

Red Tape Review Rule Report (Due: September 1, 20 24)

Department Name:	Revenue (Alcoholic Beverages Division)	Date:	9/1/2024	Total Rule Count:	2
IAC #:	185	Chapter/ SubChapter/ Rule(s):	Chapter 9	Iowa Code Section Authorizing Rule:	Iowa Code sections 123.10 and 123.22
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PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

Chapter 9 describes the requirements surrounding the procedures for the issuance of a waiver for an individual of legal age desiring to import alcoholic beverages in excess of the amount provided in Iowa Code sections 123.22, 123.122, and 123.171. The rules are intended to help the public understand how to legally request the importation of alcoholic beverages in excess quantities allowed by statute.

Is the benefit being achieved? Please provide evidence.

To the extent the Department proposes to re-promulgate rules, the Department has determined that the rules aid the public in better understanding the requirements surrounding requesting and maintaining this specific waiver. The evidence for the benefit of the rules is demonstrated from the text of the rules themselves and the greater certainty they provide Iowans.

What are the costs incurred by the public to comply with the rule?

There is no cost to comply with these rules. No fee exists for submitting and processing this waiver.

What are the costs to the agency or any other agency to implement/enforce the rule?

There are no costs to the agency of implementing these rules. The Department must have processes in place to review and provide a ruling on this statutory waiver.

Do the costs justify the benefits achieved? Please explain.

There are no costs of the rules themselves. Iowa Code section 123.10(13) requires the Department to establish the waiver issuance by rule. The cost of inaction or removal would be confusion about the process of requesting this statutory waiver to legally import alcoholic beverages in excess of the amount provided in Iowa Code sections 123.22, 123.122, and 123.171.

Are there less restrictive alternatives to accomplish the benefit? YES NO

If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.

The rules have been revised where possible to update outdated language. The rules that will be re-promulgated have been determined to be necessary. There is no less restrictive alternative to achieve the benefit of additional certainty and clarity.

While permissible quantities of alcoholic beverages personally imported vary by states, there are other states that have methods of more restrictive means. For example, the state of Virginia and the District of Columbia both charge a \$50 application issuance fee.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]

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Yes. Chapter 9 contains language that is outdated or unnecessary.

RULES PROPOSED FOR REPEAL (list rule number[s]):

None.

RULES PROPOSED FOR RE-PROMULGATION (list rule number[s] or include rule text if available):

9.1 is amended for clarity and to update outdated language.
9.2 is amended for clarity and to update outdated language.

****For rules being re-promulgated with changes, you may attach a document with suggested changes.***

METRICS

Total number of rules repealed:	0
Proposed word count reduction after repeal and/or re-promulgation	484 words removed
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	9 terms removed

ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?

No.