**State of Utah**

**Administrative Rule Analysis**

Revised May 2020

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| **Notice of Proposed Rule** |
| **TYPE OF RULE:**  New \_\_; Amendment \_X\_ ; Repeal \_\_\_; Repeal and Reenact \_\_\_ |
|  | **Title No. - Rule No. - Section No.** |
| **Utah Admin. Code Ref (R no.):** | **R82-2-303** | **Filing No. 53016** |

**Agency Information**

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| **1. Department:** | Alcoholic Beverage Control |
| **Agency:** | Administration |
| **Street address:** | 1625 South 900 West |
| **City, state:** | SLC, Utah 84104-1630 |
| **Mailing address:** | PO Box 30408 |
| **City, state, zip:** | SLC, Utah 84130-0408 |
| **Contact person(s):** |
| **Name:** | **Phone:** | **Email:** |
| Vickie Ashby | 801-977-6801 | vickieashby@utah.gov |
| Angela Micklos | 801-977-6800 | afmicklos@utah.gov |
| Please address questions regarding information on this notice to the agency. |

**General Information**

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| **2. Rule or section catchline:** |
| R82-2-303. Non-Consignment Inventory |
| **3. Purpose of the new rule or reason for the change** (If this is a new rule, what is the purpose of the rule? If this is an amendment, repeal, or repeal and reenact, what is the reason for the filing?)**:** |
| This rule amendment is necessary to correct the non-consignment inventory status to reference the package agency as the owner of the inventory for Types 1, 4, and 5. The existing rule incorrectly says the Department owns the inventory. |
| **4. Summary of the new rule or change:** |
| This rule amendment is necessary to correct the non-consignment inventory status to reference the package agency as the owner of the inventory for Types 1, 4, and 5. The existing rule incorrectly says the Department owns the inventory. |

**Fiscal Information**

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| **5. Aggregate anticipated cost or savings to:** |
| **A) State budget:** |
| None – This amendment corrects the non-consignment inventory status to reference the package agency as the owner of the inventory for Types 1, 4, and 5. The amendment does not create additional cost or savings to the state budget. |
| **B) Local governments:** |
| None – This amendment corrects the non-consignment inventory status to reference the package agency as the owner of the inventory for Types 1, 4, and 5. The amendment does not create additional cost or savings for local governments. |
| **C) Small businesses** ("small business" means a business employing 1-49 persons)**:** |
| None – This amendment corrects the non-consignment inventory status to reference the package agency as the owner of the inventory for Types 1, 4, and 5. The amendment does not create additional cost or savings for small businesses. |
| **D) Non-small businesses** ("non-small business" means a business employing 50 or more persons)**:** |
| None – This amendment corrects the non-consignment inventory status to reference the package agency as the owner of the inventory for Types 1, 4, and 5. The amendment does not create additional cost or savings for non-small businesses. |
| **E) Persons other than small businesses, non-small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an ***agency***)**:** |
| None – This amendment corrects the non-consignment inventory status to reference the package agency as the owner of the inventory for Types 1, 4, and 5. The amendment does not create additional cost or savings. |
| **F) Compliance costs for affected persons:** |
| None – This amendment corrects the non-consignment inventory status to reference the package agency as the owner of the inventory for Types 1, 4, and 5. The amendment does not create additional cost or savings for affected persons. |
| **G) Regulatory Impact Summary Table** (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.) |
| **Regulatory Impact Table** |
| **Fiscal Cost** | **FY2021** | **FY2022** | **FY2023** |
| State Government | $0 | $0 | $0 |
| Local Governments | $0 | $0 | $0 |
| Small Businesses | $0 | $0 | $0 |
| Non-Small Businesses | $0 | $0 | $0 |
| Other Persons | $0 | $0 | $0 |
| **Total Fiscal Cost** | **$0** | **$0** | **$0** |
| **Fiscal Benefits** |  |  |  |
| State Government | $0 | $0 | $0 |
| Local Governments | $0 | $0 | $0 |
| Small Businesses | $0 | $0 | $0 |
| Non-Small Businesses | $0 | $0 | $0 |
| Other Persons | $0 | $0 | $0 |
| **Total Fiscal Benefits** | **$0** | **$0** | **$0** |
| **Net Fiscal Benefits** | **$0** | **$0** | **$0** |
| **H) Department head approval of regulatory impact analysis:** |
| The head of department of the Department of Alcoholic Beverage Control, Salvador Petilos, has reviewed and approved this fiscal analysis. |
| **6. A) Comments by the department head on the fiscal impact this rule may have on businesses:** |
| This amendment corrects the non-consignment inventory status to reference the package agency as the owner of the inventory for Types 1, 4, and 5 so there will be no anticipated cost or savings because of this rule amendment. |
| **B) Name and title of department head commenting on the fiscal impacts:** |
| Salvador Petilos, Executive Director. |

**Citation Information**

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| **7. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required**)**:** |
| Section 32B-2-202 |  |  |

**Public Notice Information**

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| **9. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.) |
| **A) Comments will be accepted until** (mm/dd/yyyy)**:** | 10/01/2020 |

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| **10. This rule change MAY become effective on** (mm/dd/yyyy)**:** | 10/08/2020 |
| NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.  |

**Agency Authorization Information**

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| **To the agency**: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*, and delaying the first possible effective date. |
| **Agency head or designee, and title:** | Salvador Petilos, Executive Director | **Date** (mm/dd/yyyy)**:** | 08/14/2020 |

**R82. Alcoholic Beverage Control, Administration.**

**R82-2. Administration.**

**R82-2-303. Non-Consignment Inventory.**

 (1) This rule is [~~made~~]adopted pursuant to [s]Section 32B-2-202, which authorizes the Commission to make rules governing package agencies.

 (2) Type 1, 4 and 5 package agencies shall be on a non-consignment inventory status where the [~~Department~~]package agency owns the inventory.

**KEY: alcoholic beverage**

**Date of Enactment or Last Substantive Amendment: [~~February 25,~~] 2020**

**Authorizing, and Implemented or Interpreted Law: 32B-2-202**

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