



PROPOSED RULE MAKING

CR-102 (June 2024) (Implements RCW 34.05.320) Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: June 04, 2025

TIME: 11:29 AM

WSR 25-12-117

Agency: Washington State Liquor and Cannabis Board

☒ **Original Notice**

☐ **Supplemental Notice to WSR** _____

☐ **Continuance of WSR** _____

☒ **Preproposal Statement of Inquiry was filed as WSR 24-21-049 ; or**

☐ **Expedited Rule Making--Proposed notice was filed as WSR** _____; or

☐ **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**

☐ **Proposal is exempt under RCW** _____.

Title of rule and other identifying information: (describe subject) Title 314 WAC. The Washington State Liquor and Cannabis Board (Board) is proposing amendments to the following sections of Title 314 WAC to address two petitions for rulemaking accepted in April 2023 and accepted in part in July 2023 regarding acceptable forms of identification for alcohol and cannabis customer age verification:

WAC 314-01-005 - Definitions

WAC 314-11-025 – What are the acceptable forms of identification?

WAC 314-17-025 – Does a permit holder have to carry his or her class 12 or 13 permit?

WAC 314-17-110 – May the board impose sanctions or penalties other than those described in WAC 314-17-105?

WAC 314-55-150 – What are the acceptable forms of identification?

Hearing location(s):

| Date: | Time: | Location: (be specific) | Comment: |
|-----------------|----------|--|--|
| August 14, 2025 | 10:00 AM | All public Board activity will be held in a “hybrid” environment. This means that the public will have options for in-person or virtual attendance. The Boardroom at the headquarters building in Olympia (1025 Union Avenue, Olympia, WA 98504) will be open for in-person attendance. The public may also login using a computer or device, or call-in using a phone, to listen to the meeting through the Microsoft Teams application. The public may provide verbal comments during the specified public comment and rules hearing segments. TVW also regularly airs these meetings. Please note that although the Boardroom will be staffed during a meeting, Board Members and agency participants may continue to appear virtually. | The LCB encourages those who would like to provide public comment to register in advance. Those who have not registered by 10 a.m. on the hearing date, or who arrive after the hearing has started, cannot be guaranteed the opportunity to speak. For more information about providing verbal comments at rules public hearings, please visit: https://lcb.wa.gov/laws/laws-and-rules |

Date of intended adoption: Not earlier than September 10, 2025. _ (Note: This is **NOT** the **effective** date)

Submit written comments to:

Assistance for persons with disabilities:

| | |
|--|---|
| Name Jeff Kildahl, Rules Coordinator | Contact Anita Bingham, ADA Coordinator, Human Resources |
| Address PO Box 43080, Olympia, WA 98504 | Phone 360-664-1739 |
| Email rules@lcb.wa.gov | Fax 360-664-9689 |
| Fax 360-704-5027 | TTY 7-1-1 or 1-800-833-6388 |
| Other | Email anita.bingham@lcb.wa.gov |
| Beginning (date and time) June 4, 2025, 12:00 PM | Other |
| By (date and time) August 14, 2025, 5:00 PM | By (date) August, 2025 |

Purpose of the proposal and its anticipated effects, including any changes in existing rules: In April 2023, the LCB accepted a petition for rulemaking from a member of the public requesting to amend WAC 314-11-025 to add an additional form of identification issued by the U.S. government that satisfies the requirements of WAC 314-11-025 to the list of acceptable forms of identification in WAC 314-11-025 (3). The petition exemplifies that WAC 314-11-025 (3) does not contain an exhaustive list of forms of identification that are acceptable under WAC 314-11-025.

In July 2023, the LCB accepted in part a petition for rulemaking from a member of the public to replace references to an obsolete statute in WAC 314-01-005, WAC 314-17-025, and WAC 314-17-110 with WAC 314-11-025. Because both petitions address acceptable forms of identification regarding the sale, service, possession, and consumption of alcohol and cannabis, it was logical and cost-effective to combine these two petitions into a single rulemaking project.

Reasons supporting proposal: Amendments on this subject are needed to consider modernize current rules.

Statutory authority for adoption: RCW 66.08.030 (alcohol); RCW 66.20.330 (alcohol servers); RCW 66.98.070 (alcohol); RCW 69.50.342 (cannabis); RCW 69.50.345 (cannabis).

