



Washington State Liquor and Cannabis Board

Topic: Petition for Adoption, Amendment, or Repeal of a State Administrative Rule – Pre-Packaged Food as Complete Meal (WAC 314-02-010)

Date: April 22, 2026

Presented by: Daniel Jacobs, Policy & Rules Coordinator

Background

On March 3, 2026, Barbara Jones, on behalf of the White Horse Saloon, submitted a petition for rulemaking to the Liquor and Cannabis Board (“Board”) to amend WAC 314-02-010(3)(b) to allow “pre-prepared meals” to constitute a “complete meal” as required in law. WAC 314-02-010(3) defines “complete meal.” [WAC 314-02-010\(3\)\(b\)](#) states “Menu items that consist solely of the following types of food do not qualify as complete meals: Precooked frozen meals that are reheated, carry-out items obtained from another business, or snack food.”

Prior to submitting a petition for rulemaking, Barbara Jones emailed the rules inbox stating the following:

I would respectfully request consideration be given to amending WAC 314-02-010, specifically (1)(b), with respect to pre-prepared dishes. In the current lifestyle pre-prepared meals are broadly available and accepted. The quality and selection of pre-prepared food items is immense. I question the affordability of fresh food items required to be assembled on site when some may only be served three days in the week. Allowing pre-packaged food provides for better health and safety while offering a much larger selection for customer consumption. Please consider amending this requirement for fresh only items.

With the petition for rulemaking, the Petitioner completed the petition form as follows:

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

List rule number (WAC), if known: WAC 314-020-010 (3)(b)

I am requesting the following change: Allow for pre-prepared/packaged foods to be eligible to comply for the food requirements under this WAC.

The cost for fresh items not used daily contributes to financial loss.

This change is needed because: _____

The effect of this rule change will be: Allow for a much greater offering of food products while reducing the financial loss to due waste.

The rule is not clearly or simply stated: _____

Issue

Whether the Board should accept the petition to initiate the rulemaking process to consider amending WAC 314-02-010(3)(b) to allow pre-prepared food/ pre-packaged food to constitute “complete meals” as required in law.

Statutes & Regulations

Statutes

[RCW 66.08.030](#) identifies the Board’s general rulemaking authority regarding liquor.

[RCW 66.08.071](#) encouraged the Board to revise food service requirements to allow for increased flexibility in the context of the COVID-19 pandemic.

[RCW 66.24.410\(2\)](#) defines a “restaurant” in relevant part as an establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains: Provided [t]hat such establishments shall be approved by the board and that the board shall be satisfied that such establishment is maintained in a substantial manner as a place for preparing, cooking, and serving of complete meals.

Regulations

[WAC 314-02-010\(3\)](#) defines a “complete meal.”

[WAC 314-02-010\(3\)\(b\)](#) states that “[m]enu items that consist solely of the following types of food do not qualify as complete meals: Precooked frozen meals that are reheated, carry-out items obtained from another business, or snack food.”

[WAC 314-02-015\(3\)](#) states that a spirits, beer, and wine restaurant must operate as a “bona fide restaurant.” A “bona fide restaurant” is defined as a business where the board can clearly determine that the primary purpose of the business is the service of complete meals.

[WAC 314-02-035](#) describes the food service requirements for a spirits, beer, and wine restaurant, and from 1999 to 2022, defined the term “complete meal.”

Analysis

Historical Context: What is a “bona fide restaurant”?

Question of what constitutes a bona fide restaurant has been one the Board has grappled with for some time. In the 1990’s, [WAC 314-16-190\(3\)\(a\)](#) (Page 29 of 82) required restaurants to have commercial kitchen equipment, stating that “the kitchen

equipment shall include at a minimum, adequate refrigeration, oven, grill, cooktop, and/or broiler to support the menu.”

In 1999, and consistent with then-Governor Locke’s Executive Order 97-02, WAC 314-16-190 was repealed and replaced with WAC 314-02-035, and removed language around requiring specific kitchen equipment, instead stating that the restaurant needed to maintain equipment necessary to prepare the complete meals required by law. See [WSR 99-23-105](#).

In 2005, WAC 314-02-035 was amended to remove the references to kitchen equipment entirely, and state that a complete meal required the use of an implement, and, although not explicitly, permitted what were then called “TV dinners” to qualify as complete meals. See [WSR 05-22-022](#).

LCB staff began encountering restaurants that were “restaurant” in name only, with a Hungry Man meal as the “complete meal”, allowing what would otherwise be a tavern that would not be permitted to have persons under 21 years of age present or sell spirits, to do both of these things as a spirits, beer and wine restaurant.

Rulemaking in 2010 introduced language stating that snack foods, items prepared by another business, and pre-prepared foods do not count as entrees for purposes of satisfying the required minimum number of complete meals. See [WSR 11-01-133](#).

Rulemaking in 2017 reduced the requirement from complete meals being served five days a week to three days and clarified that garnishes are not side dishes. See [WSR 17-12-030](#). Rulemaking in 2018 introduced language that expanded the types of food that qualify as entrees or side dishes to reflect a more diverse and international cuisine. See [WSR 18-13-063](#).

During the pandemic and following the passage of HB 1480, rulemaking moved the language of complete meals from WAC 314-02-035 to the definitions section in WAC 314-02-010, which is where it still lives. See [WSR 22-01-052](#).

Petitioner’s Request

Currently, a “bona fide restaurant” is defined in WAC 314-02-015(3) as a business where the Board can clearly determine that the primary purpose of the business is the service of complete meals. Complete meals are in turn defined in WAC 314-02-010(3). While current rule language does not specifically identify prepackaged food as prohibited, the exclusions of pre-cooked frozen meals and carry-out items obtained from another business make clear that pre-packaged food does not qualify as a complete meal. The petitioner is requesting that this language be amended to allow for the use of pre-packaged food for the following asserted reasons, in her own words:

- Pre-prepared meals are broadly available and accepted.
- Broad available quality and selection of pre-prepared food items is immense.

- The cost of fresh food items when they are only required to be served three days a week.
- Pre-packaged food is healthier and safer.

Each of these claims is analyzed below.

1. Pre-prepared meals are broadly available and accepted.

The petitioner argues that pre-prepared meals, are readily available and accepted in society. It is first necessary to define what the Petitioner is referring to. The Petitioner appears to be referring to sandwiches, salads, and other packaged dishes provided by a third-party vendor, such as the items available in some vending machines, or at convenience stores.

Regardless of whether this is true or is truer than it was when the language was introduced in 2010, the availability or social acceptance of pre-prepared meals is not the issue. While prepared and prepackaged foods are not specifically identified in the rule language at issue, the same logic is what prohibits carry-out items purchased from other businesses. They are excluded because reheating a sandwich prepared and packaged in an industrial setting is not truly preparing, cooking and serving food.

The primary business of a restaurant is the service of food. If people want to go to a business to only drink alcohol and not consume food, they can go to a tavern. While it is true that restaurants with liquor licenses make a lot of their profit from the sale of alcohol, they are still restaurants and are still defined in statute as primarily an establishment where food is provided in exchange for money. See [RCW 66.24.410\(2\)](#).

2. Broad quality and selection of pre-prepared meals.

Like the discussion about the availability and acceptance of pre-prepared meals, the quality and diversity of pre-prepared meals is not the issue. The issue is the preparation of food in exchange for money. If a patron goes to a restaurant and orders a burger and is served a burger that was DoorDashed to the restaurant from a different eatery, they might as well eat at the other eatery. The preparation and service of food by the licensee is what makes a restaurant. 7-11 serves pre-made sandwiches and sells alcohol, so the sale of pre-prepared foods does not preclude the ability to get a liquor license, but it does not make 7-11 a restaurant either.

3. The Cost of fresh food.

The cost of fresh food is acknowledged as an economic factor for any restaurant. Here it is worth noting that pre-packaged food which is reheated is not wholly excluded from service at a spirits, beer, and wine restaurant: it simply cannot be the *only* thing that is available on the menu. That is by operation of the word “solely” in WAC 314-02-010(3)(b). Some elements of a given dish can be pre-prepared, so long as the dish is not entirely pre-prepared or precooked.

Additionally, as the petitioner points out, food service is only required three days a week, which is a rule change from 2017, and so there is no need to have fresh food available every day that goes to waste.

4. Pre-packaged food is healthier and safer.

Leaving aside whether this is empirically true, food-borne illness is not the regulatory purview of the Board. Issues about food safety should be brought to the local health department or the Washington State Department of Health.

Other Impacts

Lastly, it is worth noting that spirits, beer, and wine restaurants, and beer and wine restaurants, are not the only licensees with food service requirements or required to serve complete meals. Spirits, beer and wine theater licenses, ([WAC 314-02-087](#)) and hotels ([WAC 314-02-0411](#)) are all required to serve complete meals, while caterers are required to have the ability to serve complete meals ([WAC 314-02-112](#)). The petitioner's request would have impacts on those licensees as well.

Additionally, the language that the petitioner is objecting to regarding complete meals is also found in the definition of minimum food service, in a different subsection of the very same rule. See [WAC 314-02-010\(13\)\(b\)](#). While not specifically argued by the petitioner, if a pre-prepared meal that is reheated can count as a complete meal, why would it not be able to count as minimum food service? And if that is allowed, that could impact a much wider range of licensees who have minimum food service requirements that do not rise to the level of requiring complete meals.

Lastly, the statutory definition in [RCW 66.24.410\(2\)](#) that defines a restaurant in part as an establishment maintained in a substantial manner as a place for preparing, cooking, and serving of complete meals, cannot be ignored. If restaurants do not need to cook complete meals, but can simply reheat meals that someone else has prepared, it potentially renders some of this statutory language superfluous.

Recommendation

The Director's Office recommends the Board deny the petition to amend WAC 314-02-010(3)(b) to allow pre-prepared meals that are reheated to constitute complete meals because the agency historically allowed precooked frozen meals that were reheated to count as complete meals and it led to reports of businesses operating as restaurants in name only, pre-prepared dishes that are reheated are not wholly prohibited from being served on a menu, and the petitioner's arguments for changing the rule do not support changing the rule at issue.

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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 Barbara Jones

Name of Organization White Horse Saloon

Mailing Address 304 N Olympic Avenue

City Arlington State WA Zip Code 98223

Telephone 360-631-9950 Email BarbaraWJones@aol.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/RClis.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: WAC 314-020-010 (3)(b)

I am requesting the following change: Allow for pre-prepared/packageged foods to be eligible to comply for the food requirements under this WAC.

The cost for fresh items not used daily contributes to financial loss.

This change is needed because: _____

The effect of this rule change will be: Allow for a much greater offering of food products while reducing the financial loss to due waste.

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): _____

From: barbarawjones@aol.com
To: [Jacobs, Daniel \(LCB\)](#)
Subject: Re: amendment requirements
Date: Tuesday, March 3, 2026 1:09:59 PM

External Email

Dear Mr. Jacobs, Thank you so much for the information and details. I understand the timeline for acceptance and processing. I will proceed with the understanding of the processing limitations. Barbara Jones

On Monday, March 2, 2026 at 04:02:29 PM PST, Jacobs, Daniel (LCB) <daniel.jacobs@lcb.wa.gov> wrote:

Barbara:

Thanks so much for reaching out. If you would like to request a change to a section of Title 314 WAC, please submit a petition for rulemaking to the LCB, by completing and submitting a [petition form to rules@lcb.wa.gov](#). The formal rulemaking process is outlined in [RCW 34.05.330](#). The agency has 60 days after submission of a rulemaking petition to respond and either formally initiate rulemaking (by filing a CR-101 with Office of the Code Reviser) or decline to do rulemaking and provide an explanation why. The Director's Office staff make a recommendation to accept or decline a rulemaking petition, that recommendation is presented to the Board and the Board vote on that recommendation.

