



# Washington State Liquor and Cannabis Board

**Topic:** Petition for Adoption, Amendment, or Repeal of a State Administrative Rule – (Title 314 WAC – LIQUOR AND CANNABIS BOARD – Gender neutral language).

**Date:** May 8, 2024

**Presented by:** Jeff Kildahl, Policy and Rules Coordinator

## Background

On March 14, 2024, Skye Theriot (he/him), a member of the public, submitted a petition for adoption, amendment, or repeal of a state administrative rule to the Liquor and Cannabis Board (LCB). This petition includes requests for two types of rule updates to be made to several sections throughout the rules of the LCB that comprise [Title 314 WAC](#).

The first request of the petition is for updates to be made to the usage of pronouns in the text of the rules throughout Title 314 WAC. The second request is for rulemaking to update the former name "Liquor Control Board" where it still remains in Title 314 WAC.

An excerpt from Skye Theriot's petition request form is included below:

**2. AMEND RULE - I am requesting the agency to change an existing rule.**

List rule number (WAC), if known: Multiple WAC, Please see attached supplement

- I am requesting the following change: Updates to the use of pronouns throughout WAC 314 and updating instances of "liquor control board" to "liquor and cannabis board"
- This change is needed because: To update WAC 314 to be inclusive, using more accurate pronouns and to reflect the name change of the board.
- The effect of this rule change will be: Our WAC 314 updates will modernize rule language to reflect proper pronoun grammar and provide consistency throughout WAC 314.
- The rule is not clearly or simply stated: \_\_\_\_\_

As an addition to the completed rulemaking petition form, the letter included below clarifies the request for rule changes:

Hello, Members of the Board & Staff,

I am writing to formally submit the attached Petition for Rule Making along with its supplement, seeking the deployment of expedited rulemaking processes, citing that these changes are only clarifying the language of the rules mentioned without changing their effects.

This petition addresses amendments to a majority of WAC 314's chapters, primarily aimed at updating pronouns to reflect a more inclusive approach and ensuring grammatical correctness in the applicable rules.

Furthermore, the petition advocates for updating the references to the board within the WAC to accurately reflect its current designation as the Liquor and Cannabis Board. This adjustment is crucial for modernizing the regulatory framework and aligning it with the board's current nomenclature.

I express my sincere appreciation for the dedication and diligence demonstrated by the board in its responsibilities. I am eager to collaborate with the board throughout this process to ensure the proposed changes are implemented effectively and efficiently.

In light of the significance of these updates, I respectfully request the board's prompt attention to this matter and action toward initiating the expedited rulemaking process.

Thank you for your attention to this important matter.

Also, in a lengthy attached list with rule language included, the letter comprehensively identifies more than seventy rule sections containing the pronouns "he", "she", "him" or "her" or occurrences of "liquor control board" for amendment.

## **Issues**

Whether the LCB should initiate expedited rulemaking as specified in the petition to amend existing rule sections in Title 314 WAC to replace the pronouns "he", "she", "him" or "her" with the inclusive gender-neutral pronouns "they" or "them" as appropriate.

In addition, whether the LCB also initiate expedited rulemaking to update outdated occurrences of the name "Liquor Control Board" with "Liquor and Cannabis Board", the official name of the LCB since 2015.

## **Analysis**

When making a recommendation to the Board regarding a petition for rulemaking, the Director's Office Staff considers the following factors to the extent practicable:

- LCB's statutory authority and obligations;
- Alignment with the LCB's policy goals and priorities;
- The immediacy of the safety, environmental, or security concern raised;

- Potential impact to public health outcomes;
- The potential impact on criminal activity;
- Level of public interest;
- Whether the problems or issues are already under consideration by the LCB in other rulemaking issues;
- Merits of the petition; and
- Equity impacts.

Accepting the rule petition does not mean the LCB would begin developing rules, but rather provides an opportunity for the LCB to solicit and gather feedback from the public to assess whether and how a regulation should be revised to ensure the most favorable outcomes. If the Board accepts a petition, the collaborative rulemaking process will be initiated, consistent with the [Administrative Procedures Act \(APA\)](#).

### **Request to Amend Pronouns in LCB Rules, Title 314 WAC**

The LCB’s authority to change the gender-specific pronouns in Title 314 WAC is clearly within the LCB’s statutory authority under RCW [66.08.030](#). Additionally, these requested changes, to replace all gender-specific pronouns used in these rules, would correct and clarify the rule language and are consistent with requirements for expedited rulemaking in RCW [34.05.353\(1\)\(c\)](#).

There are many merits to this requested rulemaking. The requested changes to replace the pronouns he, she, him, or her with gender-neutral pronouns clearly align with LCB’s goals and priorities. These simple clarifying changes are appropriate and would promote the LCB’s interest to promote equality and inclusivity in regulations, and removes any appearance of discrimination or potential for bias related to inadvertent or outdated customary use of personal pronouns Title 314 WAC.

### **Request to Change “Liquor Control Board” to “Liquor and Cannabis Board” in LCB Rules, Title 314 WAC**

This ability to update the name of the LCB “Liquor Control Board” to “Liquor and Cannabis Board” is within statutory authority and obligations, and is already included as a part of a current expedited rulemaking project with an expected completion date of August 31, 2024 for permanent rules to take effect reflecting this change.

The former name “Liquor Control Board” was in fact changed to “Liquor and Cannabis Board” with passage of Second Substitute Senate Bill 5052 in 2015. Amending rule sections in Title 314 WAC update this reference is already underway and is consistent with requirements for expedited rulemaking in RCW [34.05.353\(1\)\(c\)](#), and was undertaken to remove all the remaining references in LCB rules for rule consistency.

### **Divisional, Interagency, Intergovernmental, DEIB, Social Equity, and Other Impacts**

#### ***Divisional***

Licensing

No identified impact.

Enforcement & Education

No identified impact.

Finance

No identified impact.

Information Technology/Infrastructure

No identified impact.

Public Health/Prevention

No identified impact.

**Interagency**

Department of Health

No identified impact.

Labor & Industries

No identified impact.

**Intergovernmental**

Tribes

No identified impact.

**DEIB, Social Equity**

The requested rule change to make the pronouns used throughout Title 314 WAC gender-neutral would promote inclusivity and removes any appearance of possible bias due to inadvertent or outdated use of gender-specific personal pronouns. The other requested rule change, to update the name of the LCB to include cannabis is part of another current rulemaking project expected to be completed with permanent rules taking effect in the summer of 2024. This change further recognizes cannabis as a regulated product.

**Recommendation**

For the reasons described above, Director’s Office staff recommend that consistent with RCW 34.05.330(1)(b), the Board accept Skye Theriot’s petition for amending of rules submitted on March 14, 2024.

**Board Action**

After considering the recommendation of Director’s Office staff, the Board accepts/denies the petition for rulemaking received from Skye Theriot on March 14, 2024.

\_\_\_\_\_ Accept \_\_\_\_\_ Deny                      \_\_\_\_\_  
David Postman, Chair    \_\_\_\_\_  
Date

\_\_\_\_\_ Accept \_\_\_\_\_ Deny                      \_\_\_\_\_  
Ollie Garrett, Board Member    \_\_\_\_\_  
Date

\_\_\_\_\_ Accept \_\_\_\_\_ Deny                      \_\_\_\_\_  
Jim Vollendroff, Board Member    \_\_\_\_\_  
Date

## **Attachments**

1. Email from Skye Theriot received March 14, 2024, containing rule petition request.
2. Rule petition form.

## Kildahl, Jeff (LCB)

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**From:** Skye Theriot <thatskyeriot@gmail.com>  
**Sent:** Thursday, March 14, 2024 11:38 AM  
**To:** LCB DL Rules  
**Cc:** Postman, David (LCB); Garrett, Ollie A (LCB); Vollendroff, Jim (LCB); Jacobs, Daniel (LCB)  
**Subject:** [Alert] Petition for Expedited Rule Making - WAC 314 | Pronouns & Board Name Changes  
**Attachments:** Petition for Expedited Rule Making - Pronouns & Board Name (with attachment).pdf

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### External Email

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Hello, Members of the Board & Staff,

I am writing to formally submit the attached Petition for Rule Making along with its supplement, seeking the deployment of expedited rulemaking processes, citing that these changes are only clarifying the language of the rules mentioned without changing their effects.

