

3 VAC 5 Chapter 40. REQUIREMENTS FOR PRODUCT APPROVAL.

REASON FOR THE PROPOSED REGULATION:

The Board has been authorized by §4.1-103 of the Code of Virginia to "determine the nature, form and capacity of all containers used for holding alcoholic beverages to be kept or sold under this title, and prescribe the form and content of all labels and seals to be placed thereon." This regulation generally allows ABC to review the content and packaging of alcoholic beverages to insure that they comply with state law and the Board's advertising regulations. The current regulation requires that manufacturers submit chemical analyses, which add to the manufacturers' costs and delay the approval process.

The Board contemplates amending the regulation to eliminate the chemical analysis requirement, which is a duplication of federal procedures, and to streamline the approval process.

SOURCE OF THE AGENCY LEGAL AUTHORITY TO PROMULGATE THE CONTEMPLATED REGULATION:

The Board's authority to adopt this regulation is derived from § 4.1-103, Code of Virginia. The statute does not contain any specific mandate of the approval procedures to be followed.

REASONING BY WHICH THE AGENCY HAS CONCLUDED THAT THE CONTEMPLATED REGULATION IS ESSENTIAL TO PROTECT THE HEALTH, SAFETY OR WELFARE OF CITIZENS OR FOR THE EFFICIENT AND ECONOMICAL PERFORMANCE OF AN IMPORTANT GOVERNMENTAL FUNCTION:

The product approval process set forth in the current regulation is costly to comply with and duplicates federal approval processes. The contemplated amendment will allow for product approval in a matter of days, rather than weeks under the current process.

CONSIDERATION OF LESS BURDENSOME AND LESS INTRUSIVE ALTERNATIVES:

The contemplated amendment will result in Virginia having one of the least intrusive and burdensome approval procedures in the country. No less burdensome or intrusive alternative was identified.

IMPACT ON FAMILIES:

The proposed regulation is unlikely to have any impact on families.