You are entitled to submit a rulemaking petition, but as fair warning, the LCB receives an extraordinarily high volume of rule petition requests and has a relatively small number of rulemaking staff to conduct these projects, which by design require significant public input, agency resources, and time. Coupled with the fact that we already have a very full [rulemaking agenda](#) for the next several months and could potentially be required to do significant additional rulemaking as a result of this year's legislative session, the likelihood that a petition for new LCB rulemaking would be accepted currently is not high unless it is an imminent matter of public safety.

Even if a rulemaking petition is accepted, given the above, it is unlikely that rulemaking would be finished in the next 12 months, and so any changes to WAC 314-02-010 would not likely be until 2027 at the earliest.

Please feel free to follow up with any questions or concerns,

Sincerely,

Daniel Jacobs, Esq.

(he/him/his)

Rules & Policy Coordinator

Washington State Liquor and Cannabis Board

Daniel.jacobs@lcb.wa.gov

Mobile: (360) 480-1238



Washington State Liquor and Cannabis Board

DISCLAIMER: The information provided above does not, and is not intended to, constitute legal advice; instead, all information, content, and materials included are done so in the scope of my employment as Policy & Rules Coordinator with the Washington State Liquor & Cannabis Board (LCB).

From: barbarawjones@aol.com <barbarawjones@aol.com>

Sent: Sunday, March 1, 2026 12:32 PM

To: LCB DL Rules <rules@lcb.wa.gov>

Subject: Proposal for requirement amendment

External Email

Dear Staff:

I would respectfully request consideration be given to amending WAC 314-02-010, specifically (1)(b), with respect to pre-prepared dishes. In the current lifestyle pre-prepared meals are broadly available and accepted. The quality and selection of pre-prepared food items is immense. I question the affordability of fresh food items required to be assembled on site when some may only be served three days in the week.

Allowing pre-packaged food provides for better health and safety while offering a much larger selection for customer consumption. Please consider amending this requirement for fresh only items.

Your consideration of this request is appreciated.

RCW 66.08.071 Rules—Food service menu requirements. The board must consider revising current rules in order to provide greater flexibility regarding food service menu requirements that businesses holding a license issued by the board under Title 66 RCW must provide in conjunction with alcohol sales. This subsection [section] does not apply to licensees that were not required to provide food service under rules in effect on January 1, 2020. The purpose of this subsection [section] is to ease food menu requirements to make it more feasible financially for licensees to comply with the board's food service requirements but not replace food safety requirements in rule adopted by the department of health in chapter 246-215 WAC. [2021 c 48 s 3.]

Findings—Intent—2021 c 48: "The COVID-19 pandemic that arrived in Washington in 2020 led to historic economic disruptions and devastating health impacts in the state. In an effort to assist businesses and employees whose assets and livelihoods have been impacted by the strategies used to protect the public's health, the legislature finds that steps must be taken in the public interest to support the most severely impacted industries. The hospitality industry has suffered some of the most devastating impacts of any sector of the state's economy. The legislature finds that assisting this sector of the state's economy to survive and recover from the effects of the pandemic and the steps taken to combat its spread are an urgent priority that is in the best interests of the state and its residents. The legislature intends that these revisions at the same time continue to promote regulation of an orderly market for liquor sales while maintaining protection of public health and efficient collection of taxes and fees." [2021 c 48 s 1.]

Expiration of temporary authorization—Customer identification—2021 c 48: "Except as provided in section 2(9), chapter 48, Laws of 2021, any temporary authorization or relaxation of requirements provided by the Washington state liquor and cannabis board, in effect on April 14, 2021, related to authorizing the photographing or scanning of customer identification in lieu of obtaining a physical signature to document liquor product delivery or verify the age of customers, expires at the end of the governor's proclamation of emergency related to COVID-19." [2021 c 48 s 8.]

Expiration of temporary authorization—Food requirements—2021 c 48: "Any temporary authorization or relaxation of statutory requirements provided by the Washington state liquor and cannabis board related to food requirements associated with wine and beer sampling at farmers markets expires at the end of the governor's proclamation of emergency related to COVID-19." [2021 c 48 s 9.]

Effective date—2021 c 48: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 14, 2021]." [2021 c 48 s 10.]

Tax preference performance statement and expiration exemption—2021 c 48: See note following RCW 82.08.150.

RCW 66.24.410 Liquor by the drink, spirits, beer, and wine restaurant license—Terms defined. (1) "Spirituous liquor," as used in RCW 66.24.400 through 66.24.450, inclusive, means "liquor" as defined in RCW 66.04.010, except "wine" and "beer" sold as such.

(2) "Restaurant" as used in RCW 66.24.400 through 66.24.450, inclusive, means an establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains: PROVIDED, That such establishments shall be approved by the board and that the board shall be satisfied that such establishment is maintained in a substantial manner as a place for preparing, cooking, and serving of complete meals or is a domestic brewery or a microbrewery that subcontracts with one or more individuals or entities to satisfy food service requirements, that is maintained in a substantial manner as a place for preparing, cooking, and serving of complete meals, to prepare, cook, and serve complete meals on behalf of the domestic brewery or microbrewery under the domestic brewery [brewery's] or microbrewery's spirits, beer, and wine restaurant license. Requirements for complete meals shall be determined by the board in rules adopted pursuant to chapter 34.05 RCW.

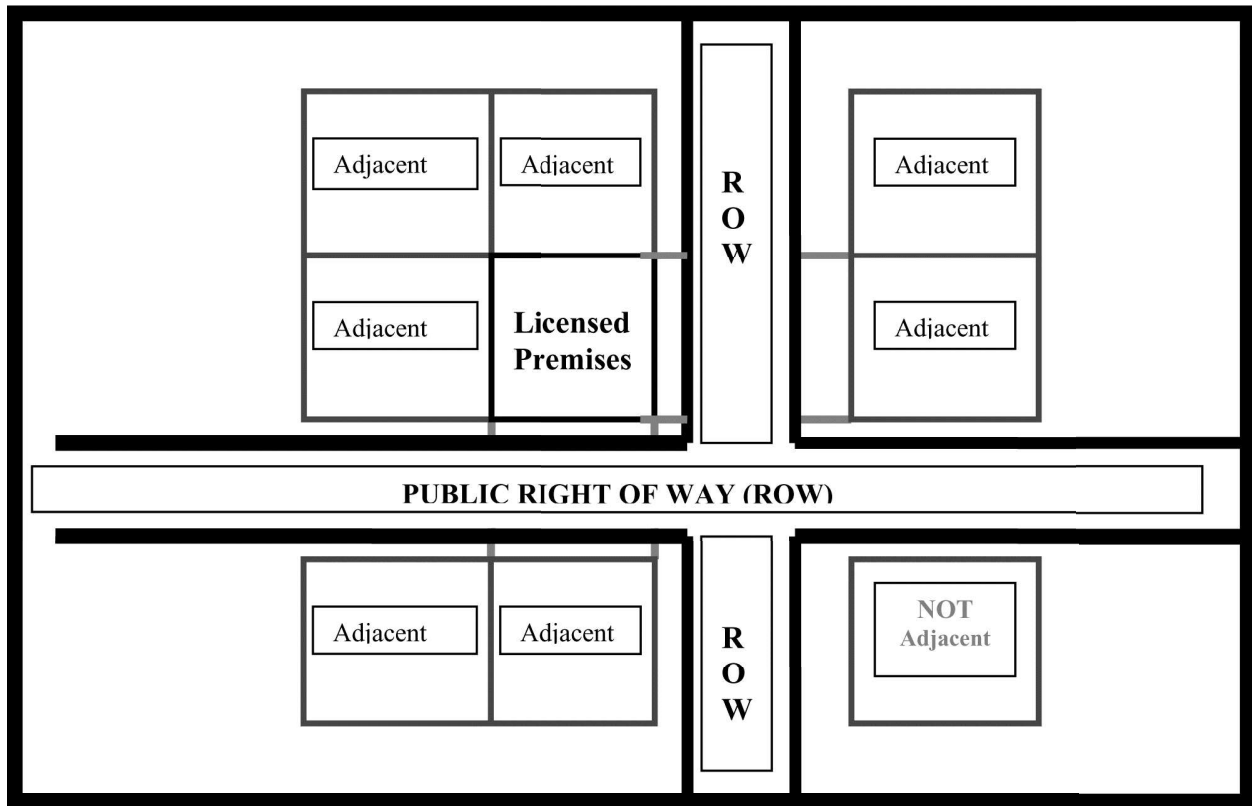
(3) "Hotel," "clubs," "wine[,]" and "beer" are used in RCW 66.24.400 through 66.24.450, inclusive, with the meaning given in chapter 66.04 RCW. [2025 c 141 s 5; 2011 c 195 s 2; 2007 c 370 s 18; 1983 c 3 s 164; 1981 1st ex.s. c 5 s 17; 1969 ex.s. c 112 s 1; 1957 c 263 s 2. Prior: 1949 c 5 s 2, part (adding new section 23-S-2 to 1933 ex.s. c 62); Rem. Supp. 1949 s 7306-23S-2, part.]

Effective date—2007 c 370 ss 10-20: See note following RCW 66.04.010.

Effective date—1981 1st ex.s. c 5: See RCW 66.98.100.

WAC 314-02-010 Definitions. The definitions in this section apply throughout this title unless the context clearly requires otherwise. Additional definitions can be found in RCW 66.04.010.

(1) "Adjacent" means having a common endpoint or border where the extension of the property lines of the licensed premises contacts that common border.



(2) "Banquet room" means any room used primarily for the sale and service of food and liquor to private groups.

(3)(a) "Complete meal" means:

(i) An entree with at least one side dish available to order. Side dishes must be offered and available to order with the entree, but are not required to be included; or

(ii) A combination of small plates that are intended to be ordered many at a time or on a rolling basis throughout the meal service.

(b) Menu items that consist solely of the following types of food do not qualify as complete meals: Precooked frozen meals that are reheated, carry-out items obtained from another business, or snack food.

(c) For the purposes of this subsection, the following definitions apply unless the context clearly requires otherwise:

(i) "Entree" means the main course of a meal. Some examples of entrees include, but are not limited to, fish, steak, chicken, pork, pasta, pizza, burgers, pho, sushi, street tacos, tikka masala, quiche, fufu, curry, seafood salad, Cobb salad, chef's salad, sandwiches, and breakfast items.

(ii) "Side dish" includes soups, vegetables, salads, potatoes, beans, rice, naan, couscous, irio, fruit, bread, banchan, and other similar dishes. Garnishes do not qualify as side dishes. Some examples of garnishes include, but are not limited to, pickles, salsa, and dips.

(iii) "Small plate" means a type of menu item that has a small portion size and is intended to be ordered many at a time or on a rolling basis throughout the meal service. Small plates are often shared among guests. Some examples of small plates include, but are not limited to, tapas, dim sum, and meze. Many cultures have different types of small plates. Small plates do not include snack food.

(4) "Customer service area" means areas where food and/or liquor are normally sold and served to the public, i.e., lounges and dining areas. A banquet room is not considered a customer service area.