This petition addresses amendments to a majority of WAC 314's chapters, primarily aimed at updating pronouns to reflect a more inclusive approach and ensuring grammatical correctness in the applicable rules.

Furthermore, the petition advocates for updating the references to the board within the WAC to accurately reflect its current designation as the Liquor and Cannabis Board. This adjustment is crucial for modernizing the regulatory framework and aligning it with the board's current nomenclature.

I express my sincere appreciation for the dedication and diligence demonstrated by the board in its responsibilities. I am eager to collaborate with the board throughout this process to ensure the proposed changes are implemented effectively and efficiently.

In light of the significance of these updates, I respectfully request the board's prompt attention to this matter and action toward initiating the expedited rulemaking process.

Thank you for your attention to this important matter.

- Skye Theriot  
253-720-8856  
*he/him pronouns*



## PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE

Print Form

In accordance with [RCW 34.05.330](#), the Office of Financial Management (OFM) created this form for individuals or groups who wish to petition a state agency or institution of higher education to adopt, amend, or repeal an administrative rule. You may use this form to submit your request. You also may contact agencies using other formats, such as a letter or email.

The agency or institution will give full consideration to your petition and will respond to you within 60 days of receiving your petition. For more information on the rule petition process, see Chapter 82-05 of the Washington Administrative Code (WAC) at <http://apps.leg.wa.gov/wac/default.aspx?cite=82-05>.

### CONTACT INFORMATION *(please type or print)*

Petitioner's Name Skye Theriot  
Name of Organization \_\_\_\_\_  
Mailing Address 1511 Boylston Avenue, B4  
City Seattle State WA Zip Code 98122  
Telephone 253-720-8856 Email thatskyeriot@gmail.com

### COMPLETING AND SENDING PETITION FORM

- Check all of the boxes that apply.
- Provide relevant examples.
- Include suggested language for a rule, if possible.
- Attach additional pages, if needed.
- Send your petition to the agency with authority to adopt or administer the rule. Here is a list of agencies and their rules coordinators: <http://www.leg.wa.gov/CodeReviser/Documents/RClist.htm>.

### INFORMATION ON RULE PETITION

Agency responsible for adopting or administering the rule: Washington State Liquor and Cannabis Board

**1. NEW RULE - I am requesting the agency to adopt a new rule.**

The subject (or purpose) of this rule is: \_\_\_\_\_

The rule is needed because: \_\_\_\_\_

The new rule would affect the following people or groups: \_\_\_\_\_



**2. AMEND RULE - I am requesting the agency to change an existing rule.**

List rule number (WAC), if known: Multiple WAC, Please see attached supplement

I am requesting the following change: Updates to the use of pronouns throughout WAC 314 and updating instances of "liquor control board" to "liquor and cannabis board"

This change is needed because: To update WAC 314 to be inclusive, using more accurate pronouns and to reflect the name change of the board.

The effect of this rule change will be: Our WAC 314 updates will modernize rule language to reflect proper pronoun grammar and provide consistency throughout WAC 314.

The rule is not clearly or simply stated: \_\_\_\_\_

**3. REPEAL RULE - I am requesting the agency to eliminate an existing rule.**

List rule number (WAC), if known: \_\_\_\_\_

*(Check one or more boxes)*

It does not do what it was intended to do.

It is no longer needed because: \_\_\_\_\_

It imposes unreasonable costs: \_\_\_\_\_

The agency has no authority to make this rule: \_\_\_\_\_

It is applied differently to public and private parties: \_\_\_\_\_

It conflicts with another federal, state, or local law or rule. List conflicting law or rule, if known: \_\_\_\_\_

It duplicates another federal, state or local law or rule. List duplicate law or rule, if known: \_\_\_\_\_

Other (please explain): \_\_\_\_\_

## WAC 314 Project | Pronouns & Liquor and Cannabis Board Name Update

### 314-01, -05, -13, -23, -27, -30, -32, -33, -38, -40, -45, -62, -70

- No changes found

### 314-02

- 314-02-030
  - 1(a) Indicate during the liquor license application process that **he/she does** not wish to have minors on the entire premises at all times; or
    - To be changed to
    - Indicate during the liquor license application process that **they do** not wish to have minors on the entire premises at all times; or
- 314-02-038
  - 1(a) Indicate during the liquor license application process that **he/she does** not wish to have minors on the entire premises at all times; or
    - To be changed to
    - Indicate during the liquor license application process that **they do** not wish to have minors on the entire premises at all times; or
- 314-02-0415
  - (2) The licensee must use spirits, beer, and wine **he or she obtains** under the license for purposes of instruction.
    - To be changed to
    - (2) The licensee must use spirits, beer, and wine **they obtain** under the license for purposes of instruction.
- 314-02-108
  - 5(g) A review of house policies on alcohol sales. Each licensee must ensure that **his/her** employees receive training that covers the licensee's own house policies; and
    - To be changed to
    - A review of house policies on alcohol sales. Each licensee must ensure that **their** employees receive training that covers the licensee's own house policies; and

### 314-03

- 314-03-020
  - 4(d) Internet. To sell liquor via the internet, a new license applicant must request internet-sales privileges in **his or her** application. An existing licensee must notify the board prior to beginning internet sales. A corporate entity representing multiple stores may notify the board in a single letter on behalf of affiliated licensees, as long as the liquor license

numbers of all licensee locations utilizing internet sales privileges are clearly identified.

- To be changed to
  - Internet. To sell liquor via the internet, a new license applicant must request internet-sales privileges in **his or her** application. An existing licensee must notify the board prior to beginning internet sales. A corporate entity representing multiple stores may notify the board in a single letter on behalf of affiliated licensees, as long as the liquor license numbers of all licensee locations utilizing internet sales privileges are clearly identified.
- 314-03-030
- 4(d) Internet. To sell spirits via the internet, a new spirits retail license applicant must request internet-sales privileges in **his or her** application. An existing spirits retail licensee must notify the board prior to beginning internet sales. A corporate entity representing multiple stores may notify the board in a single letter on behalf of affiliated spirits retail licensees, as long as the liquor license numbers of all licensee locations utilizing internet sales privileges are clearly identified.
  - To be changed to
  - Internet. To sell spirits via the internet, a new spirits retail license applicant must request internet-sales privileges in **their** application. An existing spirits retail licensee must notify the board prior to beginning internet sales. A corporate entity representing multiple stores may notify the board in a single letter on behalf of affiliated spirits retail licensees, as long as the liquor license numbers of all licensee locations utilizing internet sales privileges are clearly identified.
- 314-03-035
- 4(d) Internet. To sell beer and wine via the internet, a new license applicant must request internet-sales privileges in **his or her** application. An existing licensee must notify the board prior to beginning internet sales. A corporate entity representing multiple stores may notify the board in a single letter on behalf of affiliated licensees, as long as the liquor license numbers of all licensee locations utilizing internet sales privileges are clearly identified.
  - To be changed to
  - Internet. To sell beer and wine via the internet, a new license applicant must request internet-sales privileges in **his or her** application. An existing licensee must notify the board prior to beginning internet sales. A corporate entity representing multiple

stores may notify the board in a single letter on behalf of affiliated licensees, as long as the liquor license numbers of all licensee locations utilizing internet sales privileges are clearly identified.

- 314-03-040

- 4(d) Internet. To sell liquor via the internet, a new license applicant must request internet-sales privileges in **his or her** application. An existing licensee must notify the board prior to beginning internet sales. A corporate entity representing multiple stores may notify the board in a single letter on behalf of affiliated licensees, as long as the liquor license numbers of all licensee locations utilizing internet sales privileges are clearly identified.

- To be changed to

- Internet. To sell liquor via the internet, a new license applicant must request internet-sales privileges in **their** application. An existing licensee must notify the board prior to beginning internet sales. A corporate entity representing multiple stores may notify the board in a single letter on behalf of affiliated licensees, as long as the liquor license numbers of all licensee locations utilizing internet sales privileges are clearly identified.

**314-07**

- 314-07-010

- (6) "Public institution" means a public college or university. (See WAC **314-07-020** regarding the liquor **control** board notifying public institutions of liquor license applications.)

- To be changed to

- "Public institution" means a public college or university. (See WAC **314-07-020** regarding the liquor **and cannabis** board notifying public institutions of liquor license applications.)

