



Virginia  
Regulatory  
Town Hall

## Proposed Regulation Agency Background Document

<b>Agency Name:</b>	Alcoholic Beverage Control Board
<b>VAC Chapter Number:</b>	3 VAC 5-50
<b>Regulation Title:</b>	Retail Operations
<b>Action Title:</b>	Caterer Reports
<b>Date:</b>	11/19/01

This information is required pursuant to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99), and the *Virginia Register Form, Style and Procedure Manual*. Please refer to these sources for more information and other materials required to be submitted in the regulatory review package.

### Summary

*Please provide a brief summary of the proposed new regulation, proposed amendments to an existing regulation, or the regulation proposed to be repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation; instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

Enter Statement Here

The Alcoholic Beverage Control Board 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 regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.*

Enter Statement Here

§§ 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. The Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.

**Purpose**

*Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the proposed regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.*

Enter Statement Here

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.

**Substance**

*Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement providing detail of the regulatory action's changes.*

Enter Statement Here

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.

## Issues

*Please provide a statement identifying the issues associated with the proposed regulatory action. The term “issues” means: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.*

Enter Statement Here

There are no disadvantages to the public or the Commonwealth. The primary advantage of implementing the amended provisions will be to allow caterers to accept engagements on short notice, while giving the Board sufficient notice to arrange for appropriate enforcement measures.

## Fiscal Impact

*Please identify the anticipated fiscal impacts and at a minimum include: (a) the projected cost to the state to implement and enforce the proposed regulation, including (i) fund source / fund detail, (ii) budget activity with a cross-reference to program and subprogram, and (iii) a delineation of one-time versus on-going expenditures; (b) the projected cost of the regulation on localities; (c) a description of the individuals, businesses or other entities that are likely to be affected by the regulation; (d) the agency’s best estimate of the number of such entities that will be affected; and e) the projected cost of the regulation for affected individuals, businesses, or other entities.*

Enter Statement Here

There is no projected fiscal impact to the state, localities, or affected businesses, which include alcoholic beverage manufacturers, wholesalers, and retailers. The amended regulation does not mandate any additional expenditures on the part of industry, and existing enforcement mechanisms are adequate to enforce the regulations as amended.

## Detail of Changes

*Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or cross-walk - of changes implemented by the proposed regulatory action. Where applicable, include citations to the specific sections of an existing regulation being amended and explain the consequences of the proposed changes.*

Enter Statement Here

In 3 VAC 5-50-170, subsection C4, the language “two calendar days” shall be changed to “twenty-four hours” for advanced notice to the Board of events to be catered. The phrase “for

the following month” at the end of the first sentence of the subsection will be deleted. A second sentence will be added to the subsection providing that notice of events to be catered on days on which the Board’s offices are not open shall be given by close of the last business day prior to the event.

**Alternatives**

*Please describe the specific alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.*

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Enter Statement Here

Total repeal of the requirement 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.

**Public Comment**

*Please summarize all public comment received during the NOIRA comment period and provide the agency response.*

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Enter Statement Here

The Board received public comment from the Virginia Hospitality and Travel Association, indicating support for the concept of the proposed amendments.

**Clarity of the Regulation**

*Please provide a statement indicating that the agency, through examination of the regulation and relevant public comments, has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.*

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Enter Statement Here

The Board has examined the regulation and relevant public comments, and has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.

**Periodic Review**

*Please supply a schedule setting forth when the agency will initiate a review and re-evaluation to determine if the regulation should be continued, amended, or terminated. The specific and measurable*

*regulatory goals should be outlined with this schedule. The review shall take place no later than three years after the proposed regulation is expected to be effective.*

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Enter Statement Here

The Board will initiate a review and re-evaluation to determine if the regulation should be continued, amended, or terminated on May 1, 2003. The goals of this regulation are:  
To prescribe reasonable minimum qualifications for holders of retail licenses; and  
To promote the public health, safety, and welfare by reasonably regulating retail alcoholic beverage sales so as to prevent sales to those under the legal age or intoxicated, and to discourage over-consumption.

### Family Impact Statement

*Please provide an analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which 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.*

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The proposed regulatory change will have no impact on families.