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Final Regulation Agency Background Document

Agency name	The Virginia Alcoholic Beverage Control Authority
Virginia Administrative Code (VAC) Chapter citation(s)	3 VAC 5-20
VAC Chapter title(s)	Advertising
Action title	Chapter 20 Reform
Date this document prepared	11/25/2024

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

A comprehensive review and amendment of the full chapter. The intent is to remove any redundancies or language that contradicts the Code of Virginia, modernize various rules dealing with alcohol advertising, and make sure the regulations comport with current practices of the industry.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.

NA

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

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1. December 3, 2024 – Board approval of final stage
 2. Virginia Alcoholic Beverage Control Authority
 3. Advertising

Mandate and Impetus

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding the mandate for this regulatory change, and any other impetus that specifically prompted its initiation. If there are no changes to previously reported information, include a specific statement to that effect.

There are no changes to previously reported information.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

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- 1) The promulgating agency is the Virginia Alcoholic Beverage Control Authority.
 - 2) Section 4.1-101 of the Code of Virginia (Code) establishes the Virginia Alcoholic Beverage Control Authority (ABC Board.)

Section 4.1-103 of the Code enumerates the powers of the Board which includes the authority to adopt regulations and to do all acts necessary or advisable to carry out the purposes of Title 4.1 of the Code (ABC Act).

Section 4.1-103(7) states the Board has the authority to adopt, alter, and repeal bylaws, rules, and regulations governing the manner in which its business shall be transacted and the manner in which the powers of the Authority shall be exercised, and its duties performed.

Section 4.1-103(24) permits the Board to promulgate regulations in accordance with the Administrative Process Act and Section 4.1-111.

Section 4.1-111 (A) of the Code provides the Board with the authority to adopt reasonable regulations which it deems reasonable to carry out the provisions of the ABC Act and to amend or repeal such regulations.

Section 4.1-111 (B)(13) says the Board shall promulgate regulations that establish reasonable time, place, and manner restrictions on outdoor advertising of alcoholic beverages, not inconsistent with the provisions of this subtitle, so that such advertising does not encourage or otherwise promote

the consumption of alcoholic beverages by persons to whom alcoholic beverages may not be lawfully sold. Such regulations shall:

- a. Restrict outdoor advertising of alcoholic beverages in publicly visible locations consistent with (i) the general prohibition against tied interests between retail licensees and manufacturers or wholesale licensees as provided in §§ 4.1-215 and 4.1-216; (ii) the prohibition against manufacturer control of wholesale licensees as set forth in § 4.1-223 and Board regulations adopted pursuant thereto; and (iii) the general prohibition against cooperative advertising between manufacturers, wholesalers, or importers and retail licensees as set forth in Board regulation; and
- b. Permit (i) any outdoor signage or advertising not otherwise prohibited by this subtitle and (ii) the display of outdoor alcoholic beverage advertising on lawfully erected billboard signs regulated under Chapter 12 (§ 33.2-1200 et seq.) of Title 33.2 where such signs are located on commercial real estate as defined in § 55.1-1100, but only in accordance with this subtitle.

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety, or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

This regulation is essential to protect the health, safety, and welfare of citizens because it provides guidance for alcohol advertising to ensure that regulants do not engage in conduct that would encourage consumption by those that cannot lawfully consume, conduct that would violate the Tied House Laws, or conduct that would mislead or harm the public.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the “Detail of Changes” section below.

Substantive changes of existing regulations:

3VAC5-20-10(C)(3) to allow for use of athletes and athletic teams in advertising provided they use athletes that are at least 21, and they do not depict any athlete consuming or about to consume alcohol prior to or while engaged in an athletic activity; or depict an athlete consuming alcohol while the athlete is operating or about to operate a motor vehicle or other machinery.

3VAC5-20-10(C)(4) revised to mirror the language used in the federal alcohol advertising regulations.

3VAC5-20-10(C)(8) includes a new provision that excludes combination of food and alcoholic beverages offered at a discounted price by an on-premises licensee during the permitted hours for a happy hour pursuant to 3 VAC 5-50-160 from the prohibition against advertising that constitutes or contains an offer to pay or provide anything of value conditioned on the purchase of alcoholic beverages.

3VAC5-20-30(2), (3), and (4) removed and placed in 3VAC5-30 because they reflect Tied House rules.

3VAC5-20-60 repealed and moved to 3VAC5-30 because they reflect Tied House rules.

Issues

Identify the issues associated with the regulatory change, including: 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, include a specific statement to that effect.