- 314-07-035

- (1) [table]:

- 2nd column, 4th row: All members (or persons with equivalent title) with more than 10% interest in the LLC and spouses. (Note: In order for the liquor **control** board to identify the persons to be qualified, we will need to know all parties that have an interest in the limited liability company or have a pending interest.)

- To be changed to

- All members (or persons with equivalent title) with more than 10% interest in the LLC and spouses. (Note: In order for the liquor **and cannabis** board to identify the persons to be qualified, we will need

to know all parties that have an interest in the limited liability company or have a pending interest.)

- 2nd column, 5th row: All stockholders (or persons with equivalent title) and their spouses who hold more than 10% of the issued or outstanding stock. (Note: In order for the liquor **control** board to identify the persons to be qualified, we will need to know all parties who have been issued or will be issued corporate stock.)
  - To be changed to
  - All stockholders (or persons with equivalent title) and their spouses who hold more than 10% of the issued or outstanding stock. (Note: In order for the liquor **and cannabis** board to identify the persons to be qualified, we will need to know all parties who have been issued or will be issued corporate stock.)
- 2nd column, 7th row: The liquor **control** board will review each entity to determine which individuals are to qualify according to the guidelines in this rule.
  - To be changed to
  - The liquor **and cannabis** board will review each entity to determine which individuals are to qualify according to the guidelines in this rule.
- 314-07-055
  - (1) [table]
  - 2nd column, 1st row: The local authority and any churches, schools, or public colleges or universities within 500 feet of the proposed licensed business must have responded to the liquor **control** board's notice of liquor license application, or the time period must have passed. See WAC 314-07-020, subsections (1), (2), and (3) for more information.
    - To be changed to
    - The local authority and any churches, schools, or public colleges or universities within 500 feet of the proposed licensed business must have responded to the liquor **and cannabis** board's notice of liquor license application, or the time period must have passed. See WAC 314-07-020, subsections (1), (2), and (3) for more information.

## 314-09

- 314-09-005
  - (2) An applicant or licensee's options when **his/her** liquor license or permit is denied or action is taken to not renew **his/her** liquor license or permit.
    - To be changed to

- An applicant or licensee's options when **their** liquor license or permit is denied or action is taken to not renew **their** liquor license or permit.

### 314-10

- 314-10-010
  - [title] General—Liquor **control** board responsibilities.
    - To be changed to
    - General—Liquor **and cannabis** board responsibilities.
  - (1) The liquor **control** board shall regulate all sales and distribution of tobacco products pursuant to chapter 507, Laws of 1993. The liquor **control** board shall report all tobacco enforcement activity in a manner agreed by the department of health and the liquor **control** board on a quarterly basis or as set forth in the interagency agreement.
    - To be changed to:
    - The liquor **and cannabis** board shall regulate all sales and distribution of tobacco products pursuant to chapter 507, Laws of 1993. The liquor **and cannabis** board shall report all tobacco enforcement activity in a manner agreed by the department of health and the liquor **and cannabis** board on a quarterly basis or as set forth in the interagency agreement.
- 314-10-060
  - 1(a) This provision does not apply to a person under the age of 18 who, with parental authorization, is participating in a controlled purchase as a part of a liquor **control** board, law enforcement, or local health department activity.
    - To be changed to
    - This provision does not apply to a person under the age of 18 who, with parental authorization, is participating in a controlled purchase as a part of a liquor **and cannabis** board, law enforcement, or local health department activity.
- 314-10-090
  - (2) No person may engage in providing samples of cigarettes without a valid sampler's license. A firm contracting with a tobacco manufacturer to distribute samples of a manufacturer's product is deemed to be the person engaged in the business of sampling. The liquor **control** board will issue any sampler's licenses.
    - To be changed to
    - No person may engage in providing samples of cigarettes without a valid sampler's license. A firm contracting with a tobacco manufacturer to distribute samples of a manufacturer's product is

deemed to be the person engaged in the business of sampling. The liquor **and cannabis** board will issue any sampler's licenses.

- 314-10-100
  - (5) All T1 and T2 licensees must provide to the liquor **control** board, in a format prescribed by the board, a listing of the location, date, hours and quantities of cigarettes distributed in the state for the previous six months.
    - To be changed to
    - All T1 and T2 licensees must provide to the liquor **and cannabis** board, in a format prescribed by the board, a listing of the location, date, hours and quantities of cigarettes distributed in the state for the previous six months.
- 314-10-110
  - (1) The liquor **control** board may suspend or revoke a retailer's or sampler's license for violation of the board's administrative rules governing tobacco. Further, the board may impose a monetary penalty in lieu of license suspension for violation of said rules not covered by statute.
    - To be changed to
    - The liquor **and cannabis** board may suspend or revoke a retailer's or sampler's license for violation of the board's administrative rules governing tobacco. Further, the board may impose a monetary penalty in lieu of license suspension for violation of said rules not covered by statute.
  - 3(c) Neither the licensee nor **his/her or its** employees shall advertise, either by newspaper, radio, television, handbill, brochure, flyer or by any means whatever, that the licensed premises are closed or discontinuing the sale of tobacco products for any reason(s) other than those stated in the board's suspension notices.
    - To be changed to
    - Neither the licensee nor **their** employees shall advertise, either by newspaper, radio, television, handbill, brochure, flyer or by any means whatever, that the licensed premises are closed or discontinuing the sale of tobacco products for any reason(s) other than those stated in the board's suspension notices.

### 314-11

- 314-11-020
  - (1) Per RCW **66.44.270**, licensees or employees may not supply liquor to any person under twenty-one years of age, either for **his/her** own use or for the use of any other person.
    - To be changed to

- Per RCW **66.44.270**, licensees or employees may not supply liquor to any person under twenty-one years of age, either for **their** own use or for the use of any other person.
- (3) Per RCW **66.20.180**, at the request of any law enforcement officer, a holder of a card of identification must present **his/her** card of identification if the person is on a portion of a premises that is restricted to persons over twenty-one years of age, or if the person is purchasing liquor, attempting to purchase liquor, consuming liquor, or in the possession of liquor. If the person fails or refuses to present a card of identification it may be considered a violation of Title **66** RCW and:
  - To be changed to
  - Per RCW **66.20.180**, at the request of any law enforcement officer, a holder of a card of identification must present **their** card of identification if the person is on a portion of a premises that is restricted to persons over twenty-one years of age, or if the person is purchasing liquor, attempting to purchase liquor, consuming liquor, or in the possession of liquor. If the person fails or refuses to present a card of identification it may be considered a violation of Title **66** RCW and:
- 314-11-030
  - [title] What if a person's identification meets the legal requirements but I still have doubts about **his or her** age?
    - To be changed to
    - What if a person's identification meets the legal requirements but I still have doubts about **their** age?
- 314-11-040
  - (2) Per RCW **66.44.316** and **66.44.318**, the following persons that are 18, 19, or 20 years of age may remain on licensed premises or portions of premises that are restricted from persons under 21 years of age, but only during the course of **his or her** employment:
    - To be changed to
    - Per RCW **66.44.316** and **66.44.318**, the following persons that are 18, 19, or 20 years of age may remain on licensed premises or portions of premises that are restricted from persons under 21 years of age, but only during the course of **their** employment:
- 314-11-050
  - In rulemaking to amend/repeal
- 314-11-065



- 1(c)(iii) The beer and/or wine restaurant or tavern licensee notifies the local liquor control board enforcement office in writing before they bring spirituous liquor on the premises;
  - To be changed to
  - The beer and/or wine restaurant or tavern licensee notifies the local liquor and cannabis board enforcement office in writing before they bring spirituous liquor on the premises;
- 314-11-095
  - (1) All industry members and retailers shall keep and maintain the following records on their premises for a three-year period and the records must be made available for inspection if requested by an employee of the liquor control board, or by a person appointed in writing by the board for the purposes of administering or enforcing any provisions of Title 66 RCW or Title 314 WAC:
    - To be changed to
    - All industry members and retailers shall keep and maintain the following records on their premises for a three-year period and the records must be made available for inspection if requested by an employee of the liquor and cannabis board, or by a person appointed in writing by the board for the purposes of administering or enforcing any provisions of Title 66 RCW or Title 314 WAC:
- 314-11-105
  - 1(b)(iv) When no administrative or judicial proceedings are held, all parties who claim a right, title, or interest in the seized liquor have been given notice and opportunity for a hearing to determine his or her right, title, or interest in the subject liquor. Claims of right, title, or interest in seized liquor must be made to the board, in writing, within thirty days of the date of seizure.
    - To be changed to
    - When no administrative or judicial proceedings are held, all parties who claim a right, title, or interest in the seized liquor have been given notice and opportunity for a hearing to determine their right, title, or interest in the subject liquor. Claims of right, title, or interest in seized liquor must be made to the board, in writing, within thirty days of the date of seizure.

