

Regulatory Plan for Fiscal Year 2023

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 2023 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

In Fiscal Year 2023, ABD reasonably expects to initiate rulemaking for the following chapters of administrative rules:

Chapter(s)	Topic	Alternative to Rule Making	Legal Basis for Rule Making	Statement of Need	Schedule for Action ¹
16	Trade Practices	None	Iowa Code §§ 123.10, 123.186	Align rules with federal regulations.	File Summer 2022
4, 5, 14	Five-Year Review of Rules	None	Iowa Code §§ 17A.7(2), 123.10	Repeal outdated and/or redundant rules identified during ABD's latest five-year review of rules.	File Summer 2022

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

18	Public Records and Fair Information Practices	None	Iowa Code § 123.10	Update rules to reflect current practices.	File Winter 2022
----	---	------	--------------------	--	------------------

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

The enactment of 2022 Iowa Acts, [Senate File 2374](#) made significant, substantive changes to Iowa’s alcohol retail licensing structure by reducing the number of retail license classifications, renaming certain license classifications, modifying licensing fees, and modifying privileges granted by licenses. Additionally, the legislation made other changes affecting manufacturers, wholesalers, and importers of alcoholic beverages.

In Fiscal Year 2023, ABD anticipates performing a comprehensive review of the entirety of 185 IAC to identify changes necessary due to SF 2374. ABD will be identifying rules that require non-substantive changes, such as updating license classifications and Iowa Code references. ABD will also be identifying rules that need to be substantively modified or repealed due to the legislation. Finally, ABD will adopt new rules as necessary to fully implement the provisions of SF 2374.

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 previous legislative action. ABD reasonably anticipates these rule-making initiatives will be taken during the previously-described general rule-making initiatives, during the comprehensive review of 185 IAC due to SF 2374, 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, 4.11, 4.23, 4.33, 4.38	None	2019 Iowa Acts, SF 618 and/or 2021 Iowa Acts, HF 384	Rule making required, authorized, or implicated by legislation.	TBD
5	5.1, 5.7, 5.8, 5.9	None	2019 Iowa Acts, SF 618 and/or 2021 Iowa Acts, HF 384	Rule making required, authorized, or implicated by legislation.	TBD
10	Adopt a uniform fee related to a contested case.	None	2019 Iowa Acts, SF 618	Rule making authorized by legislation.	TBD
14	14.1	None	2019 Iowa Acts, SF 618	Rule making required, authorized, or implicated by legislation.	TBD

18	Adopt rules as needed to hold investigative records confidential.	None	2019 Iowa Acts, SF 618	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:

Tyler Ackerson
 Administrative Rules Coordinator
 Iowa Alcoholic Beverages Division
 1918 SE Hulsizer Road
 Ankeny, Iowa 50021
 (515) 985-9338
rules@iowaabd.com