

ALCOHOLIC BEVERAGES DIVISION[185]

Adopted and Filed

Rule making related to waivers

The Alcoholic Beverages Division hereby amends Chapter 19, “Waivers from Rules,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 17A.9A and 123.10.

State or Federal Law Implemented

This rule making implements, in whole or in part, 2020 Iowa Acts, House File 2389.

Purpose and Summary

These amendments revise the Division’s rules regarding uniform waiver and variance procedures. In 2020, the Legislature passed House File 2389, which amends Iowa Code chapter 17A to remove the term “variance” and ensures that agencies’ rules chapters about waiver procedures refer only to “waivers.” These amendments reflect the changes made by House File 2389 and revise the Division’s existing rules for waivers and variances to refer only to waiver of administrative rules.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on November 4, 2020, as **ARC 5241C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Administrator, with approval of the Alcoholic Beverages Commission, on December 11, 2020.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Division for a waiver of the discretionary provisions, if any, pursuant to 185—Chapter 19.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on February 17, 2021.

The following rule-making action is adopted:

Amend rule 185—19.1(17A) as follows:

185—19.1(17A) Scope. This chapter outlines a uniform process for the granting of waivers ~~or variances~~ from rules adopted by the division. The intent of this chapter is to allow persons to seek exception to the application of rules adopted by the division.

19.1(1) Definition. For purposes of this chapter, a “waiver ~~or variance~~” means an action by the division that suspends in whole or in part the requirements or provisions of a rule as applied to an identified person on the basis of the particular circumstances of that person. ~~For simplicity, the term “waiver” shall include both a “waiver” and a “variance.”~~

19.1(2) No change.

[Filed 12/14/20, effective 2/17/21]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 1/13/21.