## 314-12

- 314-12-040
  - (4) Upon discontinuance of business for twenty-one days or more by a licensee, he shall forthwith deliver up his license to the board, or representative of the board. A licensee who is not operating as a seasonal

business and who has voluntarily discontinued sale of liquor in excess of forty-five days will not be eligible for renewal of license for a subsequent year unless sale of liquor under the license is resumed on a permanent basis prior to the beginning of the next subsequent licensing period.

- To be changed to
  - Upon discontinuance of business for twenty-one days or more by a licensee, **they** shall forthwith deliver up **their** license to the board, or representative of the board. A licensee who is not operating as a seasonal business and who has voluntarily discontinued sale of liquor in excess of forty-five days will not be eligible for renewal of license for a subsequent year unless sale of liquor under the license is resumed on a permanent basis prior to the beginning of the next subsequent licensing period.
- 314-12-210
- 1(b) The board's mandate to protect the welfare, health, peace, and safety of the people is to ensure that a liquor licensee conducts **his or her** business in a lawful manner and that the presence of a licensee's liquor sales does not unreasonably disturb the welfare, health, peace or safety of the surrounding community.
    - To be changed to
    - The board's mandate to protect the welfare, health, peace, and safety of the people is to ensure that a liquor licensee conducts **their** business in a lawful manner and that the presence of a licensee's liquor sales does not unreasonably disturb the welfare, health, peace or safety of the surrounding community.
- 314-12-215
- 8(b)(ii) An affected party may submit a written request for one twenty calendar-day extension of the comment/petition period, which the board may grant provided that an affected party provides sufficient reason why **he or she is** unable to meet the initial twenty-day deadline.
    - To be changed to
    - An affected party may submit a written request for one twenty calendar-day extension of the comment/petition period, which the board may grant provided that an affected party provides sufficient reason why they are unable to meet the initial twenty-day deadline.
  - 8(e) An affected party may submit a written request for one twenty-day extension of the comment period, which the board may grant provided that an affected party provides sufficient reason why **he or she is** unable to meet the twenty-day deadline.
    - To be changed to

- An affected party may submit a written request for one twenty-day extension of the comment period, which the board may grant provided that an affected party provides sufficient reason why **they are** unable to meet the twenty-day deadline.

## 314-16

### - 314-16-110

- (2) Every spirits, beer and wine restaurant, spirits, beer, and wine nightclub, spirits, beer, and wine club or sports/entertainment facility licensee, upon purchasing any spirituous liquor from the board, shall immediately cause such liquor to be delivered to **his or her** licensed premises, and **he or she** shall not remove or permit to be removed from said premises any bottle or other container containing such liquor, except pursuant to chapter **314-70** WAC or to return it to a state liquor store or agency, nor shall **he or she** dispose or allow to be disposed the liquor contained therein in any manner except as authorized by **his or her** license. A delivery service business may pick up more than one liquor order on the same day so long as each of said orders are delivered in the normal course of business on the same day without detour or diversion, except for those stops and deliveries as may be necessary to make deliveries to the other licensees whose order is also on the particular delivery vehicle. The possession of any bottle or other container purchased from the board at a discount by any person other than the licensee or said licensee's agents or employees who purchased the same, or the possession thereof at any place which is not the licensed premises of the licensee who purchased such liquor, shall be prima facie evidence that the licensee unlawfully permitted the removal thereof from **his or her** licensed premises. The licensee who permanently discontinues business, other than as a result of a legal restraint action, may remove open bottles of liquor from the premises for personal use upon payment to the board of an amount to be determined by the board in lieu of the discount and tax exemption in effect at that time.

- To be changed to:

- (2) Every spirits, beer and wine restaurant, spirits, beer, and wine nightclub, spirits, beer, and wine club or sports/entertainment facility licensee, upon purchasing any spirituous liquor from the board, shall immediately cause such liquor to be delivered to **their** licensed premises, and **they** shall not remove or permit to be removed from said premises any bottle or other container containing such liquor, except pursuant to chapter **314-70** WAC or to return it to a state

liquor store or agency, nor shall **they** dispose or allow to be disposed the liquor contained therein in any manner except as authorized by **their** license. A delivery service business may pick up more than one liquor order on the same day so long as each of said orders are delivered in the normal course of business on the same day without detour or diversion, except for those stops and deliveries as may be necessary to make deliveries to the other licensees whose order is also on the particular delivery vehicle. The possession of any bottle or other container purchased from the board at a discount by any person other than the licensee or said licensee's agents or employees who purchased the same, or the possession thereof at any place which is not the licensed premises of the licensee who purchased such liquor, shall be prima facie evidence that the licensee unlawfully permitted the removal thereof from **their** licensed premises. The licensee who permanently discontinues business, other than as a result of a legal distraint action, may remove open bottles of liquor from the premises for personal use upon payment to the board of an amount to be determined by the board in lieu of the discount and tax exemption in effect at that time.

- 314-16-150

- (1) No retail licensee shall give or otherwise supply liquor to any person under the age of twenty-one years, either for his/her own use or for the use of his/her parent or of any other person; or to any person apparently under the influence of liquor; nor shall any licensee or employee thereof permit any person under the said age or in said condition to consume liquor on his/her premises, or on any premises adjacent thereto and under **his/her** control.

- To be changed to:

- No retail licensee shall give or otherwise supply liquor to any person under the age of twenty-one years, either for his/her own use or for the use of his/her parent or of any other person; or to any person apparently under the influence of liquor; nor shall any licensee or employee thereof permit any person under the said age or in said condition to consume liquor on his/her premises, or on any premises adjacent thereto and under **their** control.

**314-17**

- 314-17-020

- (1) Class 12 and 13 permits are valid for five years. A class 12 or 13 permit expires on the first day of the month, five years following the month

a student passes the standardized exam. For example, if a student passes the standardized exam on June 15, 2010, his or her class 12 or 13 permit will expire on July 1, 2015.

- To be changed to
- Class 12 and 13 permits are valid for five years. A class 12 or 13 permit expires on the first day of the month, five years following the month a student passes the standardized exam. For example, if a student passes the standardized exam on June 15, 2010, their class 12 or 13 permit will expire on July 1, 2015.

- 314-17-025

- [title] Does a permit holder have to carry his or her class 12 or 13 permit?
  - To be changed to
  - Does a permit holder have to carry their class 12 or 13 permit?
- 1(a) His or her class 12 or 13 permit on the retail licensed premises; and
  - To be changed to
  - Their class 12 or 13 permit on the retail licensed premises; and
- (3) A person shall be in violation if he or she falsifies a class 12 or 13 permit or keeps or possesses a class 12 or 13 permit contrary to the provisions of this title.
  - To be changed to
  - A person shall be in violation if they falsify a class 12 or 13 permit or keeps or possesses a class 12 or 13 permit contrary to the provisions of this title.

- 314-17-040

- (1) An eighteen, nineteen or twenty year-old person may take a class 12 training course and pass the corresponding exam; however, he or she may be issued only a class 13 permit. Upon turning twenty-one years of age, such a person who obtains a class 13 permit after taking and passing a class 12 training course and exam may request that a provider or trainer upgrade class 13 permit to a class 12 permit.
  - To be changed to
  - An eighteen, nineteen or twenty year-old person may take a class 12 training course and pass the corresponding exam; however, they may be issued only a class 13 permit. Upon turning twenty-one years of age, such a person who obtains a class 13 permit after taking and passing a class 12 training course and exam may request that a provider or trainer upgrade their class 13 permit to a class 12 permit.