(5) "Dedicated dining area." In order for an area to qualify as a dedicated dining area, it must be a distinct portion inside of a restaurant that is used primarily for the sale, service, and consumption of food, and have accommodations for eating, e.g., tables, chairs, booths, etc. See WAC 314-02-025 for more information.

(6) "Designated area" means a space where alcohol may be sold, served, or consumed.

(7) "Entertainer" means someone who performs for an audience such as a disc jockey, singer, or comedian, or anyone providing entertainment services for the licensee. An entertainer is considered an employee of the liquor licensee per WAC 314-01-005. Patrons participating in entertainment are not considered employees.

(8) "Entertainment" means dancing, karaoke, singing, comedy shows, concerts, TV broadcasts, contests with patron participation and/or performing for an audience.

(9) "Food counter" means a table or counter set up for the primary purpose of food service to customers who sit or stand at the counter. Any alcohol served is incidental to food service.

(10) "Game room" means an area of a business set up for the primary purpose of patrons using games or gaming devices.

(11) "Liquor bar" means a table or counter where alcohol is stored or prepared and served to customers who sit or stand at the bar. Liquor bars can only be in lounges or in premises where minors are not allowed at any time.

(12) "Lounge" means the portion of a restaurant used primarily for the preparation, sale, and service of beer, wine, or spirits. Minors are not allowed in a lounge (see RCW 66.44.316 for information on employees and professional musicians under 21 years of age).

(13)(a) "Minimum food service" means that menu items such as sandwiches, salad, soup, pizza, hamburgers, fries, savory pies, tacos, dumplings, fried rice, and other similar items are available to order.

(b) Menu items that consist solely of the following types of food do not qualify as minimum food service: Precooked frozen meals that are reheated, carry-out items obtained from another business, or snack food.

(14) "Minor" means a person under 21 years of age.

(15) "On-premises liquor licensed premises" means a building in which a business is located inside that is allowed to sell alcohol for consumption on the licensed premises.

(16) "Service bar" means a fixed or portable table, counter, cart, or similar work station primarily used to prepare, mix, serve, and sell alcohol that is picked up by employees or customers. Customers may not be seated or allowed to consume food or alcohol at a service bar.

(17) "Snack food" includes items such as peanuts, popcorn, chips, jerky, candy, cookies, crackers, edamame, and other similar food items.

[Statutory Authority: 2021 c 48 § 2, RCW 66.08.071, 66.08.030 and 2021 c 48. WSR 22-01-052, § 314-02-010, filed 12/8/21, effective 1/8/22. Statutory Authority: RCW 66.08.030. WSR 17-12-030, § 314-02-010, filed 5/31/17, effective 7/1/17. Statutory Authority: RCW 66.08.030 and 66.24.363. WSR 11-01-133, § 314-02-010, filed 12/21/10, effective 1/21/11. Statutory Authority: RCW 66.08.030 and 66.24.600. WSR 10-01-091, § 314-02-010, filed 12/16/09, effective 1/16/10. Statutory Authority: RCW 66.08.030 and 66.24.590. WSR 08-17-067, § 314-02-010, filed 8/19/08, effective 9/19/08. Statutory Authority: RCW 66.04.010, 66.08.030, 66.24.410, 66.44.310, and 66.44.420. WSR 05-22-022, § 314-02-010, filed 10/24/05, effective 11/24/05. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. WSR 00-07-091, § 314-02-010, filed 3/15/00, effective 4/15/00.]

WAC 314-02-015 What is a spirits, beer, and wine restaurant license? (1) Per RCW 66.24.400, this license allows a restaurant to:

(a) Serve spirits by the individual glass or soju by the bottle for on-premises consumption.

(i) Soju served by the bottle may only be served in restaurants holding a soju endorsement and must be served under the provisions outlined in RCW 66.24.400(5);

(ii) Soju endorsement holders must ensure servers providing soju to patrons are trained every five years in the soju curriculum developed by the board.

(b) Serve beer by the bottle or can or by tap for on-premises consumption;

(c) Serve wine and sake for on-premises consumption;

(d) Allow patrons to remove recorked or recapped wine, sake, or soju from the licensed premises;

(e) Sell wine by the bottle for off-premises consumption with the appropriate endorsement; and

(f) Sell kegs of malt liquor with the appropriate endorsement. This endorsement also allows the sale of beer or cider as defined in RCW 66.24.210(6) in a sanitary container brought to the premises by the purchaser or furnished by the licensee and filled at the tap by the retailer at the time of sale.

(2) To obtain and maintain a spirits, beer, and wine restaurant license, the restaurant must be open to the public at least five hours a day during the hours of 8:00 a.m. and 11:00 p.m., three days a week.

(3) All applicants for a spirits, beer, and wine license must establish, to the satisfaction of the board, that the premises will operate as a bona fide restaurant. The term "bona fide restaurant" means a business where the board can clearly determine that the primary purpose of the business is the service of complete meals. "Complete meals" is defined in WAC 314-02-035.

[Statutory Authority: RCW 66.08.030. WSR 20-05-008, § 314-02-015, filed 2/5/20, effective 3/7/20; WSR 17-12-030, § 314-02-015, filed 5/31/17, effective 7/1/17. Statutory Authority: RCW 66.08.030, 66.24.371, and 66.24.590. WSR 15-01-001, § 314-02-015, filed 12/3/14, effective 1/3/15. Statutory Authority: RCW 66.08.030. WSR 13-06-024, § 314-02-015, filed 2/27/13, effective 3/30/13. Statutory Authority: RCW 66.08.030 and chapter 66.24 RCW. WSR 11-23-045, § 314-02-015, filed 11/9/11, effective 12/10/11. Statutory Authority: RCW 66.08.030 and 66.24.363. WSR 11-01-133, § 314-02-015, filed 12/21/10, effective 1/21/11. Statutory Authority: RCW 66.08.030. WSR 09-02-012, § 314-02-015, filed 12/29/08, effective 1/29/09. Statutory Authority: RCW 66.04.010, 66.08.030, 66.24.410, 66.44.310, and 66.44.420. WSR 05-22-022, § 314-02-015, filed 10/24/05, effective 11/24/05. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. WSR 00-07-091, § 314-02-015, filed 3/15/00, effective 4/15/00.]

WAC 314-02-035 Food service requirements for a spirits, beer, and wine restaurant license. (1) A spirits, beer, and wine restaurant licensee must serve at least four complete meals. Establishments shall be maintained in a substantial manner as a place for preparing, cooking, and serving of complete meals. "Complete meal" is defined in WAC 314-02-010.

(2) The restaurant must maintain the kitchen equipment necessary to prepare the complete meals required under this section.

(3) The complete meals must be prepared on the restaurant premises.

(4) A chef or cook must be on duty while complete meals are offered.

(5) A menu must be available to customers.

(6) The food items required to maintain the menu must be on the restaurant premises. These items must be edible.

(7) Restaurants that have 100 percent dedicated dining area must maintain complete meal service any time liquor is available for sale, service, or consumption.

(8)(a) Restaurants with less than 100 percent dedicated dining area must maintain complete meal service for a minimum of five hours a day during the hours of 8:00 a.m. and 11:00 p.m., three days a week.

(b) Minimum food service must be available during hours of alcohol service when complete meal service is not offered. "Minimum food service" is defined in WAC 314-02-010.

(9) The hours of complete meal service must be conspicuously posted on the premises or listed on the menu. A statement that minimum food service is available outside of those hours must also be posted or listed on the menu.

[Statutory Authority: 2021 c 48 § 2, RCW 66.08.071, 66.08.030 and 2021 c 48. WSR 22-01-052, § 314-02-035, filed 12/8/21, effective 1/8/22. Statutory Authority: RCW 66.24.410. WSR 18-13-063, § 314-02-035, filed 6/14/18, effective 7/15/18. Statutory Authority: RCW 66.08.030. WSR 17-12-030, § 314-02-035, filed 5/31/17, effective 7/1/17. Statutory Authority: RCW 66.08.030 and 66.24.363. WSR 11-01-133, § 314-02-035, filed 12/21/10, effective 1/21/11. Statutory Authority: RCW 66.08.030 and 66.24.600. WSR 10-01-091, § 314-02-035, filed 12/16/09, effective 1/16/10. Statutory Authority: RCW 66.04.010, 66.08.030, 66.24.410, 66.44.310, and 66.44.420. WSR 05-22-022, § 314-02-035, filed 10/24/05, effective 11/24/05. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. WSR 00-07-091, § 314-02-035, filed 3/15/00, effective 4/15/00.]



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Washington State Liquor Control Board

- | | |
|--|---|
| <input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 10-10-084 ; or | <input checked="" type="checkbox"/> Original Notice |
| <input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or | <input type="checkbox"/> Supplemental Notice to WSR _____ |
| <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4). | <input type="checkbox"/> Continuance of WSR _____ |

Title of rule and other identifying information: (Describe Subject) WAC 314-02 Requirements for Retail Liquor Licensees and WAC 314-16 Retail Licensees.

Hearing location(s):

Washington State Liquor Control Board
3000 Pacific Ave SE
Olympia, WA 98504

Date: November 10, 2010 Time: 10:00am

Submit written comments to:

Name: Karen McCall
Address: 3000 Pacific Ave SE
Olympia, WA 98504
e-mail rules@liq.wa.gov
fax (360)664-9689 by (date) November 10, 2010

Assistance for persons with disabilities: Contact

Karen McCall by November 10, 2010

TTY () _____ or (360) 664-1631

Date of intended adoption: November 17, 2010

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Implementation of legislation passed in 2010 may require changes in current rule or adoption of new rules to clarify and provide further guidance to licensees who are impacted by the new regulations. As part of the Liquor Control Board's on-going rules review process, Chapter 314-02 was also reviewed for relevance, clarity, and accuracy. Several sections were moved from WAC 314-16 to WAC 314-02.

Reasons supporting proposal:

Statutory authority for adoption: RCW 66.08.030 and RCW 66.24.363

Statute being implemented: RCW 66.24.363

Is rule necessary because of a:

- | | | |
|-------------------------|------------------------------|-----------------------------|
| Federal Law? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
- If yes, CITATION:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 06, 2010

TIME: 11:01 AM

WSR 10-20-169

DATE
October 6, 2010

NAME (type or print)
Sharon Foster

SIGNATURE

TITLE
Chairman

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

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

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Karen McCall, Rules Coordinator	3000 Pacific Ave SE, Olympia, WA 98504	(360) 664-1631
Implementation.... Alan Rathbun, Director Licensing	3000 Pacific Ave SE, Olympia, WA 98504	(360) 664-1615
Enforcement..... Pat Parmer, Enforcement Chief	3000 Pacific Ave SE, Olympia, WA 98504	(360) 664-1726

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

No small business impact statement was prepared. This proposal does not change the impact on liquor licensees or stakeholders.

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 () _____

e-mail _____

No: Please explain: A cost-benefit analysis is not required.



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: April 18, 2018

TIME: 11:07 AM

WSR 18-09-121

Agency: Washington State Liquor and Cannabis Board

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 18-05-094 ; 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) WAC 314-02-035 What are the food service requirements for a spirits, beer, and wine restaurant license?

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
May 30, 2018	10:00 a.m.	3000 Pacific Ave SE, Olympia, WA 98504	

Date of intended adoption: June 13, 2018 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Karen McCall

Address: PO Box 43080, Olympia, WA 98504

Email: rules@lcb.wa.gov

Fax: 360-664-9689

Other:

By (date) May 30, 2018

Assistance for persons with disabilities:

Contact Karen McCall

Phone: 360-664-1631

Fax: 360-664-9689

TTY:

Email: rules@lcb.wa.gov

Other:

By (date) May 30, 2018

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The rule for meal requirements for spirits, beer, and wine restaurants needs to be revised to include culturally diverse meals.

