



Washington State Liquor and Cannabis Board

Implementation of ESSB 5403

Limiting financial interest agreements for licensed
cannabis retailers

Rulemaking Stakeholder Feedback Sessions

Monday, March 16, 10 a.m. -12 p.m.

Tuesday March 24, 1 p.m. - 3 p.m.

(same material both sessions)

Denise Laflamme, Policy & Rules Coordinator

rules@lcb.wa.gov



Washington State Liquor and Cannabis Board

Objective

To obtain public feedback on draft rules to implement ESSB 5403 related to financial interest agreements for cannabis retailers.

For feedback or questions on draft rules, email rules@lcb.wa.gov



Washington State Liquor and Cannabis Board

Meeting Notes

During the meeting, please keep the following in mind:

- LCB is recording these sessions and recordings are subject to public disclosure. The purpose of the recordings is to make sure we collect all feedback. Recordings will be posted on the Rules webpage.
- The Teams chat feature will be ON for today's session. Written questions or comments in the chat will be saved in the rulemaking file and are **subject to public disclosure**.
- Questions and comments in the session's chat may not be responded to in real time but will be addressed at the end of the session, as time allows.
- Participants will be muted and will be unmuted by either myself or my colleague.
- To ask questions or make comments during the sessions, you must use the raise hand function in Teams and you will be unmuted.
- Slides from these sessions to be posted on the LCB webpage after the March 24 session.
- There will be a link at the end for a **short survey** about this session.
- Feel free to email the rules team with questions or comments at rules@lcb.wa.gov either during or after this session.



What we will cover today:

1. Review of Legislation
2. Rulemaking Process & Next Steps
3. [Draft Rule Language](#)
4. Your Questions and Comments
5. Tentative Timeline



Engrossed Substitute Senate Bill 5403

- Passed by the Washington State Legislature during the 2025 session and signed by Governor on May 12
- [Link to legislation](#)
- Amends RCW 69.50.325(3): cannabis retailer's license
- Law took effect on January 1, 2026
- LCB information provided about implementation:
 - [GovDelivery Feb. 2026](#) – Education
 - [GovDelivery Sept. 2025](#) – Licensing



Washington State Liquor and Cannabis Board

ESSB 5403

Amended
RCW 69.50.325

(3) (a) There shall be a cannabis retailer's license to sell cannabis concentrates, useable cannabis, and cannabis-infused products at retail in retail outlets, regulated by the board and subject to annual renewal. The possession, delivery, distribution, and sale of cannabis concentrates, useable cannabis, and cannabis-infused products in accordance with the provisions of this chapter and the rules adopted to implement and enforce it, by a validly licensed cannabis retailer, shall not be a criminal or civil offense under Washington state law. Every cannabis retailer's license shall be issued in the name of the applicant, shall specify the location of the retail outlet the licensee intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a cannabis retailer's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a cannabis retailer's license shall be one thousand three hundred eighty-one dollars. A separate license shall be required for each location at which a cannabis retailer intends to sell cannabis concentrates, useable cannabis, and cannabis-infused products.

(b) (i) An individual retail licensee and all other persons or entities with a financial or other ownership interest in the business operating under the license are limited, in the aggregate, to holding a collective total of not more than five retail cannabis licenses.



Washington State Liquor and Cannabis Board

ESSB 5403

Amended
RCW 69.50.325

(ii) A retail licensee and all other persons or entities with a financial or other ownership interest may not enter into any management agreement under RCW 69.50.331(1)(b)(iv) or any agreement as referenced in RCW 69.50.395, whether or not in exchange for payment, that confers a financial interest across more than five retail cannabis licenses. For the purposes of this subsection, "financial interest" includes, but is not limited to:

(A) Any sharing of profits or revenue;

(B) Any assistance, coordination, or recommendation for the purchase of cannabis products whereupon pricing is coordinated or discounted;

(C) The common use of intellectual property assets such as branding, trade names, logos, social media accounts, or websites;

(D) Any operational control over the business or operational support for typical day-to-day business operations, including core business or executive functions of the retail cannabis license;

(E) Any sharing or coordination of marketing and advertising efforts or expenses; and

(F) Any coordinated sharing of employment or hiring decisions, including the shared employment of individuals.