- 314-17-045

- (1) If a person completes an alcohol server training course in another state and that training course is also certified in the state of Washington, **he or she** may receive a class 12 or 13 permit in Washington by completing the provider's board-certified Washington state supplement to the program and passing the standardized exam.
  - To be changed to
  - If a person completes an alcohol server training course in another state and that training course is also certified in the state of Washington, **they** may receive a class 12 or 13 permit in Washington by completing the provider's board-certified Washington state supplement to the program and passing the standardized exam.
- 314-17-060
  - 2(b) A statement that says, "If you have questions, comments or complaints about the program, please contact the **Liquor Control Board**," and includes the appropriate board contact information; and
    - To be changed to
    - A statement that says, "If you have questions, comments or complaints about the program, please contact the **liquor and cannabis board**," and includes the appropriate board contact information; and
- 314-17-065
  - (5) A trainer may not begin to teach a training course until a trainer receives **his or her** certification from the board.
    - To be changed to
    - A trainer may not begin to teach a training course until a trainer receives **his or her** certification from the board.
  - (7) It is the responsibility of a provider to keep the board informed of its current trainers. In this effort, a provider must notify the board within seventy-two hours of the termination of a trainer or within seventy-two hours of when a provider is notified that a trainer has terminated **his or her** employment.
    - To be changed to
    - It is the responsibility of a provider to keep the board informed of its current trainers. In this effort, a provider must notify the board within seventy-two hours of the termination of a trainer or within seventy-two hours of when a provider is notified that a trainer has terminated **their** employment.

### 314-18

- 314-18-030

- 5(a) The function to be held by the individual is of a personal, noncommercial type which would normally be held in the individual's private home but for space considerations. Examples being a birthday party, wedding reception, bar mitzvah, etc. In lieu of holding the function in his or her home, the individual has arranged for use of a facility which is to be closed off from the public during the function and which is not on any licensed premises.
  - To be changed to
  - The function to be held by the individual is of a personal, noncommercial type which would normally be held in the individual's private home but for space considerations. Examples being a birthday party, wedding reception, bar mitzvah, etc. In lieu of holding the function in their home, the individual has arranged for use of a facility which is to be closed off from the public during the function and which is not on any licensed premises.
- 314-18-040
  - (5) When the application is for a banquet permit for an event to be held in or at a state armory used for military purposes, permits will be issued provided that approval, in writing, by the adjutant general or his/her designee is furnished by the applicant to the board and to the chief of police of the incorporated city or town in which the armory is located or to the county sheriff if the armory is located outside the boundaries of incorporated cities or towns.
    - To be changed to
    - When the application is for a banquet permit for an event to be held in or at a state armory used for military purposes, permits will be issued provided that approval, in writing, by the adjutant general or their designee is furnished by the applicant to the board and to the chief of police of the incorporated city or town in which the armory is located or to the county sheriff if the armory is located outside the boundaries of incorporated cities or towns.

**314-19**

- 314-19-015
  - 2(b) New licensees who anticipate taxable sales of wine in Washington state of less than six thousand gallons must request by notifying the liquor control board within thirty days of license issuance that they would like to file annually;
    - To be changed to
    - New licensees who anticipate taxable sales of wine in Washington state of less than six thousand gallons must request by notifying the

liquor **and cannabis** board within thirty days of license issuance that they would like to file annually;

- 314-19-020

- [table] (2) Absent a postmark, the date received at the Washington state liquor **control** board, or designee, will be used to determine if penalties are to be assessed.
  - To be changed to
  - Absent a postmark, the date received at the Washington state liquor **and cannabis** board, or designee, will be used to determine if penalties are to be assessed.
- [table] 3(a)(iii) Payable to the Washington state liquor **control** board; and
  - To be changed to
  - Payable to the Washington state liquor **and cannabis** board; and

**314-20**

- 314-20-018

- 2(f) The brewery, microbrewery, or winery is required to send a list of scheduled beer and wine samplings to the liquor **control** board at MIWenforce@lcb.wa.gov at the beginning of each month. The date for each beer and wine sampling must be included.
  - To be changed to
  - The brewery, microbrewery, or winery is required to send a list of scheduled beer and wine samplings to the liquor **and cannabis** board at MIWenforce@lcb.wa.gov at the beginning of each month. The date for each beer and wine sampling must be included.
- 2(g) The farmer's market is also required to send a list of scheduled beer and wine samplings to the liquor **control** board at MIWenforce@lcb.wa.gov at the beginning of each month. The date for each beer and wine sampling, and the names of the brewery, microbrewery, and winery providing the samples must be included.
  - To be changed to
  - The farmer's market is also required to send a list of scheduled beer and wine samplings to the liquor **and cannabis** board at MIWenforce@lcb.wa.gov at the beginning of each month. The date for each beer and wine sampling, and the names of the brewery, microbrewery, and winery providing the samples must be included.

- 314-20-050

- (3) Each brewery, beer distributor, and beer importer may maintain microfilm records containing reproductions (including microfiche) of any record, document, or report if first approved by the board. Request for



approval shall be directed to the financial division of the Washington state liquor **control** board and must include the following information:

- To be changed to
- Each brewery, beer distributor, and beer importer may maintain microfilm records containing reproductions (including microfiche) of any record, document, or report if first approved by the board. Request for approval shall be directed to the financial division of the Washington state liquor **and cannabis** board and must include the following information:

- 314-20-100

- 3(a) The following guidelines apply when a beer supplier makes a distributor change outside of the regular distributor appointment timelines. The supplier must notify the board in writing that **he/she wishes** to change **his/her** current distributor and appoint a new distributor to be effective immediately.

- To be changed to
- The following guidelines apply when a beer supplier makes a distributor change outside of the regular distributor appointment timelines. The supplier must notify the board in writing that **they wish** to change **their** current distributor and appoint a new distributor to be effective immediately.

- 314-20-140

- No beer importer shall import or transport or cause to be transported into the state of Washington any brand of beer manufactured within or outside of the United States but outside the state of Washington, unless such importer shall have first filed with the board a notice of his intention so to do, and shall have ascertained from the board that the brewer manufacturing such beer or United States foreign importer of such beer, has obtained from the Washington state liquor **control** board a certificate of approval as provided in section 23-F of the Washington State Liquor Act (RCW 66.24.270).

- To be changed to
- No beer importer shall import or transport or cause to be transported into the state of Washington any brand of beer manufactured within or outside of the United States but outside the state of Washington, unless such importer shall have first filed with the board a notice of their intention so to do, and shall have ascertained from the board that the brewer manufacturing such beer or United States foreign importer of such beer, has obtained from the Washington state liquor **and cannabis** board a certificate of

approval as provided in section 23-F of the Washington State Liquor Act (RCW 66.24.270).

### 314-21

- 314-21-005
  - (3) Per RCW **66.44.290**, violations occurring under an in-house controlled purchase program may not be used for criminal prosecution or administrative action by the liquor **control** board.
    - To be changed to
    - Per RCW **66.44.290**, violations occurring under an in-house controlled purchase program may not be used for criminal prosecution or administrative action by the liquor **and cannabis** board.
- 314-21-015
  - [intro] A retail liquor licensee must receive prior written approval from the liquor **control** board's enforcement and education division before conducting an in-house controlled purchase program.
    - To be changed to
    - A retail liquor licensee must receive prior written approval from the liquor **and cannabis** board's enforcement and education division before conducting an in-house controlled purchase program.
  - (2) It will take up to twenty days for the licensee to receive written approval from the liquor **control** board's enforcement and education division once the licensee submits a properly completed written request, therefore the licensee must submit his/her request in writing to the board's enforcement and education division at least twenty working days prior to the first controlled purchase program.
    - To be changed to
    - It will take up to twenty days for the licensee to receive written approval from the liquor **and cannabis** board's enforcement and education division once the licensee submits a properly completed written request, therefore the licensee must submit their request in writing to the board's enforcement and education division at least twenty working days prior to the first controlled purchase program.
- 314-21-025
  - (1) The licensee must keep a statement on file signed by the licensee and each employee indicating that the employee has received training regarding the sale of liquor to persons under twenty-one years of age. Restaurant, tavern, or sports/entertainment facility licensees must keep on file either such a statement for each employee or a copy of the employee's mandatory alcohol server training permit. These records must be

maintained on the licensed premises, available for inspection by the board, unless otherwise approved in writing by the liquor **control** board's enforcement and education division.