Reasons supporting proposal: The proposed rules align meal requirements for spirits, beer, and wine restaurants with current business models and include culturally diverse meal examples and entrees not traditionally served with a side dish.

Statutory authority for adoption: RCW 66.24.410

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 Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting: Coordinator	Karen McCall, Rules	3000 Pacific Ave SE, Olympia, WA 98504	360-664-1631
Implementation: Director	Becky Smith, Licensing	3000 Pacific Ave SE, Olympia, WA 98504	360-664-1615
Enforcement: Chief	Justin Nordhorn, Enforcement	3000 Pacific Ave SE, Olympia, WA 98504	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: There are no costs or reporting requirements to licensees.

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). 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)(c) (Incorporation by reference)
- RCW 34.05.310 (4)(d) (Correct or clarify language)
- RCW 34.05.310 (4)(e) (Dictated by statute)
- RCW 34.05.310 (4)(f) (Set or adjust fees)
- 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 _____.

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If 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 analysis showing how costs were calculated. There are no costs or reporting requirements to licensees.
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert 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: April 18, 2018

Name: Jane Rushford

Title: Chair

Signature:





RULE-MAKING ORDER PERMANENT RULE ONLY

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

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 14, 2018

TIME: 10:29 AM

WSR 18-13-063

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 rule for meal requirements for spirits, beer, and wine restaurants needs to be revised to include culturally diverse meals.

Citation of rules affected by this order:

New:
Repealed:
Amended: WAC 314-02-035
Suspended:

Statutory authority for adoption: RCW 66.24.410

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 18-09-121 on April 18, 2018 (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	___	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	<u>1</u>	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	___	Repealed	___

Date Adopted: June 13, 2018

Name: Jane Rushford

Title: Chair

Signature:





PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 29, 2021

TIME: 11:45 AM

WSR 21-20-066

Agency: Washington State Liquor and Cannabis Board (WSLCB)

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 21-11-035 ; 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) Rules to Implement E2SHB 1480 (chapter 48, Laws of 2021). The proposed rules amend or create the following sections:

Chapter 314-02 WAC, "Requirements for Retail Liquor Licensees"

Amended	WAC 314-02-010 "Definitions."
Amended	WAC 314-02-035 "Food service requirements for a spirits, beer, and wine restaurant license."
Amended	WAC 314-02-0411 "Food service requirements for a hotel license."
Amended	WAC 314-02-065 "Snack bar license."
Amended	WAC 314-02-087 "Spirits, beer, and wine theater license."
Amended	WAC 314-02-112 "Caterer's license."
Amended	WAC 314-02-114 "Senior center license."

Chapter 314-03 WAC, "Allowed Activities"

Amended	WAC 314-03-200 "Outside or extended alcohol service."
New	WAC 314-03-205 "Temporary rules for outdoor alcohol service by on-premises licensees."
New	WAC 314-03-500 "Temporary endorsement for sale of manufacturer-sealed alcohol products through curbside, takeout, or delivery service."
New	WAC 314-03-505 "Temporary endorsement for sale of premixed cocktails, cocktail kits, wine by the glass, premixed wine and spirits cocktails, or premixed wine drinks through curbside, takeout, or delivery service."
New	WAC 314-03-510 "Temporary endorsement for sale of growlers through curbside, takeout, or delivery service."

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
November 10, 2021	10:00 am	In response to the coronavirus disease 2019 (COVID-19) public health emergency, the WSLCB will not provide a physical location for this hearing to promote social distancing and the safety of the citizens of Washington State. A virtual public hearing, without a physical meeting space, will be held instead. Board members, presenters, and staff will all participate remotely. The public	For more information about Board meetings, please visit https://lcb.wa.gov/Boardmeetings/Board_meetings .

	<p>may 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.</p>	
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Date of intended adoption: No earlier than November 24, 2021. (Note: This is **NOT** the **effective** date)

Submit written comments to:
 Name: Audrey Vasek, Policy and Rules Coordinator
 Address: 1025 Union Avenue, Olympia, WA 98501
 Email: rules@lcb.wa.gov
 Fax: 360-704-5027
 Other:
 By (date) November 10, 2021

Assistance for persons with disabilities:
 Contact Anita Bingham, 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) October 27, 2021

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

Background

In March of 2020, as the coronavirus (COVID-19) pandemic began to spread rapidly in Washington, the state announced restrictions that impacted the operations of many WSLCB licensees, particularly on-premises licensees. Some licensees were required to close entirely and others had significant limitations to sales and customer service. The WSLCB worked to find temporary ways for businesses to expand their operations using methods that would not put the health of employees or customers at risk. E2SHB 1480 (which took effect on April 14, 2021) provides legislative authorization extending certain temporary privileges that the WSLCB granted to liquor licensees to mitigate the impact of the COVID-19 pandemic. These temporary privileges include:

Temporary Endorsements for “To-Go” Alcohol Sales

E2SHB 1480 creates temporary alcohol to-go endorsements that allow certain licensees to engage in curbside, takeout, or delivery sales of cocktails and wine by the glass, growlers, and other alcohol products. These new endorsements are set to expire July 1, 2023. There are no fees for licensees to obtain these endorsements. See E2SHB 1480, section 2(2)-(7) and (11).

Outdoor Alcohol Service Areas

E2SHB 1480 requires the WSLCB to adopt or revise current rules to allow for temporary outdoor service of alcohol by certain on-premises licensees, and provides the WSLCB with authority to adopt requirements providing for clear accountability at locations where multiple licensees use a shared space for serving customers. These outdoor alcohol service area rules are set to expire July 1, 2023. See E2SHB 1480, section 2(8) and (11).

Food Service Menu Requirements

E2SHB 1480 requires the WSLCB to consider revising current rules in order to provide greater flexibility regarding the food service menu requirements that licensees must provide in conjunction with alcohol sales. These food service requirement changes are permanent. See E2SHB 1480, section 3.

Purpose

The purpose of this proposal is to implement E2SHB 1480 by: (1) creating rules for the temporary “to-go” alcohol endorsements; (2) creating and revising rules for the temporary outdoor alcohol service area requirements; and (3) revising food service requirement rules to provide licensees with greater flexibility and make it more financially feasible for licensees to comply with the rules. Proposed new rules and changes to existing rules are described in the table below.

Reasons supporting proposal: The proposed rules are needed to align existing rules with and implement the law as established by E2SHB 1480.

Rule section	Description of proposed rule changes	Supporting reasons
<i>Category: Food Service Menu Requirements</i>		
WAC 314-02-010 "Definitions." (AMENDED)	The definitions of "complete meal," "minimum food service," and "snack food" are revised to provide greater flexibility for licensees. ("Complete meal" was previously defined in WAC 314-02-035.) The definition of "limited food service" is removed and consolidated with "minimum food service." New, culturally diverse food examples are added to all three of these definitions, and the definition of complete meal is expanded to include a "small plates" option in addition to the "entree with at least one side dish available" option.	To implement section 3 of E2SHB 1480 (codified as RCW 66.08.071), which directs the WSLCB to "consider revising current rules in order to provide greater flexibility regarding food service menu requirements." To improve clarity of the rules by streamlining and making technical corrections to language and numbering, without changing its effect.
WAC 314-02-035 "Food service requirements for a spirits, beer, and wine restaurant license." (AMENDED)	The required number of complete meals is reduced from eight to four. The section is streamlined by removing content that is repeated in the definition section and replacing it with references to the appropriate definitions in WAC 314-02-010. The section caption is revised from a question to a statement.	
WAC 314-02-041 "Food service requirements for a hotel license." (AMENDED)	The required number of complete meals is reduced from eight to four. The section is streamlined by removing content that is repeated in the definition section and replacing it with references to the appropriate definitions in WAC 314-02-010. The section caption is revised from a question to a statement.	
WAC 314-02-065 "Snack bar license." (AMENDED)	The cross-reference in subsection (2) to the definition of snack food in WAC 314-02-010 is updated. The section caption is revised from a question to a statement.	
WAC 314-02-087 "Spirits, beer, and wine theater license." (AMENDED)	The section is streamlined by removing food service requirements that are repeated in WAC 314-02-035, the spirits, beer, and wine restaurant license, and replacing that language with a cross-reference. The effect of this change is that the required number of complete meals is reduced from eight to four. The section caption is revised from a question to a statement.	
WAC 314-02-112 "Caterer's license." (AMENDED)	The required number of complete meals is reduced from eight to four. The section is streamlined by removing content that is repeated in the definition section and replacing it with references to the appropriate definitions in WAC 314-02-010. The section caption is revised from a question to a statement. The subsection numbering is also revised throughout the section.	
WAC 314-02-114 "Senior center license." (AMENDED)	The section is streamlined by removing content that is repeated in the definition of "minimum food service" and replacing it with a reference to the definition of "minimum food service" in WAC 314-02-010. The section caption is revised from a question to a statement.	
<i>Category: Outdoor Alcohol Service Areas</i>		
WAC 314-03-200 "Outside or extended alcohol service." (AMENDED)	A cross-reference to the proposed temporary rules for outdoor alcohol service in WAC 314-03-205 is added to the first paragraph.	To implement section 2(8) of E2SHB 1480, which directs the WSLCB to "adopt or revise current rules to allow for outdoor service of alcohol by on-premises licensees." To improve clarity of the rules by streamlining and making technical corrections to language and numbering, without changing its effect.
WAC 314-03-205 "Temporary rules for outdoor alcohol service by on-premises licensees." (NEW)	<p>Creates a new section. The section applies to all on-premises licensees that want to have ongoing outdoor alcohol service areas. As before, licensees must apply to the WSLCB Licensing Division for approval/alteration request. There are different requirements for outdoor alcohol service areas in private versus public spaces.</p> <p>As compared to the existing rules, the temporary rules provide more flexibility and options for licensees that want to have outdoor alcohol service areas:</p> <p>Outdoor service areas in public spaces (e.g. sidewalk cafes) are no longer limited to restaurants—all licensees are eligible if they have local jurisdiction approval.</p> <p>The outdoor service area does not have to be contiguous to the licensed premises but must be on the same property or parcel.</p> <p>Interior access to the licensed premises from the outdoor service area is no longer required, but there must be a direct line of sight to the outdoor area from within the licensed premises or an employee must be present in the outdoor area at all times when customers are present to monitor alcohol consumption.</p> <p>Requirements for shared outdoor alcohol service areas are established as follows:</p> <ul style="list-style-type: none"> • Licensees' property parcels/buildings must be located in direct physical proximity to one another; • Licensees must maintain separate storage of products and separate financial records for the shared outdoor alcohol service area; • Licensees must use distinctly marked glassware or serving containers in the shared outdoor area to identify the source of any alcohol product being consumed. The distinctive marking may be either permanent or temporary; and • Licensees must complete an operating plan for the shared outdoor alcohol service area. 	
<i>Category: Temporary Endorsements for "To-Go" Alcohol Sales</i>		
WAC 314-03-500 "Temporary endorsement for sale of manufacturer-sealed alcohol products through curbside, takeout, or delivery service." (NEW)	<p>Creates a new rule section to implement the new temporary endorsement for sale of alcohol products through curbside, takeout, or delivery service created by E2SHB 1480. The endorsement is available to the licensees specified in E2SHB 1480: Spirits, Beer, and Wine (SBW) Restaurants, Beer and/or Wine (BW) Restaurants, Taverns, Wineries, Breweries, Microbreweries, Distilleries, Snack Bars, Nonprofit Arts Licensees, and Caterers. The endorsement includes the following requirements:</p> <ul style="list-style-type: none"> • Alcohol products must be manufacturer-sealed or factory-sealed. 	To implement E2SHB 1480, section 2(2), (6), and (9).