1) The primary advantage to the public is that the public can now enjoy combination food and alcoholic discounts during happy hour. Also, the changes make the regulations more understandable by removing regulations that do not relate to advertising and putting them in the appropriate regulation chapter (Tied House).

2) The Commonwealth's benefit is that the regulation utilizes current terminology and the changes bring clarity to certain advertising rules that have been subjective and caused confusion in the regulated community. There are no disadvantages to the Commonwealth.

Requirements More Restrictive than Federal

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any requirement of the regulatory change which is more restrictive than applicable federal requirements. If there are no changes to previously reported information, include a specific statement to that effect.

3VAC5-20-60 was repealed; however, it was moved to Chapter 30. VA ABC's rule is more restrictive than the federal rule (below). The regulations are based on provisions in the VA Code and they cannot be changed unless the Code is changed.

§ 27 C.F.R. 6.84 Point of sale advertising materials and consumer advertising specialties.

(a) General. The act by an industry member of giving or selling point of sale advertising materials and consumer advertising specialties to a retailer does not constitute a means to induce within the meaning of section 105(b)(3) of the Act provided that the conditions prescribed in paragraph (c) of this section are met.

3VAC5-20-90 is more restrictive than the federal rules (below). VA ABC finds that its restrictions are in the interest of public safety to prevent or mitigate overconsumption of alcohol.

§ 27 C.F.R. 6.96 Consumer promotions.

(a) Coupons. The act by an industry member of furnishing to consumers coupons which are redeemable at a retail establishment does not constitute a means to induce within the meaning of section 105(b)(3) of the Act, provided the following conditions are met:

- (1) All retailers within the market where the coupon offer is made may redeem such coupons; and
- (2) An industry member may not reimburse a retailer for more than the face value of all coupons redeemed, plus a usual and customary handling fee for the redemption of coupons.

(b) Direct offerings. Contest prizes, premium offers, refunds, and like items may be offered by industry members directly to consumers. Officers, employees and representatives of wholesalers or retailers are excluded from participation.

3VAC5-20-10 is more restrictive than the federal rule below. VA ABC believes its restrictions are in the interest of public safety and to prevent market confusion.

§ 27 C.F.R. 6.72 “Tie-in” sales.

The act by an industry member of requiring that a retailer purchase one product (as defined in § 6.11) in order to obtain another constitutes a means to induce within the meaning of the Act. This includes the requirement to take a minimum quantity of a product in standard packaging in order to obtain the same product in some type of premium package, i.e., a distinctive decanter, or wooden or tin box. This also includes combination sales if one or more products may be purchased only in combination with other products and not individually. However, an industry member is not precluded from selling two or more kinds or brands of products to a retailer at a special combination price, provided the retailer has the option of purchasing either product at the usual price, and the retailer is not required to purchase any product it does not want. See § 6.93 for combination packaging of products plus non-alcoholic items.

§ 27 C.F.R. 6.93 Combination packaging.

The act by an industry member of packaging and distributing distilled spirits, wine, or malt beverages in combination with other (non-alcoholic) items for sale to consumers does not constitute a means to induce within the meaning of section 105(b)(3) of the Act.

3VAC5-20-20 is more restrictive than the federal rule below. VA ABC believes its restrictions are in the interest of upholding separation among industry tiers and tied house provisions.

§ 27 C.F.R. 6.84 Point of sale advertising materials and consumer advertising specialties.

(a) General. The act by an industry member of giving or selling point of sale advertising materials and consumer advertising specialties to a retailer does not constitute a means to induce within the meaning of section 105(b)(3) of the Act provided that the conditions prescribed in paragraph (c) of this section are met.

(b) Definitions —

(1) Point of sale advertising materials are items designed to be used within a retail establishment to attract consumer attention to the products of the industry member. Such materials include, but are not limited to: posters, placards, designs, inside signs (electric, mechanical or otherwise), window decorations, trays, coasters, mats, menu cards, meal checks, paper napkins, foam scrapers, back bar mats, thermometers, clocks, calendars, and alcoholic beverage lists or menus.

(2) Consumer advertising specialties are items that are designed to be carried away by the consumer, such as trading stamps, nonalcoholic mixers, pouring racks, ash trays, bottle or can openers, cork screws, shopping bags, matches, printed recipes, pamphlets, cards, leaflets, blotters, post cards, pencils, shirts, caps, and visors.

(c) Conditions and limitations.

(1) All point of sale advertising materials and consumer advertising specialties must bear conspicuous and substantial advertising matter about the product or the industry member which is permanently inscribed or securely affixed. The name and address of the retailer may appear on the point of sale advertising materials.