- To be changed to
- The licensee must keep a statement on file signed by the licensee and each employee indicating that the employee has received training regarding the sale of liquor to persons under twenty-one years of age. Restaurant, tavern, or sports/entertainment facility licensees must keep on file either such a statement for each employee or a copy of the employee's mandatory alcohol server training permit. These records must be maintained on the licensed premises, available for inspection by the board, unless otherwise approved in writing by the liquor **and cannabis** board's enforcement and education division.
- (8) Per RCW **66.44.290**, the licensee must provide **his/her** employees a written description of the employer's in-house controlled purchase program, which must include a notice of action an employer may take as a consequence of an employee's failure to comply with the employer's policies regarding the sale of alcohol during an in-house controlled purchase program.
  - To be changed to
  - Per RCW **66.44.290**, the licensee must provide **their** employees a written description of the employer's in-house controlled purchase program, which must include a notice of action an employer may take as a consequence of an employee's failure to comply with the employer's policies regarding the sale of alcohol during an in-house controlled purchase program.

### 314-24

- 314-24-070
  - 2(d) A domestic winery, a licensed wine distributor, or bonded wine warehouse directly receiving previously exported Washington wine must comply with tax collection and tracking requirements initiated by the liquor **control** board.
    - To be changed to
    - A domestic winery, a licensed wine distributor, or bonded wine warehouse directly receiving previously exported Washington wine must comply with tax collection and tracking requirements initiated by the liquor **and cannabis** board.
- 314-24-115

- (3) Certain duties: No wine importer shall import or transport or cause to be transported into the state of Washington any brand of wine manufactured within the United States but outside the state of Washington, unless such importer shall have first filed with the board a notice of his intention so to do, and shall have ascertained from the board that the winery manufacturing such wine has obtained from the Washington state liquor control board a certificate of approval as provided in the Washington State Liquor Act (section 10, chapter 21, Laws of 1969 ex. sess.).
  - To be changed to
  - Certain duties: No wine importer shall import or transport or cause to be transported into the state of Washington any brand of wine manufactured within the United States but outside the state of Washington, unless such importer shall have first filed with the board a notice of their intention so to do, and shall have ascertained from the board that the winery manufacturing such wine has obtained from the Washington state liquor and cannabis board a certificate of approval as provided in the Washington State Liquor Act (section 10, chapter 21, Laws of 1969 ex. sess.).
- 314-24-150
  - (5) Licensees and permittees may maintain microfilm records containing reproductions (including microfiche) of any record, document, or report if first approved by the board. Request for approval shall be directed to the financial division of the Washington state liquor control board and must include the following information:
    - To be changed to
    - Licensees and permittees may maintain microfilm records containing reproductions (including microfiche) of any record, document, or report if first approved by the board. Request for approval shall be directed to the financial division of the Washington state liquor and cannabis board and must include the following information:
- 314-24-175
  - 2(f) The brewery, microbrewery, or winery is required to send a list of scheduled beer and wine samplings to the liquor control board at MIWenforce@lcb.wa.gov at the beginning of each month. The date for each beer and wine sampling must be included.
    - To be changed to
    - The brewery, microbrewery, or winery is required to send a list of scheduled beer and wine samplings to the liquor and cannabis

board at MIWenforce@lcb.wa.gov at the beginning of each month.

The date for each beer and wine sampling must be included.

- 2(g) The farmer's market is also required to send a list of scheduled beer and wine samplings to the liquor **control** board at MIWenforce@lcb.wa.gov at the beginning of each month. The date for each beer and wine sampling, and the names of the brewery, microbrewery, and winery providing the samples must be included.
  - To be changed to
  - The farmer's market is also required to send a list of scheduled beer and wine samplings to the liquor **and cannabis** board at MIWenforce@lcb.wa.gov at the beginning of each month. The date for each beer and wine sampling, and the names of the brewery, microbrewery, and winery providing the samples must be included.
- 314-24-190
  - 3(a) The following guidelines apply when a wine supplier makes a distributor change. The supplier must notify the board in writing that **he/she wishes** to change **his/her** current distributor and appoint a new distributor.
    - To be changed to
    - The following guidelines apply when a wine supplier makes a distributor change. The supplier must notify the board in writing that **they wish** to change **their** current distributor and appoint a new distributor.

### 314-25

- 314-25-040
  - (3) Every statement will be notarized and remain valid for twelve calendar months after the date of signing and be signed by the master of the ship or **his/her** agent with the ships stamp affixed and countersigned by the ships chandler or their employee.
    - To be changed to
    - Every statement will be notarized and remain valid for twelve calendar months after the date of signing and be signed by the master of the ship or **their** agent with the ships stamp affixed and countersigned by the ships chandler or their employee.

### 314-28

- 314-28-100
  - 4(e) Internet. To sell spirits via the internet, a new spirits distillery or craft distillery license applicant must request internet sales privileges in **his or her** application. An existing spirits distillery or craft distillery licensee must notify the board prior to beginning internet sales. A corporate entity

representing multiple stores may notify the board in a single letter on behalf of affiliated spirits distillery or craft distillery licensees, as long as the liquor license numbers of all licensee locations utilizing internet sales privileges are clearly identified.

- To be changed to
- Internet. To sell spirits via the internet, a new spirits distillery or craft distillery license applicant must request internet sales privileges in **their** application. An existing spirits distillery or craft distillery licensee must notify the board prior to beginning internet sales. A corporate entity representing multiple stores may notify the board in a single letter on behalf of affiliated spirits distillery or craft distillery licensees, as long as the liquor license numbers of all licensee locations utilizing internet sales privileges are clearly identified

### 314-29

- 314-39-007
  - [title] How may a licensee challenge the summary suspension of **his or her** liquor license?
    - To be changed to
    - How may a licensee challenge the summary suspension of **their** liquor license?
- 314-29-040
  - 3(a) A retail liquor licensee may operate **his/her** business provided there is no sale, delivery, service, consumption, removal, or receipt of liquor. No banquet permit or special occasion function may be held on the premises during a period of liquor license suspension.
    - To be changed to
    - A retail liquor licensee may operate **their** business provided there is no sale, delivery, service, consumption, removal, or receipt of liquor. No banquet permit or special occasion function may be held on the premises during a period of liquor license suspension.
  - 3(b) A nonretail licensee may operate **his/her** business provided there is no sale, delivery, service, consumption, removal, or receipt of liquor.
    - To be changed to
    - A nonretail licensee may operate **their** business provided there is no sale, delivery, service, consumption, removal, or receipt of liquor.

### 314-31

- 314-31-005
  - (1) The Washington state liquor **control** board authorizes enforcement officers and investigative aides working with enforcement officers to

conduct liquor compliance checks at any location where alcohol is sold, served or provided.

- To be changed to
- The Washington state liquor **and cannabis** board authorizes enforcement officers and investigative aides working with enforcement officers to conduct liquor compliance checks at any location where alcohol is sold, served or provided.
- (2) Investigative aides working at the direction of enforcement officers during a liquor compliance check are considered agents of the Washington state liquor **control** board.
  - To be changed to
  - Investigative aides working at the direction of enforcement officers during a liquor compliance check are considered agents of the Washington state liquor **and cannabis** board.
- (3) Violations involving a licensee, its employee, or a member of the public that result from a liquor compliance check are subject to criminal arrest and/or administrative action by the liquor **control** board.
  - To be changed to
  - Violations involving a licensee, its employee, or a member of the public that result from a liquor compliance check are subject to criminal arrest and/or administrative action by the liquor **and cannabis** board.

### 314-34

- 314-34-020
  - (1) On the date a cigarette and/or tobacco products license suspension goes into effect, a liquor enforcement officer will post a suspension notice in a conspicuous place on or about the licensed premises. This notice will state that the license has been suspended by order of the liquor **control** board due to a violation of a cigarette or tobacco products law or rule.
    - To be changed to
    - On the date a cigarette and/or tobacco products license suspension goes into effect, a liquor enforcement officer will post a suspension notice in a conspicuous place on or about the licensed premises. This notice will state that the license has been suspended by order of the liquor **and cannabis** board due to a violation of a cigarette or tobacco products law or rule.
  - 2(d) May not advertise by any means that the licensed premises is closed for any reason other than as stated in the liquor **control** board's suspension notice.
    - To be changed to

- May not advertise by any means that the licensed premises is closed for any reason other than as stated in the liquor **and cannabis** board's suspension notice.
- 3(a) A retail cigarette and/or tobacco products licensee may operate **his/her** business provided there is no sale, delivery, removal, or receipt of cigarette and tobacco products.
  - To be changed to
  - A retail cigarette and/or tobacco products licensee may operate **their** business provided there is no sale, delivery, removal, or receipt of cigarette and tobacco products.
- 3(b) A cigarette wholesaler and tobacco products distributor licensee may operate **his/her** business provided there is no sale, delivery, removal, or receipt of cigarette and tobacco products.
  - To be changed to
  - A cigarette wholesaler and tobacco products distributor licensee may operate **their** business provided there is no sale, delivery, removal, or receipt of cigarette and tobacco products.

