage laws allow licensed businesses to remain open from 8am to 5am the following morning every day of the year except on election days. However the law also allows local governing bodies to limit hours of operation by ordinance. All of Alaska's larger cities and many of its smaller communities have adopted ordinances restricting operating hours. For the legal hours in a specific community contact us.

#### How soon before closing time is "last call"?

The law requires that at closing time no-one be present on the licensed premises except employees preparing for the next days business. It does not address when the last drink can be served. That is a determination that must be made by the individual licensee.

#### What are the rules for election days?

Licensed businesses must be closed on days when there is an election for a candidate for public office until after the polls close (normally 8pm). Local governing bodies may adopt ordinances exempting licensed businesses within their jurisdiction from this requirement.

#### Is it possible for a business to stay open after legal hours but not serve alcoholic beverages?

Businesses that the board identifies a "bona fide" restaurants may allow customers to enter and remain on their licensed premises for consumption of food and non-alcoholic beverages only. All other licensed businesses may not be open during "closed" hours.

### Legal Age and Identification

#### What is the legal drinking age in Alaska?

21 years of age.

#### What is the minimum age for sellers/servers of alcoholic beverages?

21 years of age.

#### Under what circumstances can an underage person be present on licensed premises?

Persons under the age of 21 may not enter or remain on licensed premises unless accompanied by a parent, legal guardian or spouse over the age of 21 years. Notwithstanding this rule licensees may exclude underage persons from licensed premises at any time.

## Are there any exceptions to this rule?

Yes, there are four exceptions:

- Persons 18, 19 and 20 years of age may work on the licensed premises of hotels and restaurants but may not sell serve or deliver alcoholic beverages.
- Persons 16 and 17 years of age may be employed on the licensed premises of businesses the board has designated as "bona fide" restaurants with the written consent of their parent or legal guardian and an exemption certificate from the department of labor, but may not sell serve or deliver alcoholic beverages.
- Persons 16 years of age and above may enter licensed premises of businesses the board has designated as bona fide restaurants for the purpose of dining only.
- Persons under the age of 16 may enter licensed premises of businesses the board has designated as "bona fide" restaurants for the purpose of dining only accompanied by a person over the age of 21 years with the consent of the underage persons parent.

## May underage persons employed on licensed premises clean tables that have containers with unconsumed portions of alcoholic beverages?

Yes, but the unconsumed alcoholic beverages must be disposed of in waste water or a waste container immediately.

## Are there any situations when an underage persons can legally possess and consume alcoholic beverages.

Yes, if the underage persons are not on licensed premises and the alcoholic beverages are provided by their parents, legal guardians or spouse over the age of 21 years.

## Can an underage person possess and consume non-alcoholic beer or wine?

Yes, non-alcoholic beer and wine are not alcoholic beverages. Legally non-alcoholic beer and wine are no different than coffee, tea or soft drinks.

## When should a licensee or licensee's employee or agent ask to see identification?

Although there are several situations when it may be appropriate to ask to see identification (such as when a customer is paying a bill by check), the only time that the alcoholic beverage laws require that ID be checked is when the licensee or the licensee's agent or employee is not sure that the customer is 21 years of age or older. In that situation the licensee may not serve that person or allow the person to remain on the licensed premises unless valid identification is produced.

## What is "valid" identification?

### [13 AAC104.425 Determining age of patron](#)

(a) It is the responsibility of the licensee to obtain a statement of proof-of-age form[s] required under [AS 04.21.050](#) . Licensees must retain completed forms for 90 days and make them available upon request for inspection by the board and peace officers.

(b) A valid identification card as used in [AS 04.21.050](#) means an unaltered passport issued by a foreign country or an unaltered driver's license or an identification card issued by a federal or state agency authorized to issue driver's licenses or identification cards that meet the requirements under [AS 04.21.050](#) (b). If a licensee or an agent or employee of a licensee has reason to believe that the identification card presented by a person is fraudulent, the licensee, agent, or employee shall refuse entrance to licensed premises and shall refuse service or sale to that person.

## What are the penalties if an under age person attempts to use false id to enter licensed premises and purchase alcoholic beverages?

A fine of not more than \$5000.00 and imprisonment for up to 1 year additionally the law requires that the underage persons drivers license be revoked.

## Licensing

### What are the different kinds of licenses that operate at the retail level and what are the privileges that come with each?

**B**everage dispensary, restaurant or eating place, club, pub, recreational site, common carrier dispensary and package store. The **beverage dispensary license** allows the holder to sell all types of alcoholic beverages for consumption on the licensed premises only.

The **restaurant or eating place license** allows the owner of a bona fide restaurant to sell beer and wine for consumption on the licensed premises only.

The **club license** allows a private social, fraternal or patriotic organization to sell alcoholic beverages to its members for consumption on the licensed premises only.

A **pub license** allows the holder to sell beer and wine at a premises located on the campus of a college or university for consumption on the licensed premises only.

A **recreational site license** allows the sale of beer and wine at a recreational site during and one hour before and after a recreational event for consumption on designated areas of the site only.

A **common carrier license** allows the sale of alcoholic beverages aboard a vehicle, boat, aircraft or railroad buffet car licensed for passenger travel.

A **package store license** allows the holder to sell any kind of alcoholic beverages for consumption off the licensed premises.

### How do I get a liquor license?

Licenses are issued based on population quota. Restaurant or eating place licenses are issued on the formula of one license for each 1500 of population within a political subdivision of the state. All other licenses are issued on a formula of one license for each 3000 of population. Generally speaking except for restaurant or eating place licenses the quota for most licenses has been exhausted and no new licenses can be issued. Most licenses however are transferable. If you want to open your own business, you need to find someone that would be willing to transfer their license to you.

### I just got here from (pick a state). I took the (pick an alcohol server training program) in that state. Why do I have to take the course again to work in the licensed beverage business in Alaska?

Alcoholic beverage laws differ from state to state. In Alaska licensees and their agents and employees must take an alcohol server training course within 30 days of employment. The course must be reviewed and approved by the ABC Board. The board will not approve a course unless it covers 16 specific areas of Alaska law. Courses approved in other states may have the same title but are not the same as the course taught in Alaska.

## Rules & Regulations

### Do I have to buy all my alcohol from licensed wholesalers?

**No**, you may purchase the alcoholic beverages that you intend to resell from licensed package stores as well as licensed wholesalers.

### Can I include a bottle of wine with a meal package?

Alcoholic beverages can be included as a part of a meal package as long as the price of the meal package is at least the normal price of the alcoholic beverage.

### Can a bartender drink while on duty?

The alcoholic beverage laws do not prohibit licensees or their agents or employees from drinking. However it is illegal for a drunken person to remain on licensed premises. So if a bartender became drunk the bartender could face criminal charges and the liquor license could be in jeopardy.

### If I order a bottle of wine with dinner and don't finish it, can I take it home?

**Yes**, a person may take their unfinished bottle of wine ordered with a meal home, but it must be either recorked, sealed with tamper resistant tape or placed in a tamper proof "wine doggie bag" container by the licensee, agent or employee of the licensed establishment. If it is resealed as listed above, it is not considered an open container.

## **Can I bring my own wine to a restaurant and just pay a "corkage fee" to drink it with my meal?**

**Yes.** Under a new law enacted in 1999 a licensee may allow a patron to bring wine into a restaurant to be consumed with a meal. The licensee may charge a corkage fee to open and pour the wine.

## **What are the rules on running drink specials?**

**Specials** must run for the entire calendar week and be available at all time that the business is open. You may not sell alcoholic beverages for less than you paid for them. Free or complimentary drinks are illegal.