

**TITLE 45: ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION RULES
CHAPTER 30: MANUFACTURERS, WINE AND SPIRIT WHOLESALERS, BREWERS,
NONRESIDENT SELLERS AND BEER DISTRIBUTORS**

SUBCHAPTER 3. MANUFACTURERS AND WINE AND SPIRIT WHOLESALERS

**RULE IMPACT STATEMENT FOR EMERGENCY RULE
[75 O.S. §303(D)(2)]**

A. A brief description of the purpose of the proposed rule amendment:

Senate Bill 608 was passed during the 2019 legislative session and subsequently signed into law by Governor J. Kevin Stitt on May 13, 2019. Senate Bill 608 creates a third method of distribution for certain alcoholic beverages in the State. It further creates and defines a “Top Brand”, and requires the ABLE Commission to quarterly publish such a list of brands for purposes of sale to the State’s wholesale tier. The purpose of the new rules is to provide procedures for the ABLE Commission to determine what the top 25 brands in the State are, as well as procedures for those selling such products for purposes of distribution.

B. Classes of persons most likely affected by the emergency rule amendment, including who will bear the cost of the emergency rule and any information on the cost impact received by the agency from any private or public entities:

The Commission has not received any information from any outside entity with respect to cost impacts of the proposed rules. Certainly, the rule changes will require some amount of labor from both the agency as well as some private entities engaging in the sale of alcoholic beverages.

C. A description of the classes of persons who will benefit from the proposed rule:

No direct benefit is known through the proposed rules. Rather, they are a necessity as a result of Senate Bill 608 as discussed in paragraph A above.

D. A description of the probably economic impact of the proposed rule upon affected classes of persons or political subdivisions, including a list of all fees changes and, whenever possible, a separate justification for each fee change:

There will be no additional fees or costs imposed as a result of the proposed emergency rule and there will be no economic impact on any political subdivision other than a small increase in labor expense. Wholesalers will be affected in that they would be required to compile and submit certain information periodically to the agency.

E. The probable cost and benefits to the agency and to another other agency of the implementation and enforcement of the proposed rule, the source of revenue to be used for implementation and the enforcement of the proposed rule, and any anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the agency.

No cost or monetary benefits are anticipated by the emergency rule.

F. A determination of whether implementation of the proposed rule will have an economic

impact on any political subdivision or require their cooperation in implementation or enforcing the rule:

No economic impact is anticipated and the implementation of the emergency rule will not require the cooperation of any political subdivision.

G. A determination of whether implementation of the proposed rule would have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.

No adverse impact is anticipated.

H. An explanation of the measures the agency has taken to minimize compliance costs and a determination of whether there are less costly or non-regulatory or less intrusive methods for achieving the purpose of the proposed rule.

The Commission anticipates that any cost to wholesalers to comply with the proposed rules will be de minimis.

I. A determination of the effect of the proposed rule on the public health, safety and environment and, if the proposed rule is designed to reduce significant risk to public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk.

There is no anticipated impact on health, safety or the environment.

J. A determination of any detrimental effect on the public health, safety and environment if the proposed rule is not implemented:

No adverse impact is anticipated.

K. The date the rule impact statement was prepared and if modified, the date modified.

May 14, 2019.