Existing RCW 69.50.325(3)(b)

(i) An individual retail licensee and all other persons or entities with a financial or other ownership interest in the business operating under the license are limited, in the aggregate, to holding a collective total of not more than five retail cannabis licenses.



Engrossed Substitute Senate Bill 5403

New 3(b)(ii) A retail licensee and all other persons or entities with a financial or other ownership interest may not enter into any management agreement under RCW 69.50.331(1)(b)(iv) or any agreement as referenced in RCW 69.50.395, whether or not in exchange for payment, that confers a financial interest across more than 5 retail cannabis licenses.



Engrossed Substitute Senate Bill 5403

For the purposes of this subsection, “financial interest” includes, but is not limited to:

- (A) Any sharing of profits or revenue;
- (B) Any assistance, coordination, or recommendation for the purchase of cannabis products whereupon pricing is coordinated or discounted;
- (C) The common use of intellectual property assets such as branding, trade names, logos, social media accounts, or websites;



Engrossed Substitute Senate Bill 5403

For the purposes of this subsection, “financial interest” includes, but is not limited to (cont’d):

- (D) Any operational control over the business or operational support for typical day-to-day business operations, including core business or executive functions of the retail cannabis license;
- (E) Any sharing or coordination of marketing and advertising efforts or expenses; and
- (F) Any coordinated sharing of employment or hiring decisions, including the shared employment of individuals.



Rulemaking is needed to:

1. Align existing LCB rules with the new statutory requirements
2. Clarify ambiguity in the law
3. Address related stakeholder concerns, including those raised via recent petitions, within the same WAC section(s)



Rulemaking Steps Completed So Far

- 7/23/2025:** CR 101 (Preproposal Statement of Inquiry) was filed with the Office of the Code Reviser
- 8/6/2025:** Notice was published in the Washington State Register under WSR 25-15-153
- 9/5/2025:** Informal comment period ended
- 10/20/2025:** Draft rule language posted on LCB webpage and Stakeholder Sessions Announced
- 11/6&7/2025:** Stakeholder Sessions: LCB received > 70 written comments after these sessions



Rulemaking Next Steps:

- Use stakeholder feedback to develop proposed rules
- Request Board Approval to File CR-102 with proposed rules
- Hold a public hearing on proposed rules
- Request Board Approval to File CR-103 with final rules
- Rules become effective 31 days after filing.



Washington State Liquor and Cannabis Board

Five rules are amended in draft

WAC		Title
1	314-55-018	Prohibited practices – Money advances – Contracts – Gifts – Rebates, discounts, and exceptions, etc.
2	314-55-035	Qualifying for a cannabis license
3	314-55-050	Withdrawal, denial, suspension, or cancellation of a cannabis license application of license
4	314-55-079	Cannabis retailer license – Privileges, requirements, and fees
5	314-55-087	Recordkeeping requirements for cannabis licenses



Washington State Liquor and Cannabis Board

WAC Section

Edited text in **blue**
(Red in posted draft)

WAC 314-55-018 Prohibited practices—Money advances—

~~Contracts—Gifts—Rebates, discounts, and exceptions, etc.~~ (1)

No industry member or licensee shall enter into any agreement

including any unwritten agreement which causes undue influence

over another licensee or industry member. This rule shall not be

construed as prohibiting the placing and accepting of orders for

the purchase and delivery of cannabis that are made in

accordance with usual and common business practice, for up to

five retail cannabis licenses, and that are otherwise in

compliance with chapter 69.50 RCW and this chapter.¶

WAC 314-55-018
Prohibited
practices

Draft page#



Washington State Liquor and Cannabis Board

WAC 314-55-018 · Prohibited practices—Money advances—

Contracts—Gifts—Rebates, discounts, and exceptions, etc. · (1) ·

No industry member or licensee shall enter into any agreement ·

including any unwritten agreement which causes undue influence ·

over another licensee or industry member. This rule shall not be ·

construed as prohibiting the placing and accepting of orders for ·

the purchase and delivery of cannabis that are made in ·

accordance with usual and common business practice, for up to ·

five retail cannabis licenses, and that are otherwise in ·

compliance with chapter 69.50 RCW and this chapter. ¶

WAC 314-55-018
Prohibited
practices



Washington State Liquor and Cannabis Board

WAC 314-55-018 Prohibited practices

(2) Preferential pricing of cannabis, useable cannabis, cannabis-infused products, or cannabis concentrates sold by processors to cannabis retailers is prohibited.