(2) The industry member may not directly or indirectly pay or credit the retailer for using or distributing these materials or for any expense incidental to their use.

3VAC5-20-30 is more restrictive than the federal rule below. VA ABC believes its restrictions are in the interest of public safety.

§ 27 C.F.R. 6.102 Outside signs.

The act by an industry member of giving or selling outside signs to a retailer does not constitute a means to induce within the meaning of section 105(b)(3) of the Act provided that:

- (a) The sign must bear conspicuous and substantial advertising matter about the product or the industry member which is permanently inscribed or securely affixed;
- (b) The retailer is not compensated, directly or indirectly such as through a sign company, for displaying the signs; and
- (c) The cost of the signs may not exceed \$400.

Agencies, Localities, and Other Entities Particularly Affected

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any other state agencies, localities, or other entities that are particularly affected by the regulatory change. If there are no changes to previously reported information, include a specific statement to that effect.

Other State Agencies Particularly Affected

NA

Localities Particularly Affected

NA

Other Entities Particularly Affected

NA

Public Comment

Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency’s response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.

Commenter	Comment	Agency response
Kevin McNally – Counsel for Virginia Beer Wholesalers	3VAC5-20 – Advertising. Although the Virginia Beer Wholesalers Association continues to support the majority of the proposed amendments to the advertising regulations, its member	VA ABC amended the regulation to add additional text that says athletes used in the advertisements must be at least 21 years of age.

Commenter	Comment	Agency response
	<p>wholesalers have strong reservations regarding the expanded use of non-professional athletes and athletic teams in the promotion of alcoholic beverages under 3VAC5-20-10. The VBWA and its member wholesalers believe the proposed relaxation of the current restrictions increases the likelihood that underage persons will be enticed to consume alcoholic beverages. Of particular concern is that many amateur athletes themselves may not be of legal drinking age, but the prohibition of depicting such persons is made clear only as applies to outdoor advertising under 3VAC5-20-30.</p>	
<p>Andy Delony – Senior Vice President and Head of State Policy for the Distilled Spirits Counsel of the United States</p>	<p>Urges ABC to adopt its rule proposal:</p> <ul style="list-style-type: none"> • replacing the word “minors” with “persons younger than 21 years of age” (3VAC5-20-10(C)(1)) or “underage persons” (3VAC5-40-20(B)(2)); and • expressly allowing the current practice of on-premise licensees offering a combination of food and alcohol beverages at a discounted price during the permitted time for a happy hour (3VAC5-20-10(C)(8)). 	<p>ABC thanks Mr. Delony for his support.</p>
	<p>VAC5-20-90. Advertising coupons. We recommend clarifying in VAC5-20-90(B)(1) (which expressly allows coupons to be offered via the Internet and electronic mail, as well as print media, direct mail or as part of or attached to the package) that coupons may be offered via mobile electronic devices. This clarification would expressly bring the rule into sync with the widespread and increasing use of personal devices by consumers in making their purchases and ensure that consumers are aware that this convenience is available to them.</p>	<ul style="list-style-type: none"> • The agency is unwilling to make a change to 3VAC5-20-90(B)(2) because the agency’s position is the regulation allows for this accommodation already. • The agency is unwilling to make a change to 3VAC5-20-(B)(2)’s notice requirement because the current notice requirement is very liberal and provides for enough time for discussion prior to approving the promotion.

Commenter	Comment	Agency response
	<p>In VAC5-20-90(B)(2), we recommend that the ABC eliminate the 15-day advance notification requirement for coupons used for purchases of products in a state store. If the ABC decides to retain an advance notification requirement, we request reducing this requirement from 15 to 5 days. A prior notification requirement is inconsistent with the commercial need to implement promotions in a timely manner in today’s competitive marketplace and is unnecessary in view of the detailed parameters of the permitted activity set forth in this rule. As with coupons for products purchased in licensed retail establishments, we believe the ABC can more efficiently and effectively utilize its resources by deciding whether to investigate and/or take other action based on concerns raised after a promotion occurs.</p>	
	<p>3VAC5-20-100. Advertising; sponsorship of public events; restrictions and conditions. Currently, subsection (A) allows sponsorship of public events by manufacturers, importers and/or bottlers, and subsections (B)(9) and (10) allow manufacturers to sponsor public events and wholesalers to cosponsor charitable events. We are aware of no statutory or policy basis for this unequal treatment of industry members on each of the upper two tiers, and request allowing all permitted activities in these sections of the rule by all industry members. If the ABC does not adopt our suggestion, we recommend that, consistent with subsection (A), subsection (B)(9) should be clarified to as applying to importers and bottlers as well as manufacturers. We also would not retain the language in subsection (B)(5) defining eligible charitable events as being “held for the specific purpose of raising funds...” In</p>	<p>The agency does not intend to make any revisions to the proposed regulations based on this comment. The agency has not received indications from the wholesale tier that they are interested in being included in this regulation. ABC also will not make any revisions to the notice period, as the agency needs sufficient time to consider sponsorships.</p>

