

<h2 style="margin: 0;">Regulatory Analysis Form</h2> <p style="margin: 0;">(Completed by Promulgating Agency)</p> <p style="margin: 0;"><small>(All Comments submitted on this regulation will appear on IRRC's website)</small></p>		<p style="margin: 0;">INDEPENDENT REGULATORY REVIEW COMMISSION</p> <div style="border: 2px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <p style="margin: 0; font-size: 1.5em; font-weight: bold;">RECEIVED</p> <p style="margin: 0;">MAR 1 2021</p> <p style="margin: 0; font-size: 0.8em;">Independent Regulatory Review Commission</p> </div> <p style="margin: 0;">IRRC Number: 3299</p>
<p>(1) Agency: Pennsylvania Liquor Control Board</p>		
<p>(2) Agency Number: 54 Identification Number: 102</p>		
<p>(3) PA Code Cite: 40 Pa. Code, Chapter 11</p>		
<p>(4) Short Title: Chapter 11, Sections 1-5 Update</p>		
<p>(5) Agency Contacts (List Telephone Number and Email Address):</p> <p>Primary Contact: Norina Foster, Assistant Counsel (717) 783-9454 Pennsylvania Liquor Control Board 401 Northwest Office Building Harrisburg, Pennsylvania 17124 FAX: (717) 787-8820 Email: ra-lblegal@pa.gov</p> <p>Secondary Contact: Rodrigo Diaz, Chief Counsel Jason M. Worley, Deputy Chief Counsel (Same Contact Information)</p>		
<p>(6) Type of Rulemaking (check applicable box):</p> <p><input checked="" type="checkbox"/> Proposed Regulation</p> <p><input type="checkbox"/> Final Regulation</p> <p><input type="checkbox"/> Final Omitted Regulation</p>		<p><input type="checkbox"/> Emergency Certification Regulation;</p> <p><input type="checkbox"/> Certification by the Governor</p> <p><input type="checkbox"/> Certification by the Attorney General</p>
<p>(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)</p> <p>The PLCB submits this proposed rulemaking to update its regulations at the beginning of Chapter 11. This proposed rulemaking is undertaken as part of a larger effort to update the PLCB's Regulations. The intent behind this rulemaking is to eliminate obsolete provisions in the first five sections of Chapter 11 to provide streamlined regulations for the regulated community. The proposed rulemaking also eliminates a \$50.00 minimum purchase requirement for holders of a Wholesale Liquor Purchase Permit Card. With this amendment, card holders will receive a discount on every liquor purchase from the PLCB regardless of the purchase amount.</p>		
<p>(8) State the statutory authority for the regulation. Include <u>specific</u> statutory citation.</p> <p>Pennsylvania Liquor Code, section 207(i) (47 P.S. § 2-207(i)).</p>		

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

The regulation is not mandated by any federal or state law, court order or federal regulation.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The proposed rulemaking is intended to streamline the PLCB's Regulations by eliminating obsolete language. Also, the proposed rulemaking eliminates a \$50.00 minimum purchase requirement for holders of a Wholesale Liquor Purchase Permit Card. This change will benefit retail licensees and United States Armed Forces facilities that qualify for a Wholesale Liquor Purchase Permit Card, which allows the holder to purchase liquor from the PLCB at a discounted rate. As of November 19, 2020, there were approximately 13,165 licensees that qualify for the Wholesale Purchase Permit Card. With this amendment, holders of this card will receive a discount on every liquor purchase regardless of the purchase amount. This gives the holders of this card greater flexibility with their purchases.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

The proposed rulemaking is not known to be more stringent than federal regulations.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

Regulations pertaining to alcoholic beverage control are governed by neighboring states in accordance with their unique and individual systems of alcoholic beverage control. Because of this, the proposed rulemaking does not play a role in Pennsylvania's ability to compete with other states.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

The proposed rulemaking will not affect any other existing or proposed regulations of the Liquor Control Board or any other state agency.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

The PLCB has developed this proposed rulemaking, in part, in response to a request from an industry group. The PLCB will carefully consider any comments, recommendations or objections to the proposed rulemaking received during the statutory public comment period and will respond as required.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

Most of the changes in the proposed regulation consist of deleting language that is no longer applicable. The deletion of this language will have no impact other than to eliminate or reduce confusion.