**314-35**

- 314-35-060
  - 3(b) A conveyance subject to forfeiture under this section by reason of any act or omission of which the owner establishes to have been committed or omitted without **his or her** knowledge or consent; or
    - To be changed to
    - A conveyance subject to forfeiture under this section by reason of any act or omission of which the owner establishes to have been committed or omitted without **their** knowledge or consent; or

**314-36**

- 314-35-060
  - (1) No public storage warehouse shall accept, receive, or store or otherwise handle any spirits, beer, or wine, without first obtaining from the Washington state liquor **control** board a letter of authorization.
    - To be changed to
    - No public storage warehouse shall accept, receive, or store or otherwise handle any spirits, beer, or wine, without first obtaining from the Washington state liquor **and cannabis** board a letter of authorization.

**314-42**

- [title] LIQUOR **CONTROL** BOARD OPERATIONS
  - To be changed to
  - LIQUOR **AND CANNABIS** BOARD OPERATIONS



- 314-42-010
  - [title] Liquor **control** board administrative director.
    - To be changed to
    - Liquor **and cannabis** board administrative director.
  - (1) The purpose of this rule is to ensure efficient and consistent administration of the liquor **control** board through the delegation of certain administrative functions to an administrative director. The delegation of administrative functions by the board, as provided for in this section, does not alter the board's statutory responsibility to administer Title **66** RCW.
    - To be changed to
    - The purpose of this rule is to ensure efficient and consistent administration of the liquor **and cannabis** board through the delegation of certain administrative functions to an administrative director. The delegation of administrative functions by the board, as provided for in this section, does not alter the board's statutory responsibility to administer Title **66** RCW.
  - 3(a) Appointing authority as defined by WAC **356-05-040**, **356-30-007**, and **356-34-011** for all liquor **control** board employees, with the exception of the director and staff of the policy, legislative, and media relations division as described in subsection (4)(e) and staff that report directly to the board members;
    - To be changed to
    - Appointing authority as defined by WAC **356-05-040**, **356-30-007**, and **356-34-011** for all liquor **and cannabis** board employees, with the exception of the director and staff of the policy, legislative, and media relations division as described in subsection (4)(e) and staff that report directly to the board members;
- 314-42-020
  - [introduction] During an adjudicative proceeding, no person may appear in a representative capacity before the Washington state liquor **control** board or its designated hearing officer other than the following:
    - To be changed to
    - During an adjudicative proceeding, no person may appear in a representative capacity before the Washington state liquor **and cannabis** board or its designated hearing officer other than the following:
- 314-42-095
  - 2(a) Either the licensee, permit holder, or the assistant attorney general may file a petition for review of the initial order with the liquor **control** board within twenty days of the date of service of the initial order. With notice to

all parties the board may change the time for filing a petition for review of the initial order. The board may extend or shorten the filing time based on a voluntary stipulation of the parties or upon motion of a party that demonstrates a clear and convincing showing of exigent circumstances.

The petition for review must:

- To be changed to
- Either the licensee, permit holder, or the assistant attorney general may file a petition for review of the initial order with the liquor and cannabis board within twenty days of the date of service of the initial order. With notice to all parties the board may change the time for filing a petition for review of the initial order. The board may extend or shorten the filing time based on a voluntary stipulation of the parties or upon motion of a party that demonstrates a clear and convincing showing of exigent circumstances. The petition for review must:
  - 2(b) Within ten days after service of the petition for review, any party may file a reply with the liquor control board and copies of the reply must be mailed to all other parties or their representatives at the time the reply is filed.
    - To be changed to
    - Within ten days after service of the petition for review, any party may file a reply with the liquor control board and copies of the reply must be mailed to all other parties or their representatives at the time the reply is filed.
- 314-42-115
  - 1(b) Request from department of revenue to the liquor control board requesting suspension of the liquor license.
    - To be changed to
    - Request from department of revenue to the liquor and cannabis board requesting suspension of the liquor license.
  - 13(b) A copy of the written liquor control board suspension order; and
    - To be changed to
    - A copy of the written liquor and cannabis board suspension order; and
  - 14(c) A copy of the written liquor control board suspension order; and
    - To be changed to
    - A copy of the written liquor and cannabis board suspension order; and
  - 17(d) The letter of denial from the liquor control board;
    - To be changed to

- The letter of denial from the liquor and cannabis board;
- 24(b) Documentation from liquor control board records or any other state demonstrating the action taken against the applicant.
  - To be changed to
  - Documentation from liquor and cannabis board records or any other state demonstrating the action taken against the applicant.
- 314-42-120
  - (3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.
    - To be changed to
    - The presiding officer for brief adjudicative proceedings may, in their discretion, entertain oral argument from the parties or their representatives.

### 314-44

- 314-44-005
  - (3) An agent's license may be issued to the accredited representative of a distiller, manufacturer, importer, or distributor of spirituous liquor, or foreign produced beer or wine. A person, firm, or corporation so qualified, is herein defined to be an eligible employer. Such employer shall apply to the board for such an agent's license for his accredited representatives on application forms prescribed and furnished by the board. This subsection shall not apply to drivers who deliver beer or wine or to domestic wineries or their employees. Employees of a domestic winery must have identification on them that indicates they work for the winery. Identification may be in the form of a winery's business card, employee badge, or similar identification.
    - To be changed to
    - An agent's license may be issued to the accredited representative of a distiller, manufacturer, importer, or distributor of spirituous liquor, or foreign produced beer or wine. A person, firm, or corporation so qualified, is herein defined to be an eligible employer. Such employer shall apply to the board for such an agent's license for their accredited representatives on application forms prescribed and furnished by the board. This subsection shall not apply to drivers who deliver beer or wine or to domestic wineries or their employees. Employees of a domestic winery must have identification on them that indicates they work for the winery. Identification may be in the form of a winery's business card, employee badge, or similar identification.

- (4) Any person acting as an independent contractor for a winery must have an agent's license. An independent contractor is defined as an independent business person who runs his or her own business that provides services to another individual or business. The independent contractor is a separate business entity. The earnings of a person who is working as an independent contractor are subject to self-employment tax.
  - To be changed to
  - Any person acting as an independent contractor for a winery must have an agent's license. An independent contractor is defined as an independent business person who runs their own business that provides services to another individual or business. The independent contractor is a separate business entity. The earnings of a person who is working as an independent contractor are subject to self-employment tax.
- (8) Upon the termination of the employment of a licensed agent, his employer shall immediately notify the board and with such notice return to the board the agent's license issued to such person.
  - To be changed to
  - Upon the termination of the employment of a licensed agent, their employer shall immediately notify the board and with such notice return to the board the agent's license issued to such person.

### 314-52

- 314-52-005
  - (1) The liquor control board regulates alcohol advertising to promote public safety, prevent the misuse of alcohol and reduce youth exposure to alcohol advertising and marketing. These rules provide reasonable regulations as to the kind, character, size, and location of advertising of liquor, as authorized by RCW 66.08.060.
    - To be changed to
    - The liquor and cannabis board regulates alcohol advertising to promote public safety, prevent the misuse of alcohol and reduce youth exposure to alcohol advertising and marketing. These rules provide reasonable regulations as to the kind, character, size, and location of advertising of liquor, as authorized by RCW 66.08.060.
  - (3) The board holds each manufacturer, importer, distributor, or retailer of liquor responsible for complying with the advertising rules of the Washington state liquor control board in any advertising material placed by them or on their behalf by their agents. If desired, advertising may be submitted prior to publication for an advisory opinion by the Washington state liquor control board, but advisory opinions will be restricted to

advertising material submitted by manufacturers, importers, distributors, or retailers of liquor, or their agents.