	<ul style="list-style-type: none"> • 21+ Labelling requirement: If the alcohol product is enclosed in a bag, box, or other packaging, the exterior of the packaging must be marked with the words "CONTAINS ALCOHOL, FOR PERSONS 21+". Producers (breweries, wineries, and distilleries) selling alcohol products through takeout are exempt from this requirement. • Delivery requirements: Delivery must be made by persons who are 21+. Third-party service providers are allowed if licensees comply with the existing consumer orders, internet sales, and delivery rules. Delivery person must verify that person receiving the alcohol is 21+ and obtain their signature. Alcohol products may not be left unattended. Delivery may not be made to intoxicated persons. • Signage requirements: Signs regarding public consumption and transportation of alcohol products sold through curbside, takeout, or delivery service will be provided electronically by the WSLCB and must be posted at the main entrance and areas of the premises where customers pick up alcohol products for takeout or curbside service. 	
<p>WAC 314-03-505 "Temporary endorsement for sale of premixed cocktails, cocktail kits, wine by the glass, premixed wine and spirits cocktails, or premixed wine drinks through curbside, takeout, or delivery service." (NEW)</p>	<p>Creates a new rule section to implement the new temporary endorsement for sale of premixed cocktails, cocktail kits, wine by the glass, premixed wine and spirits cocktails, or premixed wine drinks through curbside, takeout, or delivery service created by E2SHB 1480. The endorsement is available to the licensees specified in E2SHB 1480: SBW restaurants (for all of the above drinks), BW restaurants (for wine or premixed wine drinks by the glass). The endorsement includes the following requirements:</p> <ul style="list-style-type: none"> • Food requirements: For SBW restaurants, a complete meal must be sold with the "to-go" cocktail, wine, etc. Up to 3 ounces of spirits may be sold per complete meal. For BW restaurants, a minimum food service item must be sold with the "to-go" wine or premixed wine drink. • Container requirements: The "to-go" cocktails, wine, etc., must be packaged in containers that are sealed in a manner designed to prevent consumption without removal of a tamper-evident lid, cap, or seal. A non-comprehensive list of examples is provided. • 21+ Labelling requirements: The individual "to-go" containers must be clearly marked or labeled with the words "CONTAINS ALCOHOL, FOR PERSONS 21+". If the individual "to-go" containers are enclosed in a bag, box, or other packaging, the exterior of the packaging must be marked with the words "CONTAINS ALCOHOL, FOR PERSONS 21+" • To deter public consumption or consumption in a vehicle, licensees may not put ice directly into the alcohol "to-go" containers. Ice may be provided separately with the order. • Alcohol "to-go" containers must be placed in the trunk of a vehicle or beyond the immediate reach of the driver and any passengers in compliance with open container requirements in RCW. • Delivery requirements: Delivery must be made by employees of the licensed business who are 21+. Delivery may not be made by third-party service providers. Delivery person must verify that person receiving the alcohol is 21+ and obtain their signature. Alcohol products may not be left unattended. Delivery may not be made to intoxicated persons. • Signage requirements: Signs regarding public consumption and transportation of alcohol products sold through curbside, takeout, or delivery service will be provided electronically by the WSLCB and must be posted at the main entrance and areas of the premises where customers pick up alcohol products for takeout or curbside service. <p>The following terms used in E2SHB 1480 are defined: "premixed cocktail," "premixed wine and spirits cocktail," and "premixed wine drink."</p>	<p>To implement E2SHB 1480, section 2(3), (4), (6), and (9).</p>
<p>WAC 314-03-510 "Temporary endorsement for sale of growlers through curbside, takeout, or delivery service." (NEW)</p>	<p>Creates a new rule section to implement the new temporary endorsement for sale of growlers through curbside, takeout, or delivery service created by E2SHB 1480. The endorsement is available to the licensees specified in E2SHB 1480: licensees that were authorized by statute or rule before January 1, 2020, to sell growlers, including Taverns, BW restaurants, SBW restaurants, Grocery Stores, Beer and Wine Specialty Shops, Breweries, Microbreweries, Wineries, Combination SBW Licensees, and Hotel Licensees. The endorsement includes the following requirements:</p> <ul style="list-style-type: none"> • As specified in E2SHB 1480, sales of growlers must meet federal TTB requirements. • Growlers must be filled at the tap by the licensee at the time of sale, except that beer and wine specialty shops and breweries can prefill growlers as allowed by E2SHB 1480. • Delivery requirements: Delivery must be made by employees of the licensed business who are 21+. Delivery may not be made by third-party service providers. Delivery person must verify that person receiving the alcohol is 21+ and obtain signature. Alcohol products may not be left unattended. Delivery may not be made to intoxicated persons. • Signage requirements: Signs regarding public consumption and transportation of alcohol products sold through curbside, takeout, or delivery service will be provided electronically by the WSLCB and must be posted at the main entrance and areas of the premises where customers pick up alcohol products for takeout or curbside service. 	<p>To implement E2SHB 1480, section 2(5)-(7), and (9).</p>

Statutory authority for adoption: E2SHB 1480 (section 2, chapter 48, Laws of 2021), RCW 66.08.071, RCW 66.08.030.

Statute being implemented: E2SHB 1480 (chapter 48, Laws of 2021).

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 Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting: Rules Coordinator	Audrey Vasek, Policy and	1025 Union Avenue, Olympia WA, 98501	360-664-1758
Implementation: Licensing	Becky Smith, Director of	1025 Union Avenue, Olympia, WA. 98501	360-664-1753
Enforcement: Enforcement and Education	Chandra Brady, Director of	1025 Union Avenue, Olympia, WA, 98501	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 rules do not qualify as a type of rule requiring a cost-benefit analysis under RCW 34.05.328(5). The WSLCB 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 Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). 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:

- | | |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input checked="" type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> 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(3) through the exemptions in RCW 34.05.310 (4) (c), (d), and (e).

Explanation of exemptions, if necessary: Portions of the proposed rules are exempt from the Regulatory Fairness Act's (RFA) Small Business Economic Impact Statement (SBEIS) requirement under RCW 34.05.310(4)(c), (d), and (e) as described in the table below:

Rule	Content	Citation	SBEIS Exemption
Alcohol Products "To-Go" Endorsement	<p><i>The following components of the rule qualify for an SBEIS exemption:</i></p> <p>Specifically dictated by E2SHB 1480:</p> <ul style="list-style-type: none"> • Endorsement is temporary • List of eligible licensees • Upon delivery, signature of person age 21 or over must be obtained • Expiration date <p>Incorporation by reference:</p> <ul style="list-style-type: none"> • At time of alcohol delivery, employee must verify age using acceptable form of ID in WAC 314-11-025. (RCW 66.44.270) • Delivery may not be made of any person who shows signs of intoxication. (RCW 66.44.200) • References to other applicable laws and rules in Title 66 RCW, Title 314 WAC, etc 	<p><u>WAC 314-03-500:</u> Subsection (1) Subsection (2) Subsection (3)(c)(ii) Subsection (3)(c)(iv) Subsection (4) Subsection (5) Subsection (6)</p>	<p>RCW 34.05.310(4)(e): Content of the proposed rules is explicitly and specifically dictated by statute.</p> <p>RCW 34.05.310(4)(c): Adopts or incorporates by reference without material change Washington state statutes.</p>
	<p><i>The following components of the rule do not qualify for an SBEIS exemption:</i></p> <ul style="list-style-type: none"> • 21+ Labelling requirements • Delivery requirements • Signage requirements • Definitions 		
Cocktails and Wine by the Glass "To-Go" Endorsement	<p><i>The following components of the rule qualify for an SBEIS exemption:</i></p> <p>Specifically dictated by E2SHB 1480:</p> <ul style="list-style-type: none"> • Endorsement is temporary • List of eligible licensees • Mini-bottle sales as part of cocktail kits exempt from spirits license issuance fee and tax on retail sale of spirits • Upon delivery, signature of person age 21 or over must be obtained • Expiration date • Definition of mini-bottles <p>Incorporation by reference:</p> <ul style="list-style-type: none"> • At time of alcohol delivery, employee must verify age using acceptable form of ID in WAC 314-11-025. (RCW 66.44.270) • Delivery may not be made of any person who shows signs of intoxication. (RCW 66.44.200) • "To-go" alcohol drinks must be placed in trunk of vehicle, beyond reach of driver in compliance with open container laws (RCW 46.61.519) • References to other applicable laws and rules in Title 66 RCW, Title 314 WAC, etc. • Definitions of spirits and wine 	<p><u>WAC 314-03-505:</u> Subsection (1) Subsection (2) Subsection (3)(g)(ii) Subsection (3)(g)(iv) Subsection (4) Subsection (5)(a),(b),(f),(g) Subsection (6)</p>	<p>RCW 34.05.310(4)(e): Content of the proposed rules is explicitly and specifically dictated by statute.</p> <p>RCW 34.05.310(4)(c): Adopts or incorporates by reference without material change Washington state statutes.</p>