(a) Any cannabis, useable cannabis, cannabis-infused products, or cannabis concentrates sold by a processor to a cannabis retailer must be made available and sold under the same basic terms and conditions to all cannabis retailers.

(b) For purposes of this section, preferential pricing means product pricing offered to cannabis retailers that are not offered to all retailers.



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WAC 314-55-018 Prohibited practices

(3) Exclusivity agreements between a processor and a retailer are prohibited.

(a) For purposes of this section, an exclusivity agreement is any agreement between a processor and a retailer that:

(i) excludes or prevents a retailer from purchasing cannabis products from another processor, or

(ii) excludes or prevents a processor from selling their product to another retailer, or



Washington State Liquor and Cannabis Board

WAC 314-55-018 Prohibited practices

(iii) creates white label or private label products. For purposes of this section, white label or private label products means products packaged and sold by a processor to a retailer with a label that includes the retailer's own branding or logo, or an exclusive product, brand or logo created for the retailer that is not made available to all other retailers. ¶

(b) Any violation of this subsection is subject to the same penalties established for engaging in prohibited practices under WAC 314-55-523. ¶



Washington State Liquor and Cannabis Board

WAC 314-55-018 Prohibited practices

(42) No cannabis producer or processor shall advance and no cannabis licensee shall receive money or moneys' worth under an agreement written or unwritten or by means of any other business practice or arrangement such as:

(a) Gifts;

(b) Discounts which means a reduction made from a regular or list price;

(c) Consignment sales;

(de) Loans of money;

(ed) Premiums;

(fe) Rebates;



Washington State Liquor and Cannabis Board

WAC 314-55-035 · Qualifying for a cannabis license. · A ·

cannabis license must be issued in the name(s) of the true party(ies) of interest. The board may conduct an investigation of any true party of interest who exercises control over the applicant's business operations. This may include financial and criminal background investigations.¶

(1) **True parties of interest.** True parties of interest must ·

qualify to be listed on the license, and meet residency ·

requirements consistent with this chapter. A person or entity ·

with a financial interest in a license qualifies as a true party ·

of interest. For purposes of this title, "true party of ·

interest" means:¶

WAC 314-55-035
Qualifying for a
cannabis license



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**WAC 314-55-035
Qualifying for a
cannabis license**

Entity ☒	True party(ies) of interest ☒
Sole proprietorship ☒	Sole proprietor ☒
General partnership ☒	All partners ☒
Limited partnership, limited liability partnership, or limited liability limited partnership ☒	All general partners ¶ All limited partners ☒
Limited liability company (LLC) ☒	All LLC members ¶ All LLC managers ☒
Privately held corporation ☒	All corporate officers and directors (or persons with equivalent title) ¶ All stockholders ☒
Multilevel ownership structures ☒	All persons and entities that make up the ownership structure ☒
Any entity(ies) or person(s) with a right to receive revenue, gross profit, or net profit, or exercising control over a licensed business ☒	Any entity(ies) or person(s) with a right to receive some or <u>all of the</u> revenue, gross profit, or net profit from the licensed business during any full or partial calendar or fiscal year ¶ Any entity(ies) or person(s) who exercise(s) control over the licensed business ¶ ☒



Washington State Liquor and Cannabis Board

**WAC 314-55-035
Qualifying for a
cannabis license**

Entity	True party(ies) of interest
<u>Any entity(ies) or person(s) with a financial interest in a license.</u>	<u>All persons and entities with a financial interest as defined in this section.</u>
Nonprofit corporations	All individuals and entities having membership rights in accordance with the provisions of the articles of incorporation or bylaws

(2) A person, entity or married couple may not be a true party of interest, which includes having a financial interest, in more than five retail cannabis licenses, more than three producer licenses, or more than three processor licenses. ¶



Washington State Liquor and Cannabis Board

WAC 314-55-035 Qualifying for a cannabis license

(3) A person, entity, or married couple may not be a true party of interest in a cannabis retailer license and a cannabis producer license, or a cannabis retailer license and a cannabis processor license, or any cannabis license and a certified testing laboratory. ¶



