

**Department of  
Alcoholic Beverage Control**

**FINAL STATEMENT OF REASONS**

**PROPOSED ADOPTION OF REGULATIONS FOR  
ON-SALE LICENSES FOR BOATS**

PROPOSED ADOPTIONS TO TITLE 4:

SECTION 55.5

**UPDATE OF INITIAL STATEMENT OF REASONS**

The Department has no changes to the Initial Statement of Reasons noticed on June 2, 2023.

**UPDATED INFORMATIVE DIGEST**

There have been no changes in applicable laws as described in the Notice of Proposed Action. Thus, the Department has no changes to the Informative Digest/Policy Statement Overview noticed on June 2, 2023.

This update to the Department of Alcoholic Beverage Control (ABC) regulations is a response to a petition by the boat industry for a revision of alcoholic beverage service hours at times during which a boat is docked. ABC also intends to define language and clarify license privileges relating to on-sale licenses for boats. This proposed regulation coincides with ABC's efforts to modernize outdated language and establish consistency for periods of alcoholic beverage service for non-standard premises.

**SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE COMMENT PERIOD OF JUNE 2, 2023, THROUGH JULY 18, 2023.**

The Department received no written comments during the comment period for this proposed regulation. There were no changes to the proposed text except those outlined in the Initial Statement of Reasons published with the Notice on June 2, 2023.

**ALTERNATIVES DETERMINATION**

ABC considered three main alternatives for the request by the industry for extended hours of alcoholic beverage sales and service. The most restrictive alternative excluded any extension of sales or service. This would restrict boats or vessels from extending the sales and service of

alcohol from the current allowance, which is one-half hour before, during, and one-half hour after a scheduled voyage. While this option would simplify the execution of the regulation, the industry has requested an exception to account for unexpected docking for inclement weather or other unforeseen causes. This restriction could potentially limit some economic growth in the industry, especially in an industry that was significantly harmed during the recent pandemic.

The second alternative considered by ABC would align the sales and service of alcohol with the current hours of service for similar types of venues, most particularly certain theaters with performances. The period for sales and service of alcohol would be limited to two hours before departing, during, and one hour after returning to the designated commercial dock. These limitations are consistent with other entertainment venues allowed through the ABC Act.

The extended hours requested by the industry consisted of two hours prior to departing, during, and two hours following the scheduled return. This is an extra hour after an event that is not afforded to any other similar type of venue by either statute or regulation. ABC does not see any reason or necessity to give more time to the licenses under this regulation than to others established by the Legislature.

#### **LOCAL MANDATE DETERMINATION**

This regulatory package creates no new duties or regulatory mandates for licensees, local governments, or ABC.

#### **ADDITIONAL DOCUMENTS OR INFORMATION IN THE RULEMAKING FILE**

The Department of Alcoholic Beverage Control did not add any other documents or information to the rulemaking file.