



Virginia
Regulatory
Town Hall

Notice of Intended Regulatory Action Agency Background Document

Agency Name:	Alcoholic Beverage Control Board
VAC Chapter Number:	3 VAC 5-50
Regulation Title:	Retail Operations
Action Title:	Designated Manager Posting and Caterer Reports
Date:	3/2/01

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

Purpose

Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.

The Alcoholic Beverage Control Board intends to amend 3 VAC 5-50-40, which generally sets forth the requirements of designating and posting of the names of managers for ABC licensees. The contemplated amendment would eliminate the requirement that the name of the designated manager be posted in a conspicuous place, in letters not less than one inch in size, during the time he is in charge. The Board also intends to amend 3 VAC 5-50-170, which deals with licensed caterers. The contemplated amendment would reduce the advance notice required of events to be catered under a caterer's license from two days to 24 hours.

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

§§ 4.1-103 and 4.1-111 of the Code of Virginia authorize the Board to promulgate regulations which it deems necessary to carry out the provisions of the Alcoholic Beverage Control Act.

Substance

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

The Board contemplates amending 3 VAC 5-50-40, to delete in subsection A the requirement that the name of a licensee’s designated manager be posted in a conspicuous place in the establishment in letters not less than one inch in size. The section would be further amended to require that the name of the designated manager be kept listed on a document available for inspection in the establishment, during the time he is in charge. The amendment will protect the health, safety or welfare of citizens by protecting the privacy of the designated manager from the general public, while maintaining the ability of agents of the Board to easily identify the manager in charge of the establishment at any time. The Board contemplates amending 3 VAC 5-50-170 by reducing the advance notice which must be given the Board by any licensed caterer of events to be catered under his license from two calendar days to 24 hours. The amendment will protect the health, safety or welfare of citizens by allowing caterers greater flexibility in accepting engagements on short notice, while still giving adequate notice to the Board so that the catered event may be monitored by compliance with the law and regulations.

Alternatives

Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.

Total repeal of the requirement of appointment and listing of a designated manager and of advance notice of events by caterers has been considered, but is felt not to be in the interest of public health, safety or welfare.

Family Impact Statement

Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The proposed regulatory will have no impact on families.