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WAC 314-55-035 Qualifying for a cannabis license

(43) The following definitions apply to this chapter unless the context clearly indicates otherwise:¶

(a) "Control" means any person or entity, whether they are named on the license or not, with the power or authority to direct or cause the direction of the management or policies of a licensed business qualifies as a true party of interest. the power to independently order, or direct the management, managers, or policies of a licensed business.¶



Washington State Liquor and Cannabis Board

**WAC 314-55-035
Qualifying for a
cannabis license**

(i) Control includes, but is not limited to, directing or having the authority to direct the core or executive functions of the business such as making business decisions and having oversight of the business. This includes, but is not limited to, making purchasing decisions; negotiating contracts and agreements; drafting, recommending, or pre-approving business policies, procedures and marketing plans; directing uniform branding between multiple stores; and making hiring and other personnel decisions. ¶



Washington State Liquor and Cannabis Board

WAC 314-55-035 Qualifying for a cannabis license

(ii) Any of the actions described in this subsection constitutes having control, notwithstanding the terms of any contract or agreement entered into by the parties. ¶

(iii) References to any arrangement between two or more licensees as a consulting agreement does not preclude the board's determination of control based on the criteria in this definition. ¶



Washington State Liquor and Cannabis Board

WAC 314-55-035 Qualifying for a cannabis license

(c) "Financial interest" means to gain, or have the opportunity to gain, a financial benefit or business advantage resulting from a business relationship or agreement with a cannabis licensee. "Financial interest" includes, but is not limited to:

(i) Receiving a share of profits or revenue, or the right to receive profits or revenue;



Washington State Liquor and Cannabis Board

WAC 314-55-035 Qualifying for a cannabis license

(ii) Any assisting with, coordinating or recommending the purchase of cannabis products, whereupon pricing is coordinated.

Coordinated pricing includes, but is not limited to, centralized pricing or placing orders across stores;¶

(iii) Any sharing of or the common use of intellectual property assets such as branding, trade names, logos, social

media accounts, or websites;¶



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**WAC 314-55-035
Qualifying for a
cannabis license**

(iv) Providing any operational support for typical day-to-day business operations. This includes, but is not limited to, assisting with or advising the licensee in day-to-day operations such as communicating with and paying vendors, setting and posting retail prices, scheduling and managing personnel, maintenance of the store, and conducting marketing and advertising activities. ¶

(v) Any sharing or coordinating of marketing and advertising efforts or expenses including shared websites; and ¶



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**WAC 314-55-035
Qualifying for a
cannabis license**

(vi) Any coordination or sharing of employment or hiring decisions, including the shared employment of individuals. This includes coordinated or shared hiring, firing, training, management, human resources or payroll of personnel. ¶

(vii) Any actions listed in this subsection constitute having a financial interest notwithstanding the terms of any contract or agreement entered into by the parties. ¶



Washington State Liquor and Cannabis Board

WAC 314-55-035 Qualifying for a cannabis license

(54) For purposes of this chapter, "true party of interest" does not include (this is a nonexclusive list):¶

(a) A person or entity receiving payment for rent on a fixed basis under a lease or rental agreement. Notwithstanding, if there is a common ownership interest between the applicant or licensee, and the entity that owns the real property, the board may investigate all funds associated with the landlord to determine if a financier relationship exists. The board may also investigate a landlord in situations where a rental payment has been waived or deferred.¶

(b) A person who receives a bonus or commission based on their sales, so long as the commission does not exceed 10 percent of their sales in any given bonus or commission period. Commission-based compensation agreements must be in writing.¶



Washington State Liquor and Cannabis Board

WAC 314-55-035 Qualifying for a cannabis license

(c) A person or entity contracting with the licensee(s) to receive a commission for the sale of the business or real property.¶

(d) A consultant who receives a flat or hourly rate compensation under a written contractual agreement, provided compensation is not tied to sales or profits.¶

(e) An industry member who is participating as a mentor pursuant to RCW 43.330.540 to applicants and licensees through the Department of Commerce technical assistance grant program for social equity licensees. ¶