Commenter	Comment	Agency response
	<p>addition to this restriction being unnecessary, it may preclude sponsorships of charitable events for other legitimate and allowable purposes, such as a charity serving its charitable purpose (e.g., the charity furnishing free dental care for persons in need, introducing itself to the community or recruiting volunteers). We are not aware of any reason to exclude from this rule these or other types of allowable sponsorships by charities.</p> <p>Finally, for reasons similar to those we raised regarding coupons in VAC5-20-90, supra, we propose eliminating the prior notification requirement for sponsorships in 3VAC5-20-100(B)(8) (or if retained, not required more than 5 days prior to the event), and clarifying in 3VAC5-20-100(B)(6) that advertising in connection with the sponsorship of an event may be by “mobile electronic devices” as well as by the other types of media listed in that provision.</p>	
	<p>3VAC5-20-30. Advertising; exterior We urge the ABC to revise the prohibitions in this rule against industry members furnishing outdoor alcoholic beverage advertising to retailers to allow them to furnish outdoor advertising signs to licensed retailers under certain terms and conditions. As provided under Va. Code § 4.1-216(C) (and recognized by the ABC under 3VAC5-30-80(A)), the ABC is authorized to adopt exceptions to the cooperative advertising prohibition set forth in Va. Code § 4.1-216(C). We recommend drafting new language based on the federal rule, 27 C.F.R. § 6.102, allowing industry members to furnish outside signs to retailers. That rule, which has been adopted or utilized as guidance in other states, imposes the following parameters on this activity: “[t]he sign must bear conspicuous and substantial</p>	<p>VA ABC maintains its position not to make any revisions to this regulation.</p>

Commenter	Comment	Agency response
	advertising matter about the product or the industry member which is permanently inscribed or securely affixed”; “[t]he retailer is not compensated, directly or indirectly such as through a sign company, for displaying the signs”; and “[t]he cost of the signs may not exceed \$400.” We also would add a provision that automatically increases the dollar limit annually to account for inflation. (TTB has not made any adjustment in its dollar limit since this federal rule was adopted approximately 3 decades ago.)	

Detail of Changes Made Since the Previous Stage

List all changes made to the text since the previous stage was published in the Virginia Register of Regulations and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. * Put an asterisk next to any substantive changes.

Current chapter-section number	New chapter-section number, if applicable	New requirement from previous stage	Updated new requirement since previous stage	Change, intent, rationale, and likely impact of updated requirements
3VAC5-20-10			<p>3VAC5-20-10. Advertising; generally; cooperative advertising; federal laws; cider; restrictions. (new requirements highlighted)</p> <p>A. All alcoholic beverage advertising is permitted in this Commonwealth except that which is prohibited or otherwise limited or restricted by regulation of the board <u>authority</u>. Any editorial or other reading matter in any periodical, publication or newspaper for the publication of which no money or other valuable consideration is paid or promised, directly or indirectly, by or for the benefits of any permittee or licensee does not constitute advertising.</p> <p>B. Advertising of cider, as defined in § 4.1-213 of the Code of Virginia, shall conform to the requirements for advertising beer.</p> <p>C. B. <u>The board authority</u> may issue a permit authorizing a variance from any</p>	The revision made in response to comment regarding the age of athletes used in advertising. The change makes it clear that athletes used in advertising must be at least 21.