One change will affect retail licensees and United States Armed Forces facilities that qualify for a Wholesale Liquor Purchase Permit Card, which allows the holder to purchase liquor at a discounted rate. As of November 19, 2020, there were approximately 13,165 licensees that qualify for the Wholesale Purchase Permit Card. Since the proposed regulation eliminates the requirement of a \$50.00 minimum purchase before the purchaser is eligible for the discounted rate from the PLCB, it is anticipated that the regulation will have a positive effect on licensees and United States Armed Forces facilities.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

The proposed rulemaking does not require compliance by any persons, groups or entities. The proposed rulemaking eliminates obsolete language to eliminate or reduce confusion, and eliminates a minimum purchase requirement for retail licensees and United States Armed Forces facilities purchasing liquor from the PLCB.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

The proposed rulemaking is not expected to have any economic or social impact on individuals, small businesses, businesses and labor communities and other public and private organizations. The proposed rulemaking may have a financial impact on those individuals, small businesses, businesses that are retail licensees, since the proposed rulemaking eliminates the \$50.00 minimum purchase amount that was required to receive a discount on purchases from the PLCB. This is expected to benefit those individuals, small businesses, and businesses by giving them greater flexibility with their purchases.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

The proposed rulemaking eliminates obsolete language and eliminates the \$50.00 minimum purchase amount that was required by retail licensees and United States Armed Forces facilities to receive a discount on purchases from the PLCB. The proposed rulemaking does not have any anticipated costs or adverse effects.

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The proposed rulemaking is expected to result in savings for the regulated community, since they will

no longer be required to spend a minimum of \$50.00 to obtain the discounted rate for purchases from the PLCB. The PLCB does not have any statistical information to estimate a dollar figure. Presumably, some members of the regulated community have been bundling their purchases to ensure that they would qualify for the discount. The regulatory change allows the regulated community to make smaller purchases from the PLCB and still qualify for the discount.

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The proposed rulemaking is not expected to result in costs or savings for local governments. No legal, accounting or consulting procedures are required.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

The proposed rulemaking is not expected to result in substantial costs or savings for state government. While more licensee purchase transactions will qualify for a 10 percent discount as a result of the proposed rulemaking, it is also anticipated that licensees will purchase alcoholic beverages with more frequency and that the overall volume of licensee purchases may actually increase. Thus, the impact of this change is likely to be revenue neutral.

No legal, accounting or consulting procedures are required.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

The proposed rulemaking is not expected to affect legal, accounting or consulting procedures and should not require any additional reporting, recordkeeping or other paperwork. Similarly, the regulation is not expected to require any additional governmental measures in order to implement the regulation.

(22a) Are forms required for implementation of the regulation?

No.

(22b) If forms are required for implementation of the regulation, **attach copies of the forms here**. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. **Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.**

N/A

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government

for the current year and five subsequent years.

There is no data available regarding how the regulated community will recoup any savings. In fact, there may not be any fiscal savings to the regulated community, but because the regulated community will no longer have a \$50.00 minimum purchase to qualify for the discounted rate, the proposed regulation offers more flexibility to the regulated community.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:						
Regulated Community	\$0	\$0	\$0	\$0	\$0	\$0
Local Government	\$0	\$0	\$0	\$0	\$0	\$0
State Government	\$0	\$0	\$0	\$0	\$0	\$0
Total Savings	\$0	\$0	\$0	\$0	\$0	\$0
COSTS:	\$0	\$0	\$0	\$0	\$0	\$0
Regulated Community	\$0	\$0	\$0	\$0	\$0	\$0
Local Government	\$0	\$0	\$0	\$0	\$0	\$0
State Government	\$0	\$0	\$0	\$0	\$0	\$0
Total Costs	\$0	\$0	\$0	\$0	\$0	\$0
REVENUE LOSSES:						
Regulated Community	\$0	\$0	\$0	\$0	\$0	\$0
Local Government	\$0	\$0	\$0	\$0	\$0	\$0
State Government	\$0	\$0	\$0	\$0	\$0	\$0
Total Revenue Losses	\$0	\$0	\$0	\$0	\$0	\$0

(23a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3 2016-2017	FY -2 2017-2018	FY -1 2018-2019	Current FY 2019-2020
N/A	N/A	N/A	N/A	N/A

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of

the proposed regulation.

