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Exempt Action: Final Regulation Agency Background Document

Agency name	Virginia Alcoholic Beverage Control Authority
Virginia Administrative Code (VAC) Chapter citation(s)	3 VAC 5-70-200
VAC Chapter title(s)	Other Provisions
Action title	Grain Alcohol
Final agency action date	June 14, 2022
Date this document prepared	June 10, 2022

Although a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

House Bill 1842 from the 2017 General Assembly Session changed Section 4.1-119(E) of the Code of Virginia to increase the proof limit for grain alcohol sold in government stores from 101 to 151. Pursuant to Enactment clause 2 of that bill, that provision had a sunset date of July 1, 2022. Senate Bill 527 of the 2022 General Assembly Session repealed the sunset clause. The regulation needs to be revised so that it removes the sunset provision and replaces the 101 proof limit with the 151 proof limit.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). "Mandate" is defined as "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

§2.2-4006 of the Administrative Process Act provides that agency actions that are necessary to conform to changes in the Virginia statutory law shall be exempt.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

- 1) June 14, 2022
- 2) Virginia Alcoholic Beverage Control Authority
- 3) Grain Alcohol; permits; qualifications; records; refusal, suspension, or revocation