

## Regulatory Plan for Fiscal Year 2021

### Purpose

Executive Order Number 09 requires each state agency to submit an annual Regulatory Plan detailing foreseeable rule-making initiatives for the upcoming fiscal year that the agency reasonably expects to issue in proposed or final form.

The Iowa Alcoholic Beverages Division (ABD) reasonably expects to initiate regulatory action in Fiscal Year 2021 in the form of rule-making initiatives for 185 Iowa Administrative Code (IAC) as identified and outlined in this Regulatory Plan.

### Regulatory Objectives

The ABD Administrator has established the following regulatory objectives for any rule-making action:

- Strive to adopt rules that are authorized by state law and that aid in interpreting the law or serve an important public need.
- Strive to describe by rule the organization, policies, and procedures of ABD.
- Strive to use an open, inclusive process for rule making.
- Strive to adopt rules that are clear and easy to understand, with the goal of minimizing the potential for uncertainty.
- Strive to narrowly-tailor rules to impose the least possible burden on individuals, businesses, and other entities.

### General Rule-Making Initiatives

ABD is undergoing a comprehensive review and update of 185 IAC. In Fiscal Year 2021, ABD reasonably expects to initiate rulemaking for the following chapters of administrative rules:

Chapter	Topic	Alternative to Rule Making	Legal Basis for Rule Making	Statement of Need	Schedule for Action <sup>1</sup>
4	Liquor Licenses—Beer Permits—Wine Permits	None	Iowa Code § 123.10	Update existing rules to reflect current practices of ABD.	File October 2020
5	License and Permit Division	None	Iowa Code § 123.10	Update existing rules to reflect current practices of ABD.	File October 2020

<sup>1</sup> Detailed information on the contemplated schedule for action for a pending rule-making proceeding will be reflected on ABD's public rule-making docket.

8	Transportation and Warehouse	None	Iowa Code § 123.10	Update existing rules to reflect current practices of ABD.	File September 2020
10	Contested Cases	None	Iowa Code chapter 17A, § 123.10	Update existing rules to reflect current practices of ABD.	File August 2020
16	Trade Practices	None	Iowa Code §§ 123.10, 123.186	Update rules to reflect today's marketplace. Last updated in 1990.	TBD
17	Class "E" Liquor Control Licenses	None	Iowa Code § 123.10	Update existing rules to reflect current practices of ABD.	File October 2020

**Rule-Making Initiatives Required, Authorized, or Implicated by Recent Legislative Action**

In Fiscal Year 2021, ABD reasonably anticipates adopting/amending the following rules due to enactment of 2020 Iowa Acts, House File 2540:

Chapter	Topic	Alternative to Rule Making	Legal Basis for Rule Making	Statement of Need	Schedule for Action
4	Wine growers; beer growers	None	2020 Iowa Acts, HF2540	Adopt a new rule for the filling, sealing, and sale of wine growers; amend existing beer growler rule (4.6) to address telephonic or electronic sales of growers	Filed July 2020
4	Mixed drinks/cocktails to-go	Rule making optional	2020 Iowa Acts, HF2540	Adopt a new rule for the sale of mixed drinks/cocktails to-go.	File July or August 2020

**Rule-Making Initiatives Required, Authorized, or Implicated by Prior Legislative Action**

ABD has identified the following rule-making initiatives required, authorized, or implicated due to legislative action in 2019. ABD reasonably anticipates these rule-making initiatives will be taken during the previously-described general rule-making initiatives or taken independently.

Chapter	Specific Rule(s) or Subject Matter	Alternative to Rule Making	Legal Basis for Rule Making	Statement of Need	Schedule for Action
4	4.2, 4.4, 4.5, 4.23, 4.33	None	2019 Iowa Acts, SF618	Rule making required, authorized, or implicated by legislation.	TBD

5	5.1, 5.7, 5.8, 5.9	None	2019 Iowa Acts, SF618	Rule making required, authorized, or implicated by legislation.	TBD
10	Adopt a uniform fee related to a contested case.	None	2019 Iowa Acts, SF618	Rule making authorized by legislation.	TBD
14	14.1	None	2019 Iowa Acts, SF618	Rule making required, authorized, or implicated by legislation.	TBD
18	Adopt rules as needed to hold investigative records confidential.	None	2019 Iowa Acts, SF618	Rule making required, authorized, or implicated by legislation.	TBD

**Public Rule-Making Docket**

ABD maintains a public rule-making docket listing each anticipated or pending rule-making proceeding. The docket can be accessed on ABD’s website at <https://abd.iowa.gov/alcohol/rule-making> or accessed at ABD’s offices located at 1918 SE Hulsizer Road, Ankeny, Iowa 50021.

**Agency Contact**

Any written submissions, written requests, or other communication with respect to administrative rules-related matters may be directed to:

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