(a) Federal regulation (relating to small business size standards) provides the following measurements for determining whether a business may be considered to be a “small” business: a full-service restaurant with annual receipts of less than \$7.5 million; a drinking place (alcoholic beverages) with annual receipts of less than \$7.5 million; hotels with annual receipts of less than \$32.5 million; and all other amusement and recreation industries with annual receipts of less than \$7.5 million. (13 C.F.R. § 121.201). It is estimated that most of the regulated community impacted by this proposed regulation would fall within the definition of “small business.”

(b) The proposed regulation does not require any reporting, recordkeeping or other administrative activities.

(c) The proposed regulation is anticipated to have a positive impact on small businesses. Because the proposed regulation eliminates the \$50.00 minimum purchase requirement, it gives small businesses more flexibility with purchasing. Now, even small orders will qualify for the discounted rate.

(d) The proposed regulation consists almost entirely of deleting obsolete language. Only in sections 11.4 and 11.5 is there new language, and that is limited to the titles for each section, to make them more understandable to the regulated community.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

The PLCB has not identified any group that may need any special provisions or accommodations.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

No alternative regulatory provisions were considered and rejected, since this proposed regulation involves the deletion of obsolete language in existing regulations. The least burdensome acceptable alternative has been selected.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

(a) The establishment of less stringent compliance or reporting requirements for small businesses;

(b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;

(c) The consolidation or simplification of compliance or reporting requirements for small businesses;

(d) The establishment of performing standards for small businesses to replace design or operational

standards required in the regulation; and

- (e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

The proposed rulemaking is not expected to have any adverse impact on small businesses. Nonetheless, in the interest of submitting a completed form, the PLCB submits the following answers:

- (a) The PLCB establishes, through this proposed rulemaking, a less stringent compliance requirement by eliminating the \$50.00 purchase requirement that had been necessary to obtain a discounted price from the PLCB.
- (b) The proposed rulemaking does not establish any schedules or deadlines for compliance or reporting requirements.
- (c) The proposed rulemaking does not contain any compliance or reporting requirements that would need to be consolidated or simplified for small businesses.
- (d) The proposed rulemaking does not establish any performing standards for small businesses to replace design or operations standards.
- (e) The proposed rulemaking does not establish any new requirements; therefore, there is nothing from which small businesses could be given an exemption.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

The PLCB has not relied on data to justify this regulation.

(29) Include a schedule for review of the regulation including:

- | | |
|---|-------------------|
| A. The length of the public comment period: | <u>30 days</u> |
| B. The date or dates on which any public meetings or hearings will be held: | <u>April 2021</u> |
| C. The expected date of delivery of the final-form regulation: | <u>June 2021</u> |
| D. The expected effective date of the final-form regulation: | <u>July 2021</u> |
| E. The expected date by which compliance with the final-form regulation will be required: | <u>July 2021</u> |
| F. The expected date by which required permits, licenses or other approvals must be obtained: | <u>N/A</u> |

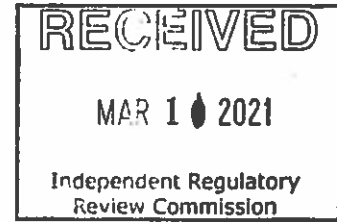
(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

Review of the regulations is ongoing, and any changes will be through the rulemaking process.

CDL-1

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)



DO NOT WRITE IN THIS SPACE

Copy below is hereby approved
as to form and legality.

Attorney General:

BY: Amy M. Elliott
Digitally signed by Amy M. Elliott
DN: cn=Amy M. Elliott, o=Pennsylvania Office
of Attorney General, ou=Chief Deputy
Attorney General,
email=amy@attorneygeneral.gov, c=US
Date: 2020.11.18 09:20:47 -0500
(DEPUTY ATTORNEY GENERAL)

DATE OF APPROVAL

Check if applicable
Copy not approved. Objections
attached.

Copy below is hereby certified to be a
true and correct copy of a document
issued, prescribed or promulgated by:

Pennsylvania Liquor Control Board
(AGENCY)

DOCUMENT/FISCAL NOTE NO. 54-10

DATE OF ADOPTION: 11/18/2020

BY: Tim Dahl

TITLE: Chairman
(Executive Officer, Chairman or
Secretary)

Copy below is hereby approved as to form
and legality. Executive or Independent
Agencies:

BY: Randy [Signature]
Chief Counsel

11/18/2020
DATE OF APPROVAL

Check if applicable. No Attorney
General approval or objection within
30 days after submission.