Washington State Liquor and Cannabis Board

WAC 314-55-035 Qualifying for a cannabis license

(fe) A person with an option to purchase the applied for or licensed business, so long as no money has been paid to the licensee under an option contract or agreement for the purchase or sale of the licensed business, or a business that is applying for a license.¶



Washington State Liquor and Cannabis Board

WAC 314-55-035 Qualifying for a cannabis license

(g) Any business entity or person ~~individual~~ with a contract or agreement who provides ~~for~~ services with ~~for~~ a licensed business unrelated to management agreements or intellectual property agreements specified in RCW 69.50.325, such as a property or building maintenance, security, cleaning or accounting ~~branding or staffing~~ company, provided compensation is not tied to sales or profits, will not be considered a true party of interest, as long as the licensee retains the right to and controls the business.¶

(h) A financial institution.¶

(i) Employees as defined in WAC 314-55-010.¶



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WAC 314-55-035 Qualifying for a cannabis license

(65) · Notification. ¶

(a) · Except · as · provided · in · this · subsection · ~~(4) (a) (i), (ii),~~
~~and (iii),~~ after licensure the licensee must continue to ·
disclose · the · source · of · all · funds · to · be · invested · in · the · licensed ·
business, · including · all · funds · obtained · from · financiers, · prior · to ·
investing · the · funds · into · the · licensed · business. ¶

(i) · Revenues · of · the · licensed · cannabis · business · that · are ·
reinvested · in · the · business · do · not · require · notification · or ·
vetting · by · the · board. ¶

(ii) · Proceeds · of · a · revolving · loan · where · such · loan · has · been ·
approved · by · the · board · within · the · three · previous · years · do · not ·
need · to · be · vetted · by · the · board, · unless · the · source · of · the · funds ·
has · changed · or · the · approved · loan · amount · has · increased. ¶

(iii) · If · the · source · of · funds · is · an · identified · true · party · of ·



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WAC 314-55-035 Qualifying for a cannabis license

(b) Any agreement entered into between a licensee and a service provider must be disclosed to the board. This includes any management agreements under RCW 69.50.331 (1) (b) (iv) or any agreement as referenced in RCW 69.50.395. Agreements disclosed to the board are for reference and recordkeeping, and are not approved by the board. ¶

(cb) Licensees must receive board approval before making any ownership changes consistent with WAC 314-55-120. ¶



Washington State Liquor and Cannabis Board

**WAC 314-55-035
Qualifying for a
cannabis license**

(76) · Disclosure · agreements · and · intellectual · property · ¶

(a) · Licensed · cannabis · businesses · may · enter · into · agreements ·

consistent · with · the · provisions · of · RCW · 69.50.395. · Any · agreement ·

under · RCW · 69.50.395 · must · not · involve · having · a · financial · interest ·

or · exercising · control · across · more · than · five · retail · licenses. · · ¶



Washington State Liquor and Cannabis Board

WAC 314-55-050 Withdrawal, denial, suspension, or cancellation of a cannabis license

WAC 314-55-050 · Withdrawal, denial, suspension, or
cancellation of a cannabis license application or license. · (1) ·
The board has the discretion to withdraw, deny, suspend, or
cancel a cannabis license application or license consistent with
RCW 69.50.331, for reasons including, but not limited to, the
following:¶
(a) Not meeting the initial or ongoing qualifications,
requirements, or both for a specific cannabis license, as
outlined in this chapter and chapter 69.50 RCW;¶



Washington State Liquor and Cannabis Board

WAC 314-55-050
Withdrawal, denial,
suspension, or
cancellation of a
cannabis license

(b) ·Owning, ·operating ·or ·having ·a ·financial ·interest ·in ·
·more ·than ·five ·cannabis ·retail ·licenses, ·more ·than ·three ·
·producer ·licenses, ·or ·more ·than ·three ·processor ·licenses. ·Any ·
·cumulative ·ownership ·violation ·under ·this ·section ·will ·result ·in ·
·penalties ·under ·WAC ·314-55-523 ·for ·each ·licensed ·location, ·which ·
·may ·be ·aggravated ·for ·intentional ·violations ·of ·this ·section.¶



