Concise Explanatory Statement

Rhode Island Government Register

In accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-2.6, the following is a concise explanatory statement:

AGENCY:	**Department of Business Regulation**
RULE IDENTIFIER:	**230-RICR-30-10-1**
REGULATION TITLE:	**Liquor Control Administration**
RULEMAKING ACTION:	**Direct Final Amendment**
PUBLIC COMMENT PERIOD:	**March 2, 2023, to April 1, 2023**

A. Statement of Purpose of the Amendment.

The Department proposed to delete § 1.4.14 consistent with a Superior Court decision dated January 9, 2023, in The Wine and Liquor Co. v. DBR, PC-2022-02539, which held that the one-year completion deadline for the "granting order" requirement wasn't statutorily authorized and that the automatic penalty of the license becoming "null and void" without a hearing on the matter was constitutionally defective.

Deleting this paragraph eliminates the regulatory requirement that all conditions attached to written municipal retail liquor licenses that have been granted (but not issued) be completed within one (1) year of the date of the grant of the license. Additionally, the deletion will also eliminate the automatic penalty of declaring said license is "null and void" if conditions for licensure are not completed within one year.

The Department did not expect these proposed amendments to be controversial.

B. Summary of the Regulatory Analysis.

The DBR is removing a requirement for both municipalities and their licensees. The societal benefits of this particular action are: a clearer liquor regulatory scheme for municipal and private participants, predictability, and greater municipal control over the conditions under which local liquor licenses are granted but not issued. There are no societal costs related to this amendment. In the development of the proposed amendment consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

C. Summary of Comments Not Resulting in Regulatory Language Changes.

No comments were received. Therefore, the final proposed regulation is the same as what was initially proposed.