TITLE 40—LIQUOR

PART I. LIQUOR CONTROL BOARD

CHAPTER 11. PURCHASES AND SALES

Subchapter A. GENERAL PROVISIONS

PROPOSED RULEMAKING

LIQUOR CONTROL BOARD

[40 PA. CODE CH. 11]

Chapter 11, Sections 1.1—1.5 Update

The Liquor Control Board (“PLCB”), under the authority of section 207(i) of the Liquor Code (47 P.S. § 2-207(i)), proposes to amend §§ 11.1 – 11.5 (relating to definitions, sales at retail, sales at wholesale, and issuance of wholesale liquor purchase permit cards) to read as set forth in Annex A.

Summary

The PLCB submits this proposed rulemaking to update its regulations at the beginning of Chapter 11. This proposed rulemaking is undertaken as part of a larger effort to update the PLCB’s Regulations. The intent behind this rulemaking is to eliminate outdated provisions in the first five sections of Chapter 11 in order to provide streamlined regulations for the regulated community.

Section 11.1 (pertaining to definitions) includes two definitions: “Manufacturer” and “State, territory or county of origin.” The first sentence for “Manufacturer” is left unchanged. The second sentence, however, is deleted, since it modifies the definition of “Manufacturer” for Subsection L, which no longer exists. The definition of “state, territory or county of origin” is also deleted, since this phrase does not appear anywhere in the PLCB’s Regulations.

Section 11.2 has been reserved; the PLCB is not amending this section.

Section 11.3 (pertaining to sales at retail) is amended in the title so that the new title of the section is “Sales of ethyl alcohol at retail.” This new title more accurately reflects the contents of the section after subsection (b) is deleted. Subsection (b) is being deleted because ethyl alcohol is no longer procured via the special order process. Subsection (a) accurately describes the process for obtaining ethyl alcohol at retail.

Section 11.4 (pertaining to sales at wholesale) is amended in the title so that the new title of the section is “Sales at wholesale for United States Armed Forces facilities.” This new title more accurately reflects the contents of the section after subsections (a) and (b) are deleted. Subsections (a) and (b) are being deleted because ethyl alcohol is no longer procured via the process described in these subsections. The current process is set forth in section 11.33.

Section 11.5 (pertaining to issuance of wholesale liquor purchase permit cards) is amended to delete, in subsection (a), the phrase “if the retail cost of the order is \$50 or more.” By deleting this phrase, a retail liquor licensee or a United States Armed Forces facility will be able to obtain all liquor purchases—not just those that cost \$50.00 or more—at the discounted rate allowed by the

wholesale liquor purchase permit card. This amendment was requested by the Pennsylvania Tavern Association.

In addition, section 11.5 is amended by the deletion of subsection (b). This subsection describes a special form of Wholesale Liquor Purchase Permit Card that is issued to pharmacists, State-owned institutions and to certain manufacturers of nonbeverage products. The type of card issued to these entities is called a Wholesale Alcohol Purchase Permit Card, and its use is covered in sections 11.21—11.23. Since the information in this subsection is superfluous, it is being deleted.

Affected Parties

The affected parties include those retail licensees and United States Armed Forces facilities that will be entitled to a discount on every purchase of liquor with their Wholesale Liquor Purchase Permit Card. As of November 19, 2020, there were approximately 13,165 of these licensees.

Paperwork Requirements

This proposed rulemaking does not impose any new paperwork requirements on licensees.

Fiscal Impact

This proposed rulemaking will have a positive impact on licensees, since it removes a minimum purchase requirement before licensees may receive a 10% licensee discount.

Effective Date

This proposed rulemaking will become effective upon final-form publication in the Pennsylvania Bulletin.

Public Comments

Interested persons are invited to submit written comments about this proposed rulemaking to Rodrigo Diaz, Chief Counsel, Jason M. Worley, Deputy Chief Counsel, or Norina Foster, Assistant Counsel, Office of Chief Counsel, Liquor Control Board, via e-mail at ra-lblegal@pa.gov, within 30 days after publication of this proposed rulemaking in the Pennsylvania Bulletin. When commenting, individuals should indicate if they wish to be apprised of future developments regarding this proposed rulemaking, and include a name, address and e-mail address. Comments submitted by facsimile will not be accepted.