	<p><i>The following components of the rule do not qualify for an SBEIS exemption:</i></p> <ul style="list-style-type: none"> • Food requirements • Container requirements • 21+ Labelling requirements • Delivery requirements • Signage requirements • Definitions of premixed cocktail, premixed wine and spirits cocktail, and premixed wine drink 	<p><u>WAC 314-03-505:</u> Subsection (3), except (3)(g)(ii) and (iv) Subsection (5)(c)-(e)</p>	<p>No exemption applies. See estimated cost of compliance and minor cost analysis in section below.</p>
Growlers "To-Go" Endorsement	<p><i>The following components of the rule qualify for an SBEIS exemption:</i></p> <p>Specifically dictated by E2SHB 1480:</p> <ul style="list-style-type: none"> • Endorsement is temporary • List of eligible licensees • Sale of growlers must meet TTB requirements • BW specialty shops & breweries may sell prefilled growlers • Upon delivery, signature of person age 21 or over must be obtained • Expiration date • Definition of growlers <p>Incorporation by reference:</p> <ul style="list-style-type: none"> • At time of alcohol delivery, employee must verify age using acceptable form of ID in WAC 314-11-025. (RCW 66.44.270) • Delivery may not be made of any person who shows signs of intoxication. (RCW 66.44.200) • References to other applicable laws and rules in Title 66 RCW, Title 314 WAC, etc • Definitions of alcohol product, beer, cider, and wine 	<p><u>WAC 314-03-510:</u> Subsection (1) Subsection (2) Subsection (3)(d)(ii) Subsection (3)(d)(iv) Subsection (4) Subsection (5) Subsection (6)</p>	<p>RCW 34.05.310(4)(e): Content of the proposed rules is explicitly and specifically dictated by statute.</p> <p>RCW 34.05.310(4)(c): Adopts or incorporates by reference without material change Washington state statutes.</p>
	<p><i>The following components of the rule do not qualify for an SBEIS exemption:</i></p> <ul style="list-style-type: none"> • Delivery requirements • Signage requirements 	<p><u>WAC 314-03-510:</u> Subsection (3), except (3)(d)(ii) and (iv)</p>	<p>No exemption applies. See estimated cost of compliance and minor cost analysis in section below.</p>
Outdoor Alcohol Service Areas	<p><i>The following components of the rule qualify for an SBEIS exemption:</i></p> <ul style="list-style-type: none"> • Statement that rules are temporary • Expiration date 	<p><u>WAC 314-03-205:</u> Subsection (1) Subsection (7)</p>	<p>RCW 34.05.310(4)(e): Content of the proposed rules is explicitly and specifically dictated by statute.</p>
	<p><i>The following components of the rule do not qualify for an SBEIS exemption:</i></p> <p>The new temporary rules provide more flexibility and options for licensees that want to have outdoor alcohol service areas, as well as establish requirements for licensees that share outdoor alcohol service areas. The existing outdoor service rule section is revised to include a cross-reference to the new temporary rule section.</p>	<p><u>WAC 314-03-200</u> <u>WAC 314-03-205:</u> Subsections (2)-(6)</p>	<p>No exemption applies, but the changes are not anticipated to impose any new costs on licensees. The changes provide greater flexibility in outdoor alcohol service area options for licensees. See estimated cost of compliance and minor cost analysis in section below.</p>
Food Service Menu Requirements	<p><i>The following components of the rule qualify for an SBEIS exemption:</i></p> <p>For clarity, the language in the section captions for each of these rules is revised from a question to a statement.</p>	<p>Section Captions in: 314-02-010 314-02-035 314-02-0411 314-02-065 314-02-087 314-02-112 314-02-114</p>	<p>RCW 34.05.310(4)(d): Clarifies language of a rule without changing its effect.</p>
	<p><i>The following components of the rule do not qualify for an SBEIS exemption:</i></p> <p>The number of required complete meals for certain licensees is reduced from eight to four.</p> <p>Definitions for "complete meal," "minimum food service," and "snack food" are revised.</p>	<p>314-02-010 314-02-035 314-02-0411 314-02-065 314-02-087 314-02-112 314-02-114</p>	<p>No exemption applies, but the changes are anticipated to reduce licensee costs to comply with food service requirements by providing greater flexibility. The changes are not anticipated to impose any new costs on licensees. See estimated cost of compliance and minor cost analysis in section below.</p>

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If 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 analysis showing how costs were calculated.

Overview

E2SHB 1480 created new temporary endorsements for the sale of certain alcohol products through curbside, takeout, or delivery service (“to-go” endorsements) that certain licensees may choose to obtain. E2SHB 1480 also requires that the WSLCB create or revise rules to allow for outdoor alcohol service, and to consider revising rules related to food service requirements to provide greater flexibility for licensees. The proposed rules implementing E2SHB 1480 are largely exempt from the RFA’s SBEIS requirement as described in the table above. For the portions of the proposed rules that are not exempt from the RFA’s SEBIS requirement, the estimated annual business costs of compliance and minor cost thresholds are described below. The estimated costs of compliance do not exceed the minor cost thresholds for the affected business industries, so a small business economic impact statement (SBEIS) is not required under RCW 19.85.030.

Estimated Annual Costs of Compliance

The WSLCB applied the following estimated costs of compliance when analyzing whether the proposed rules impose more than “minor costs” as defined in RCW 19.85.020(2) on businesses potentially impacted by the proposed rules. In order to estimate these costs of compliance, WSLCB Policy and Rules Coordinators interviewed twelve volunteer licensees for 45 minutes each in September 2021. In order to recruit volunteer interviewees, a GovDelivery message was sent to all liquor licensee subscribers on September 3, 2021 asking for licensees impacted by the to-go endorsements to provide feedback to help estimate the costs of compliance associated with the draft rules to implement E2SHB 1480. The estimated costs are described below.

(1) Temporary manufacturer-sealed alcohol products “to-go” endorsement: \$122 to \$235.

This is an entirely optional or voluntary endorsement. Licensees are not required to obtain this endorsement unless they wish to engage in the new “to-go” sales privileges provided by this endorsement. Although the endorsement is optional, for licensees that do choose to obtain this endorsement, the WSLCB estimates that the total annual cost of compliance with the proposed rules will range between \$122 to \$235, as described below.

Eligible Businesses: Businesses eligible to apply for this endorsement include SBW and BW restaurants, taverns, wineries, breweries, microbreweries, distilleries, snack bars, nonprofit arts licensees, and caterers.

Portions of proposed rules not exempt	Estimated Annual Costs of Compliance
21+ Labelling requirements	\$189 one-time cost during the first year of the endorsement, and \$90 annually in subsequent years. The agency rules team interviewed 12 licensees to determine estimated annual costs of compliance with the manufacturer-sealed alcohol products to-go “CONTAINS ALCOHOL, FOR PERSONS 21+” labelling requirements. Interviewees were asked to consider equipment, supplies, labor, professional services, and administrative costs. The estimated annual cost of compliance was calculated by averaging the cost estimates provided by licensees. Some licensees indicated this requirement would impose a one-time cost (e.g. if a customized rubber stamp were purchased) while other licensees indicated this requirement would impose an annual cost (e.g. if stickers were purchased). Several other licensees indicated they already marked their to-go packaging in the manner required by the proposed rules and there would be no additional cost. The rules do not require a specific type of labelling method as long as the label is legible and readily visible. One-time first year cost: $[\$10+\$50+\$70+\$250+\$20+\$1100+\$260+\$437.50+\$70+\$0+\$0+\$0]/12 = \sim\$188.96$; Annual cost in subsequent years: $[\$0+\$50+\$0+\$250+\$20+\$0+\$250+\$437.50+\$70+\$0+\$0+\$0]/12 = \sim\$89.79$. For the purpose of the minor cost calculations, these estimated costs are rounded to \$189 and \$90, respectively.
Delivery requirements	None (\$0). The agency rules team interviewed 12 licensees to determine estimated annual costs of compliance with the manufacturer-sealed alcohol products to-go delivery requirements. Interviewees were asked to consider equipment, supplies, labor, professional services, and administrative costs. The licensees interviewed either indicated that they did not plan to do delivery so there would be no additional costs, or that they were already engaging in delivery that met the requirements in the proposed rules so that there would be no additional costs.
Signage requirements	\$40 one-time cost during the first year of the endorsement, and \$32 annually in subsequent years. The agency rules team interviewed 12 licensees to determine estimated annual costs of compliance with the manufacturer-sealed alcohol products to-go signage requirements. The signage requirements for each of the three “to-go” endorsements are the same. Interviewees were asked to consider equipment, supplies, labor, professional services, and administrative costs. The estimated annual cost of compliance was calculated by averaging the cost estimates provided by licensees. One-time first year cost: $[\$30+\$50+\$100+\$100+\$0+\$50+\$10+\$3+\$0+\$2+\$100+\$40]/12 = \sim\$40.42$; Annual cost in subsequent years: $[\$30+\$50+\$0+\$100+\$0+\$50+\$10+\$3+\$0+\$2+\$100+\$40]/12 = \sim\$32.08$; For the purpose of the minor cost calculations, these estimated costs are rounded to \$40 and \$32, respectively.
Definitions	None (\$0).
Licensing— Administrative costs	\$6 one-time cost during the first year of the endorsement, and no cost (\$0) annually in subsequent years. A licensee that chooses to apply for the endorsement will have some administrative costs related to licensing. The agency estimates that applicants will spend approximately 10-15 minutes in order to complete an initial application for an endorsement and interact with agency licensing staff. Since this is an endorsement with no fee, for renewals of the endorsement in subsequent years, the agency estimates that applicants will spend no additional time beyond what is required to renew their underlying license.

	According to the 2021 Occupational Employment and Wage Statistics (OEWS) Online Databook available in the Employment Security Department (ESD) labor market report library (https://esd.wa.gov/labormarketinfo/report-library), the estimated average hourly wage in Washington State for Secretaries and Administrative Assistants, Except Legal, Medical, and Executive (using the Standard Occupational Classification (SOC) Code 43-6014) is \$22.68. Based on that data, the estimated cost for these administrative activities during the initial application year is \$5.67 [$\$22.68 \text{ avg. hourly wage} \times .25 \text{ hours} = \5.67], and the estimated cost during subsequent renewal years is \$0. For the purpose of the minor cost calculations, these estimated administrative costs are rounded up to \$6 and \$0, respectively.
Total	\$235 one-time cost during the first year of the endorsement, and \$122 annually in subsequent years.

(2) Temporary cocktails or wine by the glass “to-go” endorsement: \$768 to \$894.

This is an entirely optional or voluntary endorsement. Licensees are not required to obtain this endorsement unless they wish to engage in the new “to-go” sales privileges provided by this endorsement. Although the endorsement is optional, for licensees that do choose to obtain this endorsement, the WSLCB estimates that the total annual cost of compliance with the proposed rules will range between \$768 to \$894, as described below.

Eligible Businesses: Businesses eligible to apply for this endorsement include SBW and BW restaurants.

