



Washington State
Liquor and Cannabis Board

Date: September 10, 2025

To: Jim Vollendroff, Board Chair
Ollie Garrett, Board Member
Pete Holmes, Board Member

From: Jeff Kildahl, Policy and Rules Coordinator

Copy: Will Lukela, Agency Director
Toni Hood, Agency Deputy Director
Lawrence Grant, Director of Enforcement and Education
Becky Smith, Licensing Director
Justin Nordhorn, Policy and External Affairs Director
Kevin Walder, Policy & Rules Manager

Subject: Request for approval of final rules (CR 103) regarding seasonal hours for beer and wine restaurant licensees.

The Policy and Rules Coordinator requests that the Board adopt the final rules, and approve the CR 103 to amend WAC 314-02-045 to reduce the number of days beer and wine restaurant licensees must be open to the public from three days per week to two days per week.

The Board has been briefed on the rule development background for this rule making project. There was one public comment received on the CR 102. A CR 103 memorandum, CR 103 form, Concise Explanatory Statement, and rule text are attached.

If approved, the Policy and Rules Coordinator will file the rules with the Office of the Code Reviser. The effective date of the rules will be 31 days after filing, or October 11, 2025.

_____ Approve	_____ Disapprove	_____	_____
		Jim Vollendroff, Chair	Date

_____ Approve	_____ Disapprove	_____	_____
		Ollie Garrett, Board Member	Date

_____ Approve	_____ Disapprove	_____	_____
		Pete Holmes, Board Member	Date

Attachments: CR 103 Memorandum
Concise Explanatory Statement



CR 103 Memorandum

Regarding Seasonal Hours Requirements for Beer and Wine Restaurant Licensees

Date: September 10, 2025
Presented by: Jeff Kildahl, Policy and Rules Coordinator

Background

In December 2024, the Washington State Liquor & Cannabis Board (Board) accepted a rulemaking petition to consider allowing seasonal adjustments to the minimum hours and days of operation for beer and wine restaurants.

Restaurants in Washington that hold beer or wine licenses, or both, maintain their licenses according to regulations in [WAC 314-02-045](#). As written, this rule section required license holders to be open for business to the public at least five hours a day, three days a week throughout the year.

Rule Necessity

Amendments are needed to make amendments to WAC 314-02-045 to reduce the number of days that beer and wine restaurant licensees must be open to the public each week to maintain their licenses.

Description of Rule Changes

These permanent amendments make changes to WAC 314-02-045 to do the following:

- Update WAC 314-02-045(2)(b) to reduce the days per week from three days to two days .
- Update the annual license fees for these restaurants in WAC 314-02-045(1)(a) and (1)(b) from \$200 to \$300 per license type consistent with Second Substitute Senate Bill 5786 (Chapter 343, Laws of 2025).

Differences between proposed rules (CR 102) and final rules (CR 103):

There were no changes to the proposed rules.



RULE-MAKING ORDER

PERMANENT RULE ONLY

CR-103P (December 2017)
(Implements RCW 34.05.360)

CODE REVISER USE ONLY

Agency: Washington State Liquor and Cannabis Board

Effective date of rule:

Permanent Rules

- ☒ 31 days after filing.
☐ Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- ☐ Yes ☒ No If Yes, explain:

Purpose: The Washington State Liquor and Cannabis Board (LCB) amended WAC 314-02-045 to reduce the number days of per week that beer restaurant and wine restaurant licensees must be open to the public from three days per week to two days per week. This rulemaking also incorporates license fee increases from \$200 per year to \$300 per year for both beer and wine restaurant licenses, consistent requirements of Second Substitute Senate Bill 5786 (Chapter 343, Laws of 2025).

Citation of rules affected by this order:

New: None
Repealed: None
Amended: WAC 314-02-045
Suspended: None

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

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 25-13-116 on June 18, 2025 (date).

Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Web site:
Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	<u>1</u>	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted on the agency's own initiative:

New	_____	Amended	<u>1</u>	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	<u>1</u>	Repealed	_____

Date Adopted: September 10, 2025

Name: Jim Vollendroff

Title: Chair

Signature:

Place signature here



Notice of Permanent Rules

Regarding Amendment to WAC 314-55-045 – Seasonal hours for beer and wine restaurant licensees.

This concise explanatory statement concerns the Washington State Liquor and Cannabis Board's adoption of amendments to WAC 314-02-045.

The Administrative Procedure Act (RCW 34.05.325(6)) requires agencies to complete a concise explanatory statement before filing adopted rules with the Office of the Code Reviser. The concise explanatory statement must be provided to any person upon request, or from whom the WSLCB received comment.

The WSLCB appreciates and encourages your involvement in the rule making process. If you have questions, please contact Jeff Kildahl, Policy and Rules Coordinator, at rules@lcb.wa.gov.

Background and reasons for adopting these rules:

The Liquor and Cannabis Board has amended 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 from three days per week to two days per week.

The effective date of these rules is **October 11, 2025**.

Public comment received on the rule proposal:

Comment received from Kendra Lawson:

External Email

Hi there, I was unable to virtually attend the hearing, but had a few questions and testimony to give.

Why are there day and hour requirements for a beer and wine licenses?

If there does need to be specified day and hour requirements, can it be one day a week?

In the petition for rule making, I explained many reasons for reducing the days from 3 to 2, but after another winter

of struggling and cost going up, 2 may not make enough of a difference, and/or 5 hours is too long. If there is a way

to let small businesses have more control over their hours, it would allow them to make smart business choices, and

be more reliable employers. Being a lunch time restaurant, 5 hours is an unreasonable amount of time to be open especially in the winter. With a small staff and limited indoor seating, doing a dinner service for 5 hours is also an unreasonable amount of time- especially in small towns where 'the sidewalks roll up at 8pm'.

Finding staff is

increasingly difficult because it is a long enough shift that it doesn't allow them to pick up a shift elsewhere- but

also they aren't making enough money to be there without customers, so its a lose-lose for them too.

I hope the board will consider dropping the day/hour requirement, or making it minimal enough for small business

owners to make decisions that make sense for their business.

I would prepose 1 day a week for 3 hours if there needs to a stipulation.

Thank you for your time and considerations,

Sincerely,

Kendra Lawson

Westcott Bay Shellfish Co.

San Juan Island

Reply by Jeff Kildahl

Good afternoon Kendra,

Thank you for your comment on the proposed rule language for beer and wine restaurants. I will include your comment in the file for consideration just as if you were able to attend and testify in person or virtually.

Sincerely,

Jeff

Changes from Proposed Rules (CR-102) to the Rules as Adopted:

There were no other changes between the proposed rule and the final rule.

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.