Public comments will be posted on the Independent Regulatory Review Commission's (IRRC) website. Personal information will not be redacted from the public comments received.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on _____, the PLCB submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form

to IRRC and to the Chairpersons of the House Liquor Control Committee and Senate Committee on Law and Justice. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review prior to final publication of the rulemaking by the PLCB, the General Assembly and the Governor.

TIM HOLDEN,
Chairperson

ANNEX A

TITLE 40. LIQUOR

PART I. LIQUOR CONTROL BOARD

Chapter 11 – PURCHASES AND SALES

Subchapter A. GENERAL PROVISIONS

§ 11.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Manufacturer—A person engaged in the manufacture, rectification or compounding of liquors, other than wines, or an agent or representative of the manufacturer. [The term, as it relates to Subchapter L (relating to manner of changing prices of malt or brewed beverages), is any entity licensed for and engaged in the manufacture of malt or brewed beverages within this Commonwealth or elsewhere.]

[State, territory or county of origin—The place where liquors other than wines offered for sale to the Board are manufactured, rectified or compounded for the market.]

§ 11.2. [Reserved].

§ 11.3. Sales of ethyl alcohol at retail.

[(a) State liquor stores may stock ethyl alcohol, 190 proof, for retail sales subject to the following:

(1) An individual or entity desiring to purchase ethyl alcohol shall file an application on forms provided by the Board.

(2) The Board may approve the application of an individual or entity who swears or affirms that the alcohol will be purchased for nonpotable use only.

[(b) Special orders are subject to the following:

(1) Special orders for ethyl alcohol shall be accepted for a minimum quantity of one case of 24 pints or one case of 12 quarts.

(2) Special orders of absolute ethyl alcohol, 200 proof, shall be accepted for a minimum quantity of 1 gallon.

(3) Special orders require a deposit of at least 25% of the selling price at the time of placing an order. The name of the manufacturer shall also be furnished.]

§ 11.4. Sales at wholesale for United States Armed Forces facilities.

[(a) The Board may keep in stock ethyl alcohol in 2 gallon containers, which will be priced at net wholesale, available only to holders of Wholesale Alcohol Purchase Permit Cards. There will also be available to holders of the cards, the containers which are carried in regular stock, at net wholesale permittee prices.

(b) Special orders are subject to the following:

(1) Special orders may be placed at State Liquor Stores by holders of Wholesale Alcohol Purchase Permit Cards for a minimum quantity of 1 gallon of absolute ethyl alcohol and ethyl alcohol in standard case quantities.

(2) A special order will not be accepted for a brand of alcohol sold as stock merchandise in the same size containers.

(3) Special orders require a deposit of at least 25% of the selling price at the time of placing an order. The name of the manufacturer shall also be furnished.

(c)] Under section 305(b) of the Liquor Code (47 P. S. § 3-305(b)), wholesale sales of liquor may be made to a United States Armed Forces facility which is located on a United States Armed Forces installation within this Commonwealth. The sales shall be conducted under the authority and regulations of the United States Armed Forces. The sales shall be made under terms and conditions agreed upon by the Board and United States Armed Forces facility representatives.

(1) The Board may accept checks in payment for sales of liquor to a United States Armed Forces facility under terms and conditions as the Board deems appropriate.

(2) Direct delivery of liquor to a United States Armed Forces facility may be accomplished under terms set forth by the Board.

§ 11.5. Issuance of Wholesale Liquor Purchase Permit Cards.

[(a) As evidence of the privilege given to a retail liquor licensee and a United States Armed Forces facility to purchase liquor from State Liquor Stores at wholesale, the Board will issue to the licensee and a United States Armed Forces facility a Wholesale Liquor Purchase Permit Card, which allows the purchase of liquors at wholesale [if the retail cost of the order is \$50 or more].

[(b) Special forms of Wholesale Liquor Purchase Permit Cards issued to pharmacists registered under the statutes of the Commonwealth to hospitals, State-owned institutions and to certain manufacturers of nonbeverage products, will allow the purchase, at wholesale of liquors listed on the card.]

Commonwealth of Pennsylvania
Pennsylvania Liquor Control Board
March 10, 2021

SUBJECT: Proposed Regulation Package 54-102
Chapter 11, Sections 1-5 Update

TO: DAVID SUMNER, EXECUTIVE DIRECTOR
INDEPENDENT REGULATORY REVIEW COMMISSION

FROM: RODRIGO J. DIAZ
CHIEF COUNSEL
PENNSYLVANIA LIQUOR CONTROL BOARD

By E-Mail

The Pennsylvania Liquor Control Board is submitting proposed amendments to Chapter 11, Sections 1-5 of its regulations. Attached please find a copy of the Regulatory Analysis Form, signed CDL-1 face sheet, Preamble and Annex A (regulatory text). The Office of Attorney General has approved these proposed amendments for form and legality.