Portions of proposed rules not exempt	Estimated Annual Costs of Compliance
Food requirements	None (\$0). SBW Restaurants are already required to sell complete meals and BW Restaurants are already required to provide minimum food service, so the agency does not anticipate that the requirement in the proposed rules that cocktails or wine by the glass to-go orders must include food items (e.g. a “complete meal” for SBW restaurants, or a food item that qualifies as “minimum food service” for BW restaurant) will impose any additional costs on licensees.
Tamper-evident container requirements	\$481 one-time cost during the first year of the endorsement, and \$464 annually in subsequent years. The agency rules team interviewed 12 licensees to determine estimated annual costs of compliance with the cocktail/wine by the glass to-go tamper-evident container requirements. Interviewees were asked to consider equipment, supplies, labor, professional services, and administrative costs. Depending on the type of tamper-evident container selected by the licensees, the estimated costs varied widely. For example, licensees that indicated they planned to use heat shrink wrap bands around the lid or cap of a container or planned to purchase bottles that come with break apart caps provided far lower cost estimates than licensees that indicated they planned to purchase specialized sealing equipment and custom designed bottles. Based on the overall feedback from the licensees interviewed, the agency rules team estimates that the cost of compliance with the tamper-evident requirement in the proposed rules accounts for no more than 25% of the estimated cost of a tamper-evident container. Without the tamper-evident requirement in the proposed rules, there would still be a cost for the licensee to purchase a regular, non-tamper-evident container in which to sell to-go drinks. The costs estimates provided by licensees were multiplied by .25 in order to capture just the added cost of compliance with the tamper-evident requirement in the proposed rules. The estimated annual cost of compliance was calculated by averaging the cost estimates provided by licensees (already multiplied by .25). One-time first year cost: $[\$2012.50 + \$0 + \$31.50 + \$888.71 + \$68.75 + \$1000 + \$250 + \$850 + \$68.35 + \$401 + \$200 + \$0] / 12 = \sim \$480.90$; Annual cost in subsequent years: $[\$2012.50 + \$0 + \$31.50 + \$888.71 + \$68.75 + \$1000 + \$250 + \$850 + \$68.35 + \$401 + \$0 + \$0] / 12 = \sim \$464.23$; For the purpose of the minor cost calculations, these estimated costs are rounded to \$481 and \$464, respectively.
21+ Labelling requirements	\$367 one-time cost during the first year of the endorsement, and \$272 annually in subsequent years. The agency rules team interviewed 12 licensees to determine estimated annual costs of compliance with the cocktail/wine by the glass to-go “CONTAINS ALCOHOL, FOR PERSONS 21+” labelling requirements. Interviewees were asked to consider equipment, supplies, labor, professional services, and administrative costs. The estimated annual cost of compliance was calculated by averaging the cost estimates provided by licensees. Some licensees indicated this requirement would impose a one-time cost (e.g. if a customized rubber stamp were purchased) while other licensees indicated this requirement would impose an annual cost (e.g. if stickers were purchased). Several other licensees indicated they already marked their to-go packaging in the manner required by the proposed rules and there would be no additional cost. The rules do not require a specific type of labelling method as long as the label is legible and readily visible. One-time first year cost: $[\$910 + \$0 + \$490 + \$250 + \$70 + \$1000 + \$260 + \$350 + \$140 + \$936 + \$0 + \$0] / 12 = \sim \$367.17$; Annual cost in subsequent years: $[\$900 + \$0 + \$420 + \$250 + \$20 + \$0 + \$250 + \$350 + \$140 + \$936 + \$0 + \$0] / 12 = \sim \$272.17$. For the purpose of the minor cost calculations, these estimated costs are rounded to \$367 and \$272, respectively.
Delivery requirements	None (\$0). The agency rules team interviewed 12 licensees to determine estimated annual costs of compliance with the cocktail/wine by the glass to-go delivery requirements. Interviewees were asked to consider equipment, supplies, labor, professional services, and administrative costs. The licensees interviewed either indicated that they did not plan to do delivery so there would be no additional costs, or that they were already engaging in delivery that met the requirements in the proposed rules so that there would be no additional costs.
Signage requirements	\$40 one-time cost during the first year of the endorsement, and \$32 annually in subsequent years. The agency rules team interviewed 12 licensees to determine estimated annual costs of compliance with the cocktail/wine by the glass to-go signage requirements. The signage requirements for each of the three “to-go” endorsements are the same. Interviewees were asked to consider equipment, supplies, labor, professional services, and administrative costs. The estimated annual cost of compliance was calculated by averaging the cost estimates provided by licensees. One-time first year cost: $[\$30 + \$50 + \$100 + \$100 + \$0 + \$50 + \$10 + \$3 + \$0 + \$2 + \$100 + \$40] / 12 = \sim \$40.42$; Annual cost in subsequent years: $[\$30 + \$50 + \$0 + \$100 + \$0 + \$50 + \$10 + \$3 + \$0 + \$2 + \$100 + \$40] / 12 = \sim \$32.08$; For the purpose of the minor cost calculations, these estimated costs are rounded to \$40 and \$32, respectively.
Definitions of premixed cocktail, premixed wine and spirits cocktail, and premixed wine drink	None (\$0).
Licensing— Administrative costs	\$6 one-time cost during the first year of the endorsement, and no cost (\$0) annually in subsequent years. A licensee that chooses to apply for the endorsement will have some administrative costs related to licensing. The agency estimates that applicants will spend approximately 10-15 minutes in order to complete an initial application for an endorsement and interact with agency licensing staff. Since this is an endorsement with no fee, for renewals of the endorsement in subsequent years, the agency estimates that applicants will spend no additional time beyond what is required to renew their underlying license. According to the 2021 OEWS Online Databook available in the ESD labor market report library (https://esd.wa.gov/labormarketinfo/report-library), the estimated average hourly wage in Washington State for Secretaries

	and Administrative Assistants, Except Legal, Medical, and Executive (using the SOC Code 43-6014) is \$22.68. Based on that data, the estimated cost for these administrative activities during the initial application year is \$5.67 [$\$22.68 \text{ avg. hourly wage} \times .25 \text{ hours} = \5.67], and the estimated cost during subsequent renewal years is \$0. For the purpose of the minor cost calculations, these estimated administrative costs are rounded up to \$6 and \$0, respectively.
Total	\$894 one-time cost during the first year of the endorsement, and \$768 annually in subsequent years.

(3) Temporary growlers “to-go” endorsement: \$32 to \$46.

This is an entirely optional or voluntary endorsement. Licensees are not required to obtain this endorsement unless they wish to engage in the new “to-go” sales privileges provided by this endorsement. Although the endorsement is optional, for licensees that do choose to obtain this endorsement, the WSLCB estimates that the total annual cost of compliance with the proposed rules will range between \$32 to \$46, as described below.

Eligible Businesses: Businesses eligible to apply for this endorsement include licensees that were authorized by statute or rule before January 1, 2020, to sell growlers, such as taverns, restaurants, grocery stores, BW specialty shops, breweries, wineries, combination SBW licensees, and hotel licensees.

Portions of proposed rules not exempt	Estimated Annual Costs of Compliance
Delivery requirements	None (\$0). The agency rules team interviewed 12 licensees to determine estimated annual costs of compliance with the growlers to-go delivery requirements. Interviewees were asked to consider equipment, supplies, labor, professional services, and administrative costs. The licensees interviewed either indicated that they did not plan to do delivery so there would be no additional costs, or that they were already engaging in delivery that met the requirements in the proposed rules so that there would be no additional costs.
Signage requirements	\$40 one-time cost during the first year of the endorsement, and \$32 annually in subsequent years. The agency rules team interviewed 12 licensees to determine estimated annual costs of compliance with the growlers to-go signage requirements. The signage requirements for each of the three “to-go” endorsements are the same. Interviewees were asked to consider equipment, supplies, labor, professional services, and administrative costs. The estimated annual cost of compliance was calculated by averaging the cost estimates provided by licensees. One-time first year cost: $[\$30+\$50+\$100+\$100+\$0+\$50+\$10+\$3+\$0+\$2+\$100+\$40]/12 = \sim\$40.42$; Annual cost in subsequent years: $[\$30+\$50+\$0+\$100+\$0+\$50+\$10+\$3+\$0+\$2+\$100+\$40]/12 = \sim\$32.08$; For the purpose of the minor cost calculations, these estimated costs are rounded to \$40 and \$32, respectively.
Licensing— Administrative costs	\$6 one-time cost during the first year of the endorsement, and no cost (\$0) annually in subsequent years. A licensee that chooses to apply for the endorsement will have some administrative costs related to licensing. The agency estimates that applicants will spend approximately 10-15 minutes in order to complete an initial application for an endorsement and interact with agency licensing staff. Since this is an endorsement with no fee, for renewals of the endorsement in subsequent years, the agency estimates that applicants will spend no additional time beyond what is required to renew their underlying license. According to the 2021 OEWS Online Databook available in the ESD labor market report library (https://esd.wa.gov/labormarketinfo/report-library), the estimated average hourly wage in Washington State for Secretaries and Administrative Assistants, Except Legal, Medical, and Executive (using the SOC Code 43-6014) is \$22.68. Based on that data, the estimated cost for these administrative activities during the initial application year is \$5.67 [$\$22.68 \text{ avg. hourly wage} \times .25 \text{ hours} = \5.67], and the estimated cost during subsequent renewal years is \$0. For the purpose of the minor cost calculations, these estimated administrative costs are rounded up to \$6 and \$0, respectively.
Total	\$46 one-time cost during the first year of the endorsement, and \$32 annually in subsequent years.

(4) Temporary outdoor alcohol service area rules: \$12 to \$292.

The creation of outdoor alcohol service areas by licensees is entirely optional or voluntary. The proposed changes to the outdoor alcohol service area rules do not add any new restrictions on existing outdoor alcohol service areas; instead, the rule changes are intended to increase flexibility and provide more options for licensees that wish to have outdoor alcohol service areas through the period of time established by E2SHB 1480 (until July 1, 2023). For licensees that do choose to apply for or alter their outdoor alcohol service areas under the proposed temporary new rule section, the WSLCB estimates that the total annual cost of compliance with the proposed rule changes will range between \$12 to \$292, as described below.

Eligible Businesses: Businesses eligible to apply for an outdoor alcohol service area include all on-premises licensees.

Portions of proposed rules not exempt	Estimated Annual Costs of Compliance
Licensing— Administrative costs for applications or alterations of an outdoor alcohol service area	\$12 one-time cost. A licensee that chooses to apply for or alter an outdoor alcohol service area will have licensing costs related to an application or alteration request. The agency estimates that a licensee will spend 15-30 minutes to complete an application or alteration request and interact with agency licensing staff. This is a one-time cost. Licensees are not required to reapply in subsequent years. According to the 2021 OEWS Online Databook available in the ESD labor market report library (https://esd.wa.gov/labormarketinfo/report-library), the estimated average hourly wage in Washington State for Secretaries and Administrative Assistants, Except Legal, Medical, and Executive (using the SOC Code 43-6014) is \$22.68. Based on that data, the estimated cost for these administrative activities during is a one-time cost of \$11.34 [$\$22.68 \text{ avg. hourly wage} \times .5 \text{ hour} = \11.34]. For the purpose of the minor cost calculations, this estimated administrative cost is rounded up to \$12.
Requirements for shared outdoor alcohol service areas.	\$280 one-time cost during the first year, and \$178 annually in subsequent years. The proposed rules provide more flexibility and options for licensees by allowing shared outdoor alcohol service areas under certain circumstances. For licensees that choose to share outdoor alcohol service areas, there may be some compliance costs associated with (1) the requirement to use distinctly marked glassware and serving containers in the shared outdoor alcohol service area to identify the source of

	<p>any alcohol product being consumed, and (2) the requirement to complete an operating plan for the shared outdoor area that demonstrates how responsibility for the outdoor alcohol service area is shared among the licensees.</p> <p>(1) \$262 one-time cost during the first year, and \$178 annually in subsequent years. The agency rules team interviewed 12 licensees to determine estimated annual costs of compliance with the glassware/serving container distinctive markings requirements for shared outdoor areas. Interviewees were asked to consider equipment, supplies, labor, professional services, and administrative costs. The costs varied widely depending on the type of markings that licensees indicated they planned to use. Licensees that indicated they planned to use temporary markings (e.g. using pre-printed distinctive stickers/tags and placing these on the glassware or serving containers) estimated moderate annual costs. Licensees that indicated they planned to purchase new logo-etched glassware or otherwise distinct serving containers estimated relatively expensive one-time costs. Other licensees indicated that they did not anticipate any new costs because they already had glassware/serving containers that were distinct from the licensees with which they are planning to share outdoor space (e.g. their glassware/serving containers were already logo-etched or came in different styles, colors, and shapes than the glassware/serving containers used by other licensees in the shared space). The estimated annual cost of compliance was calculated by averaging the cost estimates provided by licensees. One-time first year cost: $[\\$630+\\$1000+\\$0+\\$1010+\\$500+\\$0+\\$0+\\$0+\\$0+\\$0+\\$0]/12 = \sim\\261.67; Annual cost in subsequent years: $[\\$630+\\$1000+\\$0+\\$10+\\$500+\\$0+\\$0+\\$0+\\$0+\\$0+\\$0]/12 = \sim\\178.33; For the purpose of the minor cost calculations, these estimated costs are rounded to \$262 and \$178, respectively.</p> <p>(2) \$18 one-time cost. To create the operating plan and get approval from licensing, there will be additional administrative costs. The agency estimates that licensees will spend 45 minutes to complete an operating plan and interact with licensing staff. This is a one-time cost. Licensees are not required to re-submit an operating plan in subsequent years.</p> <p>According to the 2021 OEWS Online Databook available in the ESD labor market report library (https://esd.wa.gov/labormarketinfo/report-library), the estimated average hourly wage in Washington State for Secretaries and Administrative Assistants, Except Legal, Medical, and Executive (using the SOC Code 43-6014) is \$22.68. Based on that data, the estimated cost for these administrative activities during is a one-time cost of \$17.01 [$\\$22.68 \text{ avg. hourly wage} \times .75 \text{ hour} = \\17.01]. For the purpose of the minor cost calculations, this estimated administrative cost is rounded up to \$18.</p>
Total	\$12 one-time cost; or, if the licensees chooses to create a shared outdoor alcohol service area: \$292 one-time cost during the first year, and \$178 annually in subsequent years.