Statute being implemented:

Is rule necessary because of a:

| | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Name of proponent: (person or organization) Washington State Liquor and Cannabis Board

Type of proponent: ☐ Private. ☐ Public. ☒ Governmental.

Name of agency personnel responsible for:

| | Name | Office Location | Phone |
|---------------------------|---------------------------------|---------------------------------|---------------------------------|
| Drafting | Jeff Kildahl, Rules Coordinator | PO Box 43080, Olympia, WA 98504 | 360-480-7960 |
| Implementation | Lawrence Grant, Director of | PO Box 43080, Olympia, WA 98504 | 360-664-1726 |
| Enforcement and Education | Enforcement | Lawrence Grant, Director of | PO Box 43080, Olympia, WA 98504 |
| Enforcement and Education | | | 360-664-1726 |

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)? ☐ Yes ☒ No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name
Address
Phone
Fax
TTY
Email
Other

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

☐ Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name
Address
Phone

Fax
TTY
Email
Other

☒ No: Please explain: The proposed amended rules do not qualify as a significant legislative rule requiring a cost-benefit analysis under RCW 34.05.328(5). The LCB is not a listed agency under RCW 34.05.328(5)(a)(i), so the cost-benefit analysis requirements in RCW 34.05.328 are not applicable to the proposed rules unless voluntarily applied or made applicable by the joint administrative rules review committee under RCW 34.05.328(5)(a)(ii).

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

☒ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:

☐ [RCW 34.05.310](#) (4)(b)
(Internal government operations)

☐ [RCW 34.05.310](#) (4)(e)
(Dictated by statute)

☐ [RCW 34.05.310](#) (4)(c)
(Incorporation by reference)

☐ [RCW 34.05.310](#) (4)(f)
(Set or adjust fees)

☒ [RCW 34.05.310](#) (4)(d)
(Correct or clarify language)

☐ [RCW 34.05.310](#) (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

☒ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#). (Does not affect small businesses).

☐ This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule: Proposed rule amendments provide clarification of existing rules and correct outdated statutory references in rules.

(2) Scope of exemptions: *Check one.*

☒ The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.

☐ The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

☐ The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

☒ No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. The rule amendments do not impose any significant regulatory burden on licensees, but instead corrects outdated statutory references and clarifies two qualifying identification types for purchase of cannabis or purchase, consumption, or service of alcohol.

☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name
Address
Phone
Fax
TTY
Email
Other

Date: June 4, 2025

Name: Jim Vollendroff

Title: Board Chair

Signature:



AMENDATORY SECTION (Amending WSR 01-06-016, filed 2/26/01, effective 3/29/01)

WAC 314-01-005 Definitions. The following definitions apply to Title 314 WAC. Additional definitions are in RCW 66.04.010.

(1) "Licensed premises" or "premises" means all areas of a premises under the legal control of the licensee and available to or used by customers and/or employees in the conduct of business operations. Specific alcohol consumption areas of a licensed premises shall be approved by the board.

(2) "Card of identification" means the forms of identification that are acceptable to verify a person's age per ((~~RCW 66.16.040~~)) WAC 314-11-025.

(3) "Employee" means any person performing services on a licensed premises for the benefit of the licensee.

(4) "Liquor enforcement officers" means any individual designated as a liquor enforcement officer by the board, and any peace officer as defined by RCW 9A.04.110(15) as it now exists or may later be amended.

(5) "Liquor" means beer, wine, or spirits ((~~per RCW 66.04.010(19) - Definitions~~)) as defined in RCW 66.04.010.

WAC 314-11-025 ((What are the)) Acceptable forms of identification(?). (1) Acceptable forms of identification to verify a person's age for the purpose of selling, serving, or allowing a person to possess or consume alcohol must include:

- (a) The identification holder's photo;
- (b) The identification holder's date of birth; and
- (c) The identification holder's signature, except on federally issued identification where a visible signature is not required.

(2) If the identification has an expiration date, it cannot be used to verify age after the expiration date.

