



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 18, 2025

TIME: 11:32 AM

WSR 25-13-116

Agency: Washington State Liquor and Cannabis Board

☒ **Original Notice**

☐ **Supplemental Notice to WSR** _____

☐ **Continuance of WSR** _____

☒ **Preproposal Statement of Inquiry was filed as WSR 25-09-169 ; 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) The Washington State Liquor and Cannabis Board (LCB) is proposing amendments WAC 314-02-045 to reduce the number days of per week that a beer and/or wine restaurant licensee must be open to the public from three days per week to two days per week.

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.	<p>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.</p> <p>For more information about providing verbal comments at rules public hearings, please visit: https://lcb.wa.gov/laws/laws-and-rules</p>

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

Submit written comments to:

Name Jeff Kildahl, Rules Coordinator

Address PO Box 43080, Olympia, WA 98504

Email rules@lcb.wa.gov

Fax 360-704-5027

Other

Beginning (date and time) June 18, 2025, 12:00 PM

Assistance for persons with disabilities:

Contact ADA Coordinator, Human Resources

Phone 360-664-1739

Fax 360-664-9689

TTY 7-1-1 or 1-800-833-6388

Email anita.bingham@lcb.wa.gov

Other

By (date and time) August 14, 2025, 5:00 PM

By (date) August 7, 2025

Purpose of the proposal and its anticipated effects, including any changes in existing rules: In December 2024, the Board accepted a petition for rulemaking from a member of the public requesting to amend WAC 314-02-045 to reduce the required number of days per week a beer and/or wine restaurant license must be open to the public to maintain their license. Currently, WAC 314-02-025(2)(b) requires these licensees be open to the public at least five hours a day, three days per week.

A number of beer and wine restaurant licensees experience wide seasonal variations in the number of customers they serve throughout the year due to seasonal fluctuations in the number of visitors to their area. Reducing the current requirement that a licensee must be open for business for at least three days per week will be beneficial to small businesses and will give these licensees more control of their business hours to save resources during slower seasons of the year.

In addition, the proposed rules update WAC 314-02-045 to reflect increases in beer and wine restaurant license fees from two hundred dollars per year to three hundred dollars per year consistent with Second Substitute Senate Bill 5786 (Chapter 343, Laws of 2025).

Reasons supporting proposal: Amendments on this subject are needed to modernize current rules, and to update license fees according to recent legislation.

Statutory authority for adoption: RCW 66.08.030, Second Substitute Senate Bill 5786 (Chapter 343, Laws of 2025)

Statute being implemented:

Is rule necessary because of a:

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ 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	360-664-1726
Enforcement and Education			

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 clarify language in existing rules and update licensee fees in these 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 allows licensees more flexibility in business operations.

☐ 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 18, 2025	Signature: 
Name: Jim Vollendroff	
Title: Board Chair	

WAC 314-02-045 What is a beer and/or wine restaurant license?

(1) Per RCW 66.24.320 and 66.24.354, this license allows a restaurant to:

Privilege	Annual fee
(a) Serve beer by the bottle or can or by tap for on-premises consumption.	((\$200)) <u>\$300</u>
(b) Serve wine or sake for on-premises consumption (see RCW 66.24.320 regarding patrons removing recorked or recapped wine or sake from the premises).	((\$200)) <u>\$300</u>
(c) Sell beer and/or wine in the original, unopened containers for off-premises consumption.	\$120
(d) Sell tap beer for off-premises consumption in a sanitary container holding less than four gallons of beer, and brought to the premises by the purchaser.	In conjunction with off-premises privilege outlined in (c) of this subsection.
(e) Sell cider as defined in RCW 66.24.210(6) for off-premises consumption to a purchaser in a sanitary container brought to the premises by the purchaser or provided by the licensee and filled at the tap in the restaurant at the time of purchase. The licensee must comply with federal regulations.	In conjunction with off-premises privilege outlined in (c) of this subsection.
(f) Sell beer in kegs or other containers holding at least four gallons of beer (see WAC 314-02-115 regarding the requirements for registering kegs).	In conjunction with off-premises privilege outlined in (c) of this subsection.

(2) All applicants for a beer and/or wine restaurant license must establish, to the satisfaction of the board, that the premises will operate as a bona fide restaurant, as defined in RCW 66.04.010.

(a) Minimum food service is required, as defined in WAC 314-02-010.

(b) To obtain and maintain a beer and/or wine restaurant license, the restaurant must be open to the public at least five hours a day, ~~((three))~~ two days a week.

(3) If a beer and/or wine restaurant's dedicated dining area comprises less than ~~((fifteen))~~ 15 percent of the total customer service area, the premises must maintain a tavern license as described in WAC 314-02-070.