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**TITLE 905 ALCOHOL AND TOBACCO
COMMISSION**

LSA Document #04-111

December 27, 2004

The Honorable R. Michael Young, Chairman
Administrative Rules Oversight Committee
302 Statehouse
Indianapolis, Indiana 46204
Attention: Sarah Burkhart

RE: LSA Document No. 04-111;
Beer Sampling Rule 905 IAC 1-5.2-9.2

Dear Mr. Chairman:

On behalf of the Alcohol & Tobacco Commission (ATC), this letter is to notify the Administrative Rules Oversight Committee of the progress with respect to the adoption of the above rule, which establishes procedures for the sampling of beer pursuant to IC 7.1-3-9-11. Under Ind. Code 4-22-2-25, an agency that adopts a rule must complete the process within one (1) year after the publication of the notice of intent to adopt the rule change. Pursuant to this statute, the ATC is requesting up to an additional one (1) year from May 1, 2005 in order to have the rule adopted and effective. A request of this kind must be made within two hundred fifty (250) days following the publication of the notice of intent to adopt the rule change. Our records show that the deadline for this notice expires on or about January 4, 2005.

The notice of intent for this rule was published in the May 1, 2004 issue of the Indiana Register at 27 IR 2524. The rule has not yet been adopted by the Commission but there have been numerous discussions with interested parties. Due to transition from the Kernan administration to the Daniels administration, the Commission feels the appropriate course of action is to defer this rule until sometime in 2005. Due to the permissible statutory approval process, should any additional changes need to be made, the possibility exists that the rule would not be approved or effective before the May 1, 2005 deadline. We believe that the additional year will give adequate time to complete this process, although all efforts will be made to do so sooner.

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. Thank you very much for your kind attention in this regard.

Very truly yours,

Mark C. Webb
Executive Secretary