(3) Acceptable forms of identification include:

- (a) A driver's license, instruction permit, or identification card of any state, province of Canada, U.S. territory, or the District of Columbia, or an "identocard" issued by the Washington state department of licensing per RCW 46.20.117;

- (b) A United States armed forces identification card issued to active duty, reserve, and retired personnel and the personnel's dependents;

- (c) A passport, passport card, Global Entry card, Permanent Resident card (commonly known as a "green card"), or NEXUS card;

- (d) A Merchant Marine identification card issued by the United States Coast Guard; or

- (e) An enrollment card issued by the governing authority of a federally recognized Indian tribe, if the enrollment card incorporates reasonable security features sufficient to deter counterfeiting, which may include features similar to those used by the department of licensing for standard Washington driver's licenses.

(i) An enrollment card must be approved by the board's enforcement division prior to use as an acceptable form of identification. The tribe may request approval by submitting the following for review and inspection:

- (A) A letter requesting approval and describing the security features of the enrollment card;

- (B) A physical sample of an enrollment card; and

- (C) For tribes located outside of Washington, a contact phone number where enforcement officers may call at any time to verify the validity of the enrollment card.

(ii) After review and inspection, the board's designee will send a letter approving or denying the enrollment card as an acceptable form of identification.

(iii) The board may rescind approval if the enrollment card no longer meets the requirements of this section.

AMENDATORY SECTION (Amending WSR 10-12-124, filed 6/2/10, effective 7/3/10)

WAC 314-17-025 ((Does—a)) Requirement for permit holders ((have)) to carry ((his—her)) their class 12 or 13 permit((?)).

(1) Any time a licensee or an employee performs the duties outlined in WAC 314-17-015 at a retail licensed premises, a licensee or an employee must have:

(a) ((His—her)) Their class 12 or 13 permit on the retail licensed premises; and

(b) One form of identification (see ((RCW—66.16.040)) WAC 314-11-025 for acceptable forms of identification).

(2) Both a class 12 or 13 permit and a form of identification must be available for inspection by any representative of the board, peace officer or law enforcement officer.

(3) A person shall be in violation if ((he—she—falsifies)) 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.

(4) The name and personal identifying characteristics on a class 12 or 13 permit must match with those on a permit holder's form of identification.

AMENDATORY SECTION (Amending WSR 10-12-124, filed 6/2/10, effective 7/3/10)

WAC 314-17-110 ((May the board impose)) Sanctions or penalties ((other than)) beyond those described in WAC 314-17-105((?)).

(1) Based on aggravating or mitigating circumstances, the board may impose a different penalty or suspension than the standard penalties and suspensions described in WAC 314-17-105.

(2) Examples of aggravating and mitigating circumstances include, but are not limited to:

| (a) Examples of aggravating circumstances that may cause a more severe penalty: | (b) Examples of mitigating circumstances that may allow a less severe penalty: |
|--|---|
| <ul style="list-style-type: none">Patron's identification not checked;Noncooperation with or obstruction of any law enforcement officer;Permit holder did not call law enforcement officer when requested by a customer or a board employee. | <ul style="list-style-type: none">Permit holder checked one of the acceptable forms of identification (see ((RCW—66.16.040)) <u>WAC 314-11-025</u>);Cooperation with law enforcement officer(s);Permit holder used a licensee certification card (see RCW 66.20.190). |

WAC 314-55-150 ((What are the)) Forms of acceptable identification(?) for purchasing cannabis. (1) Following are the forms of identification that are acceptable to verify a person's age for the purpose of purchasing cannabis:

(a) Driver's license, instruction permit, or identification card of any state, or province of Canada, from a U.S. territory or the District of Columbia, or "identicard" issued by the Washington state department of licensing per RCW 46.20.117;

(b) United States armed forces identification card issued to active duty, reserve, and retired personnel and the personnel's dependents, which may include an embedded, digital signature in lieu of a visible signature;

(c) Passport, passport card, Global Entry card, Permanent Resident card (commonly known as a "green card"), or NEXUS card;

(d) Merchant Marine identification card issued by the United States Coast Guard; and

(e) Enrollment card issued by the governing authority of a federally recognized Indian tribe located in Washington, if the enrollment card incorporates security features comparable to those implemented by the department of licensing for Washington driver's licenses.

(2) The identification document is not acceptable to verify age if expired.