



Virginia
Regulatory
Town Hall

Notice of Intended Regulatory Action Agency Background Document

Agency Name:	Alcoholic Beverage Control Board
VAC Chapter Number:	3 VAC 5-70
Regulation Title:	Other Provisions
Action Title:	Cider Peddling and Invoicing
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 5-70-20, which generally sets forth the procedures for the handling of cider. The contemplated amendment would allow for the peddling of cider and the reporting of cider sales by wholesale wine licensees in the same manner as beer. These changes are intended to accommodate cider wholesalers who are primarily beer wholesalers, allowing them to sell and invoice cider products in the same manner as their beer products.

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. § 4.1-213 specifically requires the Board to adopt regulations relating the manufacture, possession, transportation and sale of cider.

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.

3 VAC 5-70-20, in subsection A, provides that all the provisions of the Board's regulations applicable to the handling of wine having an alcohol content of not more than 14% by volume shall also apply to the handling of cider. The Board contemplates amending 3 VAC 5-70-20 by adding a new subsection which would make subsections A and B4 of 3 VAC 5-60-20 not applicable to the sale of cider. These two subsections of 3 VAC 5-60-20 currently require the use of wine invoices for cider and prohibit its peddling. The intended amendment would allow those wholesalers of cider who are primarily beer wholesalers to invoice and sell cider products in the same manner that beer is sold. The Board has determined that the amendments will protect the health, safety or welfare of citizens by allowing cider wholesalers a reasonable flexibility in the manner of selling their products, while insuring that proper records are kept for regulatory compliance and tax liability auditing.

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.

Alternatives which will be considered include the taking of no action.

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.