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## Exempt Action: Final Regulation Agency Background Document

<b>Agency name</b>	Virginia Alcoholic Beverage Control Authority
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	3VAC5-50-110
<b>VAC Chapter title(s)</b>	Retail Operations
<b>Action title</b>	Mixed Beverage Casino Licensee Food Exceptions
<b>Final agency action date</b>	09/08/2022
<b>Date this document prepared</b>	August 18, 2022

This information is required for executive branch review pursuant to 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. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to 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.*

House Bill 455 of the 2022 General Assembly Session authorized the Board of Directors of the Virginia Alcoholic Beverage Control Authority (the Board) to issue a mixed beverage casino license. The bill also provides for the sale and service of alcoholic beverages for on-premises consumption in areas designated by the Board during all hours of operation of the mixed beverage casino licensee and authorizes the licensee to provide gifts of alcoholic beverages to patrons and establish loyalty or reward credit programs under certain conditions. In addition, the bill provides that a mixed beverage restaurant licensee located on the premises of a casino gaming establishment may sell alcoholic beverages for on-premises consumption on the licensed premises of the restaurant during all hours of operation of the mixed beverage restaurant licensee. §4.1-111(22) of the Code of Virginia states that the Board shall promulgate regulations that require mixed beverage licensees, *except for mixed beverage casino licensees*, to have food, cooked or prepared on the licensed premises, available for on-premises consumption until at least 30 minutes prior to an establishment's closing. Per the Code, the current regulation outlined in 3VAC5-50-110 will need to be amended to include the food availability exception for mixed beverage casino licensees.

### Mandate and Impetus

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*

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§2.2-4006 of the Administrative Process Act provides that agency actions that are necessary to conform to changes in the Virginia statutory law shall be exempt.

### 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) 09/08/2022
- 2) Virginia Alcoholic Beverage Control Authority
- 3) Definitions and qualifications for retail on-premises and on-premises and off-premises licenses generally; mixed beverage licensee requirements; exceptions; temporary licenses.