			<p>of its advertising regulations for good cause shown.</p> <p>D. C. No advertising shall contain any statement, symbol, depiction or reference that:</p> <ol style="list-style-type: none"> 1. Would tend to induce minors persons younger than 21 years of age to drink, or would tend to induce persons to consume to excess; 2. Is obscene or is suggestive of any illegal activity; 3. Incorporates the use of any present or former athlete or athletic team or implies that the product enhances athletic prowess; except that, persons granted a license to sell wine or beer may display within their licensed premises point-of-sale advertising materials that incorporate the use of any present or former professional athlete or athletic team, provided that such advertising materials: <ul style="list-style-type: none"> (i) otherwise comply with the applicable regulations of the appropriate federal agency and (ii) do not depict any athlete consuming or about to consume alcohol prior to or while engaged in an athletic activity, do not depict an athlete consuming alcohol while the athlete is operating or about to operate a motor vehicle or other machinery, and do not imply that the alcoholic beverage so advertised enhances athletic prowess <u>Implies that the product enhances athletic prowess; *uses the name, image, or likeness of an athlete under the age of 21, depicts any athlete consuming or about to consume alcohol prior to or while engaged in an athletic activity; or depicts an athlete consuming alcohol while the athlete is operating or about to operate a motor vehicle or other machinery;</u> 4.; <u>*Contains any statement that is false or untrue in any material respect, or that, irrespective of falsity, directly, or by ambiguity,</u>
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			<p><u>omission, or inference, or by the addition of irrelevant, scientific or technical matter tends to create a misleading impression.</u></p> <p>5. Implies or indicates, directly or indirectly, that the product is government endorsed by the use of flags, seals or other insignia or otherwise;</p> <p>6. Makes any reference to the intoxicating effect of any alcoholic beverages;</p> <p>7. Constitutes or contains a contest or sweepstakes where a purchase <u>of alcoholic beverages</u> is required for participation; or</p> <p>8. Constitutes or contains an offer to pay or provide anything of value conditioned on the purchase of alcoholic beverages, except for <u>(i) a combination of food and alcoholic beverages offered at a discounted price by an on-premises licensee during the permitted hours for a happy hour pursuant to 3VAC5-50-160,</u> or <u>(ii) refund coupons and combination packaging.</u> Any such combination packaging shall be limited to packaging provided by the manufacturer that is designed to be delivered intact to the consumer.</p> <p>E. D. <u>The board authority shall not regulate advertising of nonalcoholic beer or nonalcoholic wine so long as (i) a reasonable person by common observation would conclude that the advertising clearly does not represent any advertisement for alcoholic beverages and (ii) the advertising prominently states that the product is nonalcoholic.</u></p> <p><u>E. Interior advertising materials may not be illuminated, except for back bar pedestals upon which advertising regarding spirits may appear.</u></p>	
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Detail of All Changes Proposed in this Regulatory Action

List all changes proposed in this action and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. * Put an asterisk next to any substantive changes.

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
3VAC5-20-10		Provides guidance on the general advertising rules.	<ul style="list-style-type: none"> • Added an exception in Subsection (C)(8) for food and beverage combinations offered at a discounted price during happy hour. • Deleted “materials” from Subsection E to reduce unnecessary words. • Removed some language about advertising associate with athletic teams and athletes. • Changed “board” to “Authority”. • *Included additional text regarding athletes used in advertising must be at least 21 years of age. • *Revised language regarding false or misleading advertising materials so that it mirrors the text in the federal regulations. <p>The impact should be positive to regulants because the revisions make the regulation easier to understand and provides some flexibility in advertising food and alcohol combination advertising. Additionally, the changes simplify the rules regarding advertising using athletic imagery which has caused ongoing confusion.</p>
3VAC5-20-20		Provides guidance regarding interior advertising.	Repealed
3VAC5-20-30		Provides guidance regarding exterior advertising.	<ul style="list-style-type: none"> • Changed language from people who at not attained the minimum drinking age to people who are under twenty-one, in Subsection 1. The rationale is to correlate to the legal age to consume alcohol.

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
			<ul style="list-style-type: none"> • Deleted Subsections 2-4 for redundancy. • Created an exception in Subsection 5 for materials described in cross-referenced sections of the regulations. <p>There should be minimal impact because the majority of the change is removing language that already exists in the Code of Virginia.</p>
3VAC5-20-60		Provides guidance regarding advertising and distributing novelties and specialties.	Repealed (moved to Chapter 30)
3VAC5-20-90		Provides guidance regarding coupon use.	<ul style="list-style-type: none"> • Revised Subsection (B)(1) to state consumer submitted refund coupons may not be honored for on-premises consumption at a retail outlet or government store. <p>The impact should be minimal because this has been the practice of the Authority, but to make it clear the regulation is being revised to include specific detail.</p>
3VAC5-20-100		Provides guidance regarding advertising for sponsorships of public events.	<ul style="list-style-type: none"> • Changed “board” to “Authority”. • Separated the provisions for manufacturers and wholesalers in Subsection (B)(9) to create two subsections for clarity. <p>No change in requirements and no impact on the regulants resulting from this change.</p>