Washington State Liquor and Cannabis Board

WAC 314-55-079 Cannabis retailer license – Privileges, requirements, and fees

WAC 314-55-079 Cannabis retailer license—Privileges, requirements, and fees. (1) A cannabis retailer license allows the licensee to sell only useable cannabis, cannabis concentrates, cannabis-infused products, cannabis paraphernalia, and lockable boxes to store cannabis at retail in licensed retail outlets to persons 21 years of age and older, except as allowed for persons under 21 years of age consistent with RCW 69.50.357 and WAC 314-55-080.¶



Washington State Liquor and Cannabis Board

WAC 314-55-079 Cannabis retailer license – Privileges, requirements, and fees

(2) The board may accept applications for cannabis retail licenses at time frames published on its website at lcb.wa.gov. Using estimated consumption data and population data obtained from the office of financial management (OFM) population data, the board will determine the maximum number of cannabis retail locations per county.¶

(a) The number of retail locations will be determined using a method that distributes the number of locations proportionate to the most populous cities within each county and to accommodate the medical needs of qualifying patients and designated providers. Locations not assigned to a specific city will be at large. At large locations can be used for unincorporated areas in the county or in cities within the



Washington State Liquor and Cannabis Board

WAC 314-55-079 Cannabis retailer license – Privileges, requirements, and fees

(3) ~~Any person or entity may not be a true party of interest, including having a financial interest as defined in this chapter, in and/or principals within any entity are limited to no more than five retail cannabis licenses.~~¶

(4) ~~Application and license fees.~~¶

(a) ~~The application fee for a cannabis retailer's license is \$250 consistent with RCW 69.50.325 (3) (a). The applicant is responsible for fees required by the approved vendor for fingerprint evaluation.~~¶



Washington State Liquor and Cannabis Board

WAC 314-55-079 Cannabis retailer license – Privileges, requirements, and fees

(9) A cannabis retailer may not sell lockable boxes for less than the cost of acquisition or sell boxes received as a donation. The donation of lockable boxes must come from a person or entity that is not a licensed cannabis producer, processor, or retailer.¶

(10) Cannabis retailer licensees are allowed to have a maximum of four months of their average inventory on their licensed premises at any given time.¶

(11) A cannabis retailer may transport product to other locations owned operated by the licensee or to return product to a cannabis processor as outlined in WAC 314-55-085.¶



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WAC 314-55-087 Recordkeeping requirements for cannabis

licensees. (1) Cannabis licensees are responsible to keep records that clearly reflect all financial transactions and the financial condition of the business. The following records must be kept and maintained on the licensed premises for a five-year period and must be made available for inspection if requested by an employee of the LCB:¶

WAC 314-55-087
Recordkeeping
requirements for
cannabis licensees



Washington State Liquor and Cannabis Board

WAC 314-55-087 Recordkeeping requirements for cannabis licensees

(a) Purchase invoices and supporting documents, to include the items and/or services purchased, from whom the items or services were purchased, and the date of purchase;¶

(b) All agreements identified in RCW 69.50.325, to include the parties involved in the agreement, scope and duration of the agreement, and date.¶

(c) Bank statements and canceled checks for any accounts relating to the licensed business;¶

(d) Accounting and tax records related to the licensed business and each true party of interest;¶

(e) Records of all financial transactions related to the licensed business, including contracts and/or agreements for services performed or received that relate to the licensed



Additional comments or questions?

- Email comments or questions to rules@lcb.wa.gov
- If possible, we'd like written comments by **April 17, 2026**
- Information and materials related to this rulemaking:
 - [LCB Current Rulemaking Activity page](#)



Next Steps and Timeline

- Continue collecting and considering feedback
- Finalize draft language incorporating feedback
- CR-102 (Official Rule Proposal) – *tentatively May 6 Board mtg.*
 - Notice is published in the Washington State Register on May 20
- Public Hearing – *tentatively June 11*
- CR-103 (Rule Adoption) – *tentatively July 1 Board mtg.*
 - Notice is published in the Washington State Register on July 15
- Rules would become effective 31 days after



Washington State Liquor and Cannabis Board

Thank You

for attending today's session



Please take our short survey to help
us improve these sessions

[Session Survey](#) *(March 24, 2026)*

Current Rulemaking Activity page:

<https://lcb.wa.gov/laws/current-rulemaking-activity>

For any questions or feedback,
please contact Policy & Rules at rules@lcb.wa.gov