- To be changed to
- The board holds each manufacturer, importer, distributor, or retailer of liquor responsible for complying with the advertising rules of the Washington state liquor **and cannabis** board in any advertising material placed by them or on their behalf by their agents. If desired, advertising may be submitted prior to publication for an advisory opinion by the Washington state liquor **and cannabis** board, but advisory opinions will be restricted to advertising material submitted by manufacturers, importers, distributors, or retailers of liquor, or their agents.
- 314-52-015
  - 1(c) Uses the Washington state liquor **control** board's seal or refers to Washington state liquor control board, except where required by law;
    - To be changed to
    - Uses the Washington state liquor **and cannabis** board's seal or refers to Washington state liquor **and cannabis** board, except where required by law;

### 314-55

- 314-55-010
  - (37) "Residence" means a person's address where **he or she** physically resides and maintains **his or her** abode.
    - To be changed to
    - "Residence" means a person's address where **they** physically resides and maintains **their** abode.

### 314-60

- 314-60-080
  - (2) If the public records officer or designee accepts a request other than in writing, **he or she** will confirm receipt of the information and the substance of the request in writing.
    - To be changed to
    - If the public records officer or designee accepts a request other than in writing, **they** will confirm receipt of the information and the substance of the request in writing.
- 314-60-085
  - (4) **Protecting the rights of others.** If the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer or designee may, prior to providing

the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask **him or her** to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

- To be changed to
- **Protecting the rights of others.** If the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer or designee may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask **them** to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.
- 6(a) Consistent with other demands, the WSLCB shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. If, after inspecting a record or records, the requestor wishes to receive a copy of a particular record or records, **he or she** should so indicate to the public records officer or designee. Copies will be provided pursuant to subsection (7) of this section.
  - To be changed to
  - Consistent with other demands, the WSLCB shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. If, after inspecting a record or records, the requestor wishes to receive a copy of a particular record or records, **they** should so indicate to the public records officer or designee. Copies will be provided pursuant to subsection (7) of this section.
- 6(b) The requestor must review the assembled records within thirty days of the WSLCB's notification to **him or her** that the records are available for inspection. The agency will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the agency to make arrangements to review the records. If the requestor or a representative of the requestor fails to review the records within the thirty-day period or make other arrangements, the WSLCB may close the request. If the requestor subsequently files the same or a substantially similar request, that subsequent request will be considered a new request

and will be processed in the order allowing the greatest number of requests to be processed in the most efficient manner.

- To be changed to
  - The requestor must review the assembled records within thirty days of the WSLCB's notification to **them** that the records are available for inspection. The agency will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the agency to make arrangements to review the records. If the requestor or a representative of the requestor fails to review the records within the thirty-day period or make other arrangements, the WSLCB may close the request. If the requestor subsequently files the same or a substantially similar request, that subsequent request will be considered a new request and will be processed in the order allowing the greatest number of requests to be processed in the most efficient manner.
- 7(b) Copies may be mailed or emailed to the requestor, or made available for pickup at the WSLCB's offices, depending on the format of the records and the request of the requestor. If the copies are available for pickup at the WSLCB's offices, the requestor must pay for and pick up the copies within thirty days of the WSLCB's notification to **him or her** that the copies are available for pickup. The WSLCB will notify the requestor in writing of this requirement and inform the requestor that **he or she** should contact the WSLCB to make arrangements to pay for and pick up the copies. If the requestor fails to pay for or pick up the copies within the thirty-day period, or fails to make other arrangements, the WSLCB may close the request. If the requestor subsequently files the same or a substantially similar request, that subsequent request will be considered a new request and will be processed in the order allowing the greatest number of requests to be processed in the most efficient manner.
- To be changed to
  - Copies may be mailed or emailed to the requestor, or made available for pickup at the WSLCB's offices, depending on the format of the records and the request of the requestor. If the copies are available for pickup at the WSLCB's offices, the requestor must pay for and pick up the copies within thirty days of the WSLCB's notification to **them** that the copies are available for pickup. The WSLCB will notify the requestor in writing of this requirement and inform the requestor that **they** should contact the WSLCB to make arrangements to pay for and pick up the copies. If the requestor fails to pay for or pick up the copies within the thirty-day period, or

fails to make other arrangements, the WSLCB may close the request. If the requestor subsequently files the same or a substantially similar request, that subsequent request will be considered a new request and will be processed in the order allowing the greatest number of requests to be processed in the most efficient manner.

- (9) **Providing records in installments.** When the request is for a large number of records, the public records officer or designee will provide access for inspection or copies of records in installments, if **he or she** reasonably determines that it would be practical to provide the records in that way. Costs for each installment of copies of records must be paid to the WSLCB prior to delivery of the installment. If, within thirty days, the requestor fails to pay for one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.
  - To be changed to
  - **Providing records in installments.** When the request is for a large number of records, the public records officer or designee will provide access for inspection or copies of records in installments, if **they** reasonably determines that it would be practical to provide the records in that way. Costs for each installment of copies of records must be paid to the WSLCB prior to delivery of the installment. If, within thirty days, the requestor fails to pay for one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.
- (11) **Closing withdrawn or abandoned request.** When the requestor either withdraws the request or fails to fulfill **his or her** obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer or designee will close the request and indicate the closure to the requestor.
  - To be changed to
  - **Closing withdrawn or abandoned request.** When the requestor either withdraws the request or fails to fulfill **their** obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer or designee will close the request and indicate the closure to the requestor.

### 314-64

- 314-64-090
  - (1) Each brewer, winery, importer or wholesaler who furnishes samples of beer or wine to licensees shall keep at **his** place of business a complete



record of the disposition of such samples, which record shall show (a) the name and address of the importer, wholesaler or retail licensee to whom the samples were furnished, (b) the brand name and type, (c) the quantities furnished to each importer, wholesaler or retail licensee, and (d) the date the samples were furnished.

- To be changed to
- Each brewer, winery, importer or wholesaler who furnishes samples of beer or wine to licensees shall keep at **their** place of business a complete record of the disposition of such samples, which record shall show (a) the name and address of the importer, wholesaler or retail licensee to whom the samples were furnished, (b) the brand name and type, (c) the quantities furnished to each importer, wholesaler or retail licensee, and (d) the date the samples were furnished.
- (2) Each importer or wholesaler who receives samples of beer or wine shall keep at **his** place of business a complete current record of all such samples received, showing (a) the name and address of the brewer, winery, importer or wholesaler from whom the samples were received, (b) the brand name and type, (c) the quantities received, and (d) the date the samples were received.
  - To be changed to
  - Each importer or wholesaler who receives samples of beer or wine shall keep at **their** place of business a complete current record of all such samples received, showing (a) the name and address of the brewer, winery, importer or wholesaler from whom the samples were received, (b) the brand name and type, (c) the quantities received, and (d) the date the samples were received.
- (3) Each retail licensee who receives samples of beer or wine shall keep at **his** place of business a complete current record of all such samples received, showing (a) the name and address of the brewer, winery, importer or wholesaler from whom the samples were received, (b) the brand name and type, (c) the quantities received, and (d) the date the samples were received.
  - To be changed to
  - Each retail licensee who receives samples of beer or wine shall keep at **their** place of business a complete current record of all such samples received, showing (a) the name and address of the brewer, winery, importer or wholesaler from whom the samples were received, (b) the brand name and type, (c) the quantities received, and (d) the date the samples were received.

### 314-68

- 314-68-040
  - (4) Send a copy of the form with payment within ten days to the Washington State Liquor Control Board, Purchasing Division, Olympia, Washington.
    - To be changed to
    - Send a copy of the form with payment within ten days to the Washington state liquor and cannabis board, Purchasing Division, Olympia, Washington.
- 314-68-050
  - 2(a) Mail a list of the items to be brought into the state to the Washington State Liquor Control Board, Purchasing Division, Olympia, Washington.
    - To be changed to
    - Mail a list of the items to be brought into the state to the Washington state liquor and cannabis board, Purchasing Division, Olympia, Washington.
  - 3(v) Mail a copy of the form with payment within ten days to the Washington State Liquor Control Board, Purchasing Division, Olympia, Washington.
    - To be changed to
    - Mail a copy of the form with payment within ten days to the Washington state liquor and cannabis board, Purchasing Division, Olympia, Washington.

### 314-72

- 314-72-020
  - Pursuant to WAC 197-10-800, the liquor control board has reviewed its authorized activities and found them to be exempt under the provisions of chapter 197-10 WAC.
    - To be changed to
    - Pursuant to WAC 197-10-800, the liquor and cannabis board has reviewed its authorized activities and found them to be exempt under the provisions of chapter 197-10 WAC.