

**Department of  
Alcoholic Beverage Control**

**FINAL STATEMENT OF REASONS**

**PROPOSED ADOPTION OF REGULATIONS FOR  
ADMINISTRATIVE EMERGENCY DECISIONS**

PROPOSED ADOPTIONS TO TITLE 4:

SECTION 147.

**UPDATE OF INITIAL STATEMENT OF REASONS**

The Department has no changes to the Initial Statement of Reasons noticed on October 23, 2020, except for the addendum to the Initial Statement of Reasons noticed on January 8, 2021.

**UPDATED INFORMATIVE DIGEST**

There have been no changes in applicable laws as described in the Notice of Proposed Action. In addition, all changes made to the proposed regulatory text for clarity have not changed the intent or effect of the proposed regulation. Thus, the Department has no changes to the Informative Digest/Policy Statement Overview noticed on October 23, 2020.

**SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE COMMENT PERIOD OF OCTOBER 23, 2020, THROUGH DECEMBER 9, 2020, INCLUDING THE PUBLIC HEARING ON DECEMBER 2, 2020.**

The Department received thirty-nine written comments from the public during the public written comment period from October 23, 2020, through December 9, 2020, and thirty-three comments at the public hearing on December 2, 2020. Each comment the Department received is included in its entirety in the Public Comment section of the rulemaking record. The Department's responses to all issues raised by the public comments can be found in the Responses to Public Comment section of the rulemaking record.

**SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE COMMENT PERIOD OF JANUARY 8, 2021, THROUGH JANUARY 25, 2021.**

The Department received one-hundred-sixty-seven written comments from the public during the public written comment period from January 8, 2021, through January 25, 2021. Each comment the Department received is included in its entirety in the Public Comment section of the rulemaking

record. The Department's responses to all issues raised by the public comments can be found in the Responses to Public Comment section of the rulemaking record.

### **ALTERNATIVES DETERMINATION**

ABC has determined that no alternative considered by ABC or received from the public during the public comment period, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons, and equally effective in implementing statutory policies or other provision of law. The Department made modifications suggested by commenters to provide more clarity to the regulatory text, but other suggestions, such as allowing the Alcoholic Beverage Control Appeals Board to review administrative emergency decisions were outside the scope of ABC's legislative authority.

### **LOCAL MANDATE DETERMINATION**

The proposed regulations do not impose any mandate on local agencies or school districts.

### **ADDITIONAL DOCUMENTS OR INFORMATION IN THE RULEMAKING FILE**

The Department of Alcoholic Beverage Control did not add any other documents or information to the rulemaking file except those noticed in the Addendum to the Initial Statement of Reasons noticed on January 8, 2021. These include: (1) The Department's responses to the public comments received in May 2020 during the emergency regulatory action adopting Title 2 California Code of Regulations section 147 on a temporary basis; (2) The Amended Notice of Approval of Emergency Regulatory Action sent by the Office of Administrative Law September 11, 2020, extending the effective date of the emergency regulatory action to March 27, 2021; and (3) The original proposed text of Title 2 California Code of Regulations section 147 that has been approved temporarily under OAL Matter Number: 2020-518-04.

### **JUSTIFICATION FOR PROPOSED REGULATION BEING EFFECTIVE ON FILING WITH THE SECRETARY OF STATE**

The Department requests that the amendments to the emergency regulation under this Certificate of Compliance go into effect upon filing with the Secretary of State to avoid any public confusion there might otherwise be over the current implementation of Administrative Emergency Decisions by the Department.