



Virginia
Regulatory
Town Hall

Final Regulation Agency Background Document

Agency Name:	Alcoholic Beverage Control Board
VAC Chapter Number:	3 VAC 5, Chapter 70 (3 VAC 5-70-10, et seq.)
Regulation Title:	Other Provisions
Action Title:	Credit Cards
Date:	1/9/01

Please refer 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* for more information and other materials required to be submitted in the final regulatory action package.

Summary

Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment; instead give a summary of the regulatory action. If applicable, generally describe the existing regulation. Do not restate the regulation or the purpose and intent of the regulation in the summary. Rather, alert the reader to all substantive matters or changes contained in the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. Please briefly and generally summarize any substantive changes made since the proposed action was published.

Enter Statement Here

The amendment will allow for the acceptance of credit or debit cards from licensees for the purchase of alcoholic beverages at government stores. The current regulation allows for the acceptance of such cards from consumers, but not from licensees.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

Enter Statement Here

On December 12, 2000, the Alcoholic Beverage Control Board adopted a final regulation amending 3 VAC 5-70-10 et seq., "Other Provisions," specifically amending 3 VAC 5-70-170.

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, shall be provided. If the final text differs from that of the proposed, please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law.

Enter Statement Here

The Alcoholic Beverage Control Board is required by §4. 1-111 of the Code of Virginia, as amended by Chapter 98 of the 1999 Acts of Assembly, to adopt a regulation prescribing the terms and conditions under which credit or debit cards may be accepted from licensees at government stores.

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the final 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 purpose of these amendments is to carry out the mandate of Chapter 98 of the 1999 Acts of Assembly, and to allow mixed beverage restaurant licensees to pay for alcoholic beverages purchased at government stores using credit or debit cards. The amendment promotes the public safety and welfare by reducing the need for licensee’s employees to carry large sums of cash in order to make purchases of distilled spirits at government stores.

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 of the regulatory action’s detail.

Enter Statement Here

3 VAC 5-70-170. Amendments to this section will expand the present acceptance of credit or debit cards at government stores to include purchases by mixed beverage restaurant licensees.

Issues

Please provide a statement identifying the issues associated with the final regulatory action. The term “issues” means: 1) the advantages and disadvantages to the public of implementing the new provisions; 2) the 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

The amendments will have some advantages for mixed beverage restaurant licensees of the Board. They will have the option of paying for their alcoholic beverage purchases by credit or debit card. Presently they are limited to payment by cash or check. The Board may also receive an advantage from a reduction in checks returned for lack of sufficient funds. A possible disadvantage to the Board is the payment of additional credit card processing fees.

Statement of Changes Made Since the Proposed Stage

Please highlight any changes, other than strictly editorial changes, made to the text of the proposed regulation since its publication.

Enter Statement Here

The Board made no changes from the proposed version.

Public Comment

Please summarize all public comment received during the public comment period and provide the agency response. If no public comment was received, please include a statement indicating that fact.

Enter Statement Here

The Board received no public comments during the notice of comment period other than general comments of support for the amendment at the public hearing by the Virginia Hospitality and Travel Association.

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 crosswalk - of changes implemented by the proposed regulatory action. Include citations to the specific sections of an existing regulation being amended and explain the consequences of the changes.

Enter Statement Here

3 VAC 5-70-170. Credit and debit cards. Currently this regulation allows government stores to accept credit or debit cards from consumers at retail only. The section will be amended to allow licensees who purchase at wholesale from the government stores to use credit or debit cards.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the 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.

Enter Statement Here

This regulatory action will have no impact on the institution of the family or family stability.