

**Document:** AROC Notice, **Register Page Number:** 27 IR 4141  
**Source:** September 1, 2004, Indiana Register, Volume 27, Number 12  
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**TITLE 905 ALCOHOL AND TOBACCO  
COMMISSION**

LSA Document #03-279

July 27, 2004

Chairman  
c/o Sarah Burkman  
Administrative Rules Oversight Committee  
302 State House  
Indianapolis, Indiana 46204

RE: 905 IAC 1-46, LSA Document #03-279(F)

Dear Mr. Chairman:

This letter is to notify the Administrative Rules Oversight Committee of changes in progress to the above rule, which establishes rules regulating the placement of tobacco sales certificates (TSC) issued pursuant to IC 7.1-3-18.5, et seq., and also provides penalties for noncompliance. Under Ind. Code 4-22-2-19, an agency that adopts a rule must begin the rulemaking process not later than sixty (60) days after the effective date of the statute that authorizes the rule.

IC 7.1-3-18.5, which created the TSC, was effective on July 1, 2003. Thus, under IC 4-22-2-19, the notice of intent should have been filed on or before August 29, 2003. Due to efforts required in complying with the keg registration statute, IC 7.1-3-6.5, and the promulgation of its accompanying Rule 45, the Commission was unable to start the process at that time.

Many discussions regarding this rule were held prior to the filing of the notice of intent on November 1, 2003. The rule was heard on January 26, 2004 and was formally adopted by the Commission on May 11, 2004. The initial delay notwithstanding, the Commission looks forward to the final approval of this rule.

Please let me know if further information on this rule is needed. I can be reached directly at (317) 232-2472 or via email at [mwebb@atc.state.in.us](mailto:mwebb@atc.state.in.us). Thank you very much for your kind attention in this regard.

Very truly yours,

Mark C. Webb  
Executive Secretary