These amendments have been delivered today to the legislative oversight committees and to the Legislative Reference Bureau. The Transmittal Sheet is attached, followed by e-mails acknowledging receipt.

If you have any questions and comments about this regulatory submission, feel free to contact the Office of Chief Counsel, Pennsylvania Liquor Control Board, at RALegal@pa.gov.

Enclosures

cc with enclosures:

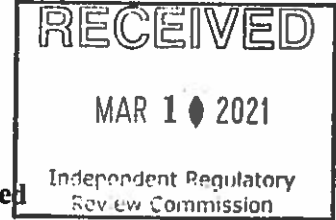
Honorable Mike Regan, Majority Chairman, Senate Law and Justice Committee
Honorable James Brewster, Minority Chairman, Senate Law and Justice Committee
Honorable Jeff Pyle, Majority Chairman, House Liquor Control Committee
Honorable Daniel Deasy, Minority Chairman, House Liquor Control Committee
Taylor Wamsher, Executive Director, Senate Law and Justice Committee
Stephen Bruder, Executive Director, Senate Law and Justice Committee
Michael Biacchi, Executive Director, House Liquor Control Committee
Lynn Benka-Davies, Executive Director, House Liquor Control Committee

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: 54-102
SUBJECT: Chapter 11, Sections 1-5 Update
AGENCY: Pennsylvania Liquor Control Board

TYPE OF REGULATION

- Proposed Regulation**
- Final Regulation**
- Final Regulation with Notice of Proposed Rulemaking Omitted**
- 120-day Emergency Certification of the Attorney General**
- 120-day Emergency Certification of the Governor**
- Delivery of Tolled Regulation**
 With Revisions **Without Revisions**



FILING OF REGULATION

<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
<u>3/10/21</u>	<u>See e-mail from Taylor Wamsher</u>	SENATE LAW & JUSTICE COMMITTEE <i>(Majority)</i>
<u>3/10/21</u>	<u>See e-mail from Stephen Bruder</u>	SENATE LAW & JUSTICE COMMITTEE <i>(Minority)</i>
<u>3/10/21</u>	<u>See e-mail from Mike Biacchi</u>	HOUSE LIQUOR CONTROL COMMITTEE <i>(Majority)</i>
<u>3/10/21</u>	<u>See e-mail from Lynn Benka-Davies</u>	HOUSE LIQUOR CONTROL COMMITTEE <i>(Minority)</i>
<u>3/10/21</u>	<u>See e-mail from Corinne Marut</u>	LEGISLATIVE REFERENCE BUREAU
<u>3/10/21</u>	_____	INDEPENDENT REGULATORY REVIEW COMMISSION

Foster, Norina

From: Wamsher, Taylor <twamsher@pasen.gov>
Sent: Wednesday, March 10, 2021 2:13 PM
To: Foster, Norina
Subject: RE: PLCB Proposed Regulation 54-102 Ch 11, Sections 1-5 Update

Hey Norina –

Received, thank you.

Taylor



From: Foster, Norina <nofoster@pa.gov>
Sent: Wednesday, March 10, 2021 1:33 PM
To: Wamsher, Taylor <twamsher@pasen.gov>
Subject: Fw: PLCB Proposed Regulation 54-102 Ch 11, Sections 1-5 Update

⊗ CAUTION : External Email ⊗

Hi Taylor,

Could you please confirm receipt of this regulation?

Thanks!

Norina

From: Foster, Norina
Sent: Wednesday, March 10, 2021 10:12 AM
To: twamsher@pasen.gov <twamsher@pasen.gov>
Subject: PLCB Proposed Regulation 54-102 Ch 11, Sections 1-5 Update

Good morning,

Attached please find a cover letter and a proposed regulatory package. Kindly acknowledge that you have received it by sending me a reply message. IRRC requires proof that everyone received the package on the same day.

