

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

Department Name:	Revenue (Alcoholic Beverages Division)	Date:	9/1/2024	Total Rule Count:	8
IAC #:	185	Chapter/ SubChapter/ Rule(s):	Chapter 5	Iowa Code Section Authorizing Rule:	Iowa Code section 123.10
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PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

Chapter 5 describes the requirements that licensees and permittees have to maintain for their respective licenses and permits, including surety bonds, dramshop liability insurance policies, and wine gallonage tax reporting. The rules are intended to help licensees and permittees understand how to obtain and submit applicable requirements that pertain to their license or permit type.

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 applicable licensees and permittees in better understanding the requirements surrounding obtaining and maintaining surety bonds, dramshop liability insurance policies , and filing wine gallonage tax reports. The evidence for the benefit of the rules is demonstrated from the text of the rules themselves.

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

There are no costs to comply with the rules. Any costs to comply with the rules are associated with the underlying statute.

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 beyond those that would otherwise be required to administer the statute. The Department must have processes in place to issue licenses and permits and enforce the requirements as required by statute.

Do the costs justify the benefits achieved? Please explain.

There are no costs of the rules themselves. The cost of inaction would be confusion about applicability of the described statutes.

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 rescind statutory text or obsolete language. The rules that will be re-promulgated have been determined to be necessary and reworded to provide clarity. There is no

less restrictive alternative to achieve the benefit of additional certainty.

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 5 contains language that is obsolete, outdated, or unnecessary.

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

Rescinded rules: 5.3, 5.4, 5.5, 5.6, and 5.10- 5.19

5.7 recommended to be repealed and adopted into the renumbered 185—Chapter 4 where better suited.

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

5.1 is amended to comply with 2023 Iowa Acts, Senate File 514, remove restrictive terms, and provide clarity.

5.2 is amended to remove duplicative language.

5.8 is amended to comply with 2023 Iowa Acts, Senate File 514, provide clarity, and remove obsolete language.

5.9 is amended to comply with 2023 Iowa Acts, Senate File 514, remove restrictive terms, and provide clarity.

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

METRICS

Total number of rules repealed:	15
Proposed word count reduction after repeal and/or re-promulgation	390 words removed
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	23 terms removed

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

The definitions found under 5.2 for “operating still” and “proof gallon” should be codified.