

PUBLIC PROTECTION CABINET
Department of Alcoholic Beverage Control
(Amendment)

804 KAR 4:410. Product registration and forms.

RELATES TO: KRS 13A.110, 241.060(1), 243.380, 243.390

STATUTORY AUTHORITY: KRS 241.060(1), 243.380, 243.390, 244.440, 244.585

NECESSITY, FUNCTION, AND CONFORMITY: KRS 241.060(1) authorizes the board to promulgate administrative regulations regarding matters over which the board has jurisdiction.

Section 1. Product Registration. Licensees required to register product brands and flavors shall use the Online Product Registration Portal to complete the online registration process at: <https://www.productregistrationonline.com/GetStarted/Ky#selectPermit>.

Section 2. Forms. A person shall complete and submit the following additional forms as needed or requested by the department:

- (1) Dormancy Request Form;
- (2) Non-Transfer Affidavit Form; and
- (3) ~~Credit/Debit Payment Form;~~
- ~~{(4)} Refund Request Form{;}~~
- ~~{(5)} Law Book Order Form;~~
- ~~{(6)} Speaker Request Form;~~
- ~~{(7)} Minors on Premises Request Form; and}~~
- ~~{(8)} Private Event Request Form}.~~

Section 3. Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) "Online Product Registration Portal", June 2017;
 - (b) "Dormancy Request Form", November 2024~~{June 2017};~~
 - (c) "Non-Transfer Affidavit Form", June 2017; and
 - ~~{(d)} Credit/Debit Payment Form, June 2017;}~~
 - ~~{(e)} Refund Request Form, June 2017;}~~
 - ~~{(f)} Law Book Order Form, June 2017;}~~
 - ~~{(g)} Speaker Request Form, June 2017;}~~
 - ~~{(h)} Minors on Premises Request Form, June 2017; and}~~
 - ~~{(i)} Private Event Request Form, June 2017}.~~
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Alcoholic Beverage Control, 500 Mero St 2NE33, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the department's Web site: <http://www.abc.ky.gov>.

ALLYSON C TAYLOR, Commissioner
RAY PERRY, Secretary

APPROVED BY AGENCY: December 13, 2024

FILED WITH LRC: December 20, 2024 at 2:50 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 25, 2025, at 9:00 a.m. EST, at 500 Mero Street, Room 127CW, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date,

the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through March 31, 2025. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Joshua Newton, Title: General Counsel, Department of Alcoholic Beverage Control Address: 500 Mero Street, 2 NE #226, Frankfort, KY 40601, Phone: (502) 782-0770, Fax: (502) 564-4850, Email: Joshua.Newton@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Joshua Newton Phone: 502-782-0770

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This regulation outlines the forms to be used to register product brands and flavors.

(b) The necessity of this administrative regulation:

This regulation is necessary to guide members of the alcohol industry to the appropriate forms to register product brands and flavors.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 244.440 and KRS 244.585 require producers and importers to register product brands and flavors before offered for sale in the state. KRS 13A.110 provides that the board shall include, in regulation, all forms which the department requires to be completed and filed. This administrative regulation prescribes product registrations and forms utilized by the department.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

The agency has the duty to provide producers and importers the means necessary to register brands and flavors before offering them for sale in the state. This regulation points them to the appropriate form to comply with this requirement.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

The amendment outlines the brand registration forms accessible on the agency's website.

(b) The necessity of the amendment to this administrative regulation:

The amendment is necessary to update the regulation to incorporate the required brand registration forms.

(c) How the amendment conforms to the content of the authorizing statutes:

This amendment reflects the updated forms to accomplish this statutory mandate.

(d) How the amendment will assist in the effective administration of the statutes:

KRS 244.440 and KRS 244.585 require producers and importers to register product brands and flavors before offered for sale in the state. KRS 13A.110 provides that the board shall include, in regulation, all forms which the department requires to be completed and filed. This administrative regulation prescribes product registrations and forms utilized by the department.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

There are currently over 220,000 brands registered in Kentucky. These brands are registered by businesses through use of the online portal.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

The alcohol producers listed will continue to register their brands online.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

There are no costs or expenses associated with brand registration.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

By providing online brand registration, these entities have realized a positive impact in that brands are registered in a much quicker and streamlined process than paper forms and mail. This amendment merely updates and formally codifies the online registration process.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

There is no cost to the agency for the brand registration site.

(b) On a continuing basis:

There are no additional continuing costs to the agency.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

The agency utilizes licensing fees to meet its licensing and enforcement obligations.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

An increase in fees or funding is not necessary to implement this amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This amendment does not establish or increase any fees either directly or indirectly.

(9) TIERING: Is tiering applied?

There is no tiering applied as this amendment is simply to update forms used online for licensing applications and renewals.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 241.060(1) authorizes the board to promulgate reasonable regulations involving licensing, and KRS 13A.110 provides a statutory mandate that forms for license applications be promulgated.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions:

Kentucky Department of Alcoholic Beverage Control.

(a) Estimate the following for the first year:

Expenditures:None

Revenues:None

Cost Savings:None

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

This amendment is to update forms incorporated by reference and will result in no changes to expenditures, revenues, or costs.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):

The change in the forms online will not affect any local entities.

(a) Estimate the following for the first year:

Expenditures:None

Revenues:None

Cost Savings:None

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

This amendment updates materials incorporated by reference and does not affect expenditures, revenues, or costs.

(4) Identify additional regulated entities not listed in questions (2) or (3):

None

(a) Estimate the following for the first year:

Expenditures:N/A

Revenues:N/A

Cost Savings:N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

N/A

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:

There is no fiscal impact related to this amendment.

(b) Methodology and resources used to determine the fiscal impact:

N/A

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate)

This amendment, incorporating the online forms used to apply for and renew direct-to-consumer shipping licenses, has no negative or adverse impact.

(b) The methodology and resources used to reach this conclusion:

These forms make applying for and renewing licenses easier and faster while costing the applicant nothing to utilize them.