Thank you,

Norina K. Foster | Assistant Counsel
Pennsylvania Liquor Control Board | Office of Chief Counsel
401 Northwest Office Building | Harrisburg, PA 17124
Phone: 717.783.9454 | Fax: 717.787.8820
Email: nofoster@pa.gov
lcb.pa.gov

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Foster, Norina

From: Bruder, Stephen <Stephen.Bruder@pasenate.com>
Sent: Wednesday, March 10, 2021 10:17 AM
To: Foster, Norina
Subject: RE: PLCB Proposed Regulation 54-102 Ch 11, Sections 1-5 Update

Received

From: Foster, Norina <nofoster@pa.gov>
Sent: Wednesday, March 10, 2021 10:13 AM
To: Bruder, Stephen <Stephen.Bruder@pasenate.com>
Subject: PLCB Proposed Regulation 54-102 Ch 11, Sections 1-5 Update



■ EXTERNAL EMAIL ■

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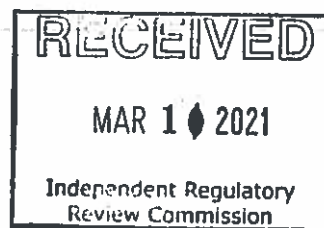
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Foster, Norina

From: Benka-Davies, Lynn <LBDavies@pahouse.net>
Sent: Wednesday, March 10, 2021 10:18 AM
To: Foster, Norina
Subject: RE: PLCB Proposed Regulation 54-102 Ch 11, Sections 1-5 Update

Thank you I have received the regulatory package.

From: Foster, Norina <nofoster@pa.gov>
Sent: Wednesday, March 10, 2021 10:15 AM
To: Benka-Davies, Lynn <LBDavies@pahouse.net>
Subject: PLCB Proposed Regulation 54-102 Ch 11, Sections 1-5 Update



Good morning,

Attached please find a cover letter and a proposed regulatory package. Kindly acknowledge that you have received it by sending me a reply message. IIRC requires proof that everyone received the package on the same day.

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Foster, Norina

From: Michael Biacchi <Mbiacchi@pahousegop.com>
Sent: Wednesday, March 10, 2021 1:35 PM
To: Foster, Norina
Cc: Vigoda, Michael
Subject: RE: PLCB Proposed Regulation 54-102 Ch 11, Sections 1-5 Update

Director of Governmental Affairs Michael (Mick) Vigoda delivered it early this afternoon.

He was wearing jeans, but he was still allowed in the building...

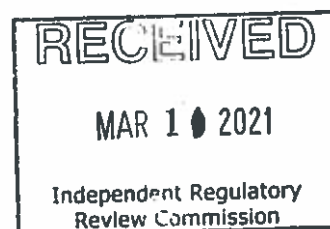
From: Foster, Norina <nofoster@pa.gov>
Sent: Wednesday, March 10, 2021 1:34 PM
To: Michael Biacchi <Mbiacchi@pahousegop.com>
Subject: Fw: PLCB Proposed Regulation 54-102 Ch 11, Sections 1-5 Update

Hi Mike,

Could you please confirm receipt of this regulation?

Thanks!

Norina



From: Foster, Norina
Sent: Wednesday, March 10, 2021 10:14 AM
To: Mbiacchi@pahousegop.com <Mbiacchi@pahousegop.com>
Subject: PLCB Proposed Regulation 54-102 Ch 11, Sections 1-5 Update

Good morning,

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Foster, Norina

From: Bulletin <bulletin@palrb.us>
Sent: Wednesday, March 10, 2021 10:41 AM
To: Foster, Norina
Subject: [External] FW: PLCB Proposed Regulation 54-102 Ch 11, Sections 1-5 Update
Attachments: 54-102 Chapter 11, Sections 1-5 Update - RAF updated.pdf; 54-102 Chapter 11, Sections 1-5 Update Preamble and Annex A.pdf; CDL-1 with all signatures.pdf; 54-102 Ch 11, Sections 1-5 Update - LRB - Searle, Duane.pdf

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Good Morning Norina:

Thank you for sending this Proposed Regulation. Someone from our office will contact you regarding the publication date. Have a great day.

Corinne Marut
Editorial Assistant
Legislative Reference Bureau
Pennsylvania Code & Bulletin Office
cmarut@palrb.us



From: Foster, Norina <nofoster@pa.gov>
Sent: Wednesday, March 10, 2021 10:16 AM
To: Duane Searle <dsearle@palrb.us>
Subject: PLCB Proposed Regulation 54-102 Ch 11, Sections 1-5 Update

Good morning,

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