(5) Food service menu requirement rules: None (\$0).

The WSLCB does not anticipate that there will be any costs of compliance for licensees affected by proposed changes to the food service menu requirement rules. The proposed rules provide more flexibility and options for licensees that currently have food service menu requirements. The creation of more flexibility and options is anticipated to reduce business costs, and there are no associated licensing or administrative costs.

Affected Businesses: Businesses with existing food service requirements include licensees such as SBW restaurants, BW restaurants, snack bars, caterers, hotel licensees, senior center licensees, and SBW theater licensees.

Portions of proposed rules not exempt	Estimated Annual Costs of Compliance
The number of required complete meals for certain licensees is reduced from eight to four.	None (\$0). Provides licensees previously subject to the complete meal requirement with more flexibility. The agency anticipates that reducing the required number of complete meals will reduce costs for licensees.
Definitions for “complete meal,” “minimum food service,” and “snack food” are revised.	None (\$0). Provides licensees with existing complete meal, minimum food service, and snack food requirements with more flexibility by adding new, culturally diverse food examples to all three of these definitions and by expanding the definition of complete meal to include a “small plates” option.
Licensing—Administrative costs	None (\$0). There are no licensing applications or alterations required in order for licensees to take advantage of the proposed changes to the food service requirements.
Total	None (\$0).

Estimated Annual Costs of Compliance by Licensee Type:

The three new alcohol “to-go” endorsements are entirely optional or voluntary. Licensees are not required to obtain these endorsements unless they wish to engage in the new “to-go” sales privileges provided by these endorsements. Similarly, the creation of outdoor alcohol service areas by licensees is entirely optional or voluntary. Although the new endorsements and outdoor alcohol service areas are optional, for licensees that choose to obtain these optional endorsements and/or apply for or alter an outdoor alcohol service area, the table below illustrates the potential estimated range of costs per licensee type by adding together the estimated costs of compliance for each of the portions of the proposed rules potentially applicable to each licensee type. Some licensees may be eligible for multiple endorsement types, in addition to an outdoor alcohol service area.

Licensee Type/Proposed Rule Section	Manufacturer-Sealed Alcohol Products “To-Go” Endorsement	Cocktails and Wine by the Glass “To-Go” Endorsement	Growlers “To-Go” Endorsement	Outdoor Alcohol Service Area (New or Alteration)	Food Service Requirements	Total Estimated Compliance Costs
Distilleries and Craft Distilleries	\$122 to \$235	N/A	N/A	\$12 to \$292	N/A	\$0 to \$527
Wineries	\$122 to \$235	N/A	\$0 to \$46	\$12 to \$292	N/A	\$0 to \$573

Breweries and Microbreweries	\$122 to \$235	N/A	\$0 to \$46	\$12 to \$292	N/A	\$0 to \$573
Taverns	\$122 to \$235	N/A	N/A	\$12 to \$292	\$0	\$0 to \$527
SBW Restaurants	\$122 to \$235	\$768 to \$894	\$0 to \$46	\$12 to \$292	\$0	\$0 to \$1467
BW Restaurants	\$122 to \$235	\$768 to \$894	\$0 to \$46	\$12 to \$292	\$0	\$0 to \$1467
Snack Bars	\$122 to \$235	N/A	N/A	\$12 to \$292	\$0	\$0 to \$527
Caterers	\$122 to \$235	N/A	N/A	N/A	\$0	\$0 to \$235
Hotels	N/A	N/A	\$0 to \$46	\$12 to \$292	\$0	\$0 to \$338
BW Specialty Shops, Combination SBW Licensees	N/A	N/A	\$0 to \$46	N/A	N/A	\$0 to \$46

Minor Cost Threshold Estimates: The agency applied the following North American Industry Classification System (NAICS) codes to estimate minor cost thresholds for licensees:

Licensee Type	NAICS Code	Description from the 2017 NAICS Manual (https://www.census.gov/library/publications/2017/econ/2017-naics-manual.html)
Distilleries and Craft Distilleries	312140 Distilleries	"This industry comprises establishments primarily engaged in one or more of the following: (1) distilling potable liquors (except brandies); (2) distilling and blending liquors; and (3) blending and mixing liquors and other ingredients." There are no separate NAICS codes available for craft distilleries.
Wineries	312130 Wineries	"This industry comprises establishments primarily engaged in one or more of the following: (1) growing grapes and manufacturing wines and brandies; (2) manufacturing wines and brandies from grapes and other fruits grown elsewhere; and (3) blending wines and brandies."
Breweries and Microbreweries	312120 Breweries	"This industry comprises establishments primarily engaged in brewing beer, ale, lager, malt liquors, and nonalcoholic beer." There are no separate NAICS codes available for microbreweries.
Taverns and Nightclubs	722410 Drinking Places (Alcoholic Beverages)	"This industry comprises establishments known as bars, taverns, nightclubs, or drinking places primarily engaged in preparing and serving alcoholic beverages for immediate consumption. These establishments may also provide limited food services."
SBW Restaurants	722511 Full-Service Restaurants	"This U.S. industry comprises establishments primarily engaged in providing food services to patrons who order and are served while seated (i.e., waiter/waitress service) and pay after eating. These establishments may provide this type of food service to patrons in combination with selling alcoholic beverages, providing carryout services, or presenting live nontheatrical entertainment."
BW Restaurants	722513 Limited Service Restaurants	"This U.S. industry comprises establishments primarily engaged in providing food services (except snack and nonalcoholic beverage bars) where patrons generally order or select items and pay before eating. Food and drink may be consumed on premises, taken out, or delivered to the customer's location. Some establishments in this industry may provide these food services in combination with selling alcoholic beverages."
Snack Bars	722515 Snack and Nonalcoholic Beverage Bars	"This U.S. industry comprises establishments primarily engaged in (1) preparing and/or serving a specialty snack, such as ice cream, frozen yogurt, cookies, or popcorn, or (2) serving nonalcoholic beverages, such as coffee, juices, or sodas for consumption on or near the premises. These establishments may carry and sell a combination of snack, nonalcoholic beverage, and other related products (e.g., coffee beans, mugs, coffee makers) but generally promote and sell a unique snack or nonalcoholic beverage."
Caterers	722320 Caterers	"This industry comprises establishments primarily engaged in providing single event-based food services. These establishments generally have equipment and vehicles to transport meals and snacks to events and/or prepare food at an off-premise site. Banquet halls with catering staff are included in this industry. Examples of events catered by establishments in this industry are graduation parties, wedding receptions, business or retirement luncheons, and trade shows."
Hotels	721110 Hotels (except Casino Hotels) and Motels	"This industry comprises establishments primarily engaged in providing short-term lodging in facilities known as hotels, motor hotels, resort hotels, and motels. The establishments in this industry may offer food and beverage services, recreational services, conference rooms, convention services, laundry services, parking, and other services."
BW Specialty Shops, Combination SBW Licensees	445310 Beer, Wine, and Liquor Stores	"This industry comprises establishments primarily engaged in retailing packaged alcoholic beverages, such as ale, beer, wine, and liquor. <i>Cross-References.</i> Establishments primarily engaged in retailing packaged liquor in combination with providing prepared drinks for immediate consumption on the premises are classified in Industry 722410, Drinking Places (Alcoholic Beverages)."

As shown in the table below, the estimated cost of compliance for businesses in each of these industries does not exceed the minor cost estimate for these industries, so a small business economic impact statement (SBEIS) is not required under RCW 19.85.030.

2017 Industry NAICS Code	Estimated Cost of Compliance	Industry Description [Licensee Type]	NAICS Code Title	Minor Cost Estimate = MAX (RT,\$100, WT)	Wage Threshold (WT) 1% of Avg Annual Payroll (0.01*AvgPay)	Revenue Threshold (RT) 0.3% of Avg Annual Gross Business Income (0.003*AvgGBI)
312140	\$0 to \$527	Distilleries and Craft Distilleries	Distilleries	\$2,808.53	\$2,808.53 2020 Dataset pulled from USBLS	\$1,707.60 2020 Dataset pulled from DOR


312130	\$0 to \$573	Wineries	Wineries	\$3,905.58	\$3,905.58 2020 Dataset pulled from ESD	\$3,560.33 2020 Dataset pulled from DOR
312120	\$0 to \$573	Breweries and Microbreweries	Breweries	\$3,085.32	\$2,805.97 2020 Dataset pulled from USBLS	\$3,085.32 2020 Dataset pulled from DOR
722410	\$0 to \$527	Taverns and Nightclubs	Drinking Places (Alcoholic Beverages)	\$1,388.67	\$1,388.67 2020 Dataset pulled from USBLS	\$1,376.99 2020 Dataset pulled from DOR
722511	\$0 to \$1467	SBW Restaurants	Full-Service Restaurants	\$3,221.87	\$3,221.87 2020 Dataset pulled from ESD	\$2,464.57 2020 Dataset pulled from DOR
722513	\$0 to \$1467	BW Restaurants	Limited-Service Restaurants	\$5,011.98	\$5,011.98 2020 Dataset pulled from ESD	\$3,976.52 2020 Dataset pulled from DOR
722515	\$0 to \$527	Snack Bars	Snack and Nonalcoholic Beverage Bars	\$2,722.49	\$2,722.49 2020 Dataset pulled from ESD	\$2,307.40 2020 Dataset pulled from DOR
722320	\$0 to \$235	Caterers	Caterers	\$2,067.35	\$2,067.35 2020 Dataset pulled from USBLS	\$639.07 2020 Dataset pulled from DOR
721110	\$0 to \$338	Hotels	Hotels (except Casino Hotels) and Motels	\$6,259.68	\$6,259.68 2020 Dataset pulled from ESD	\$4,099.84 2020 Dataset pulled from DOR
445310	\$0 to \$46	BW Specialty Shops, Combination SBW Licensees	Beer; Wine; and Liquor Stores	\$2,730.56	\$2,730.56 2020 Dataset pulled from USBLS	\$2,544.95 2020 Dataset pulled from DOR

The revenue and wage thresholds used to determine the minor cost estimates for each of the business industries listed in the table above were calculated using the 2020 raw datasets distributed by the Employment Security Department (ESD), Department of Revenue (DOR), and U.S. Bureau of Labor Statistics (USBLS), following the instructions for finding the minor cost of a business industry (*updated September 2021*) provided by the Governor's Office for Regulatory Innovation and Assistance (ORIA). For more information, see the ORIA Regulatory Fairness Act Tools & Guidance webpage at https://www.oria.wa.gov/site/alias_oria/934/Regulatory-Fairness-Act-Support.aspx.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert 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: September 29, 2021	Signature: 
Name: David Postman	
Title: Chair	



RULE-MAKING ORDER PERMANENT RULE ONLY

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

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 08, 2021

TIME: 11:09 AM

WSR 22-01-052

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 (WSLCB) has adopted new rule sections and amendments to existing rule sections in chapters 314-02 and 314-03 WAC to implement Engrossed Second Substitute House Bill (E2SHB) 1480 (chapter 48, Laws of 2021), which extended certain temporary privileges granted to liquor licensees to mitigate the impact of the coronavirus (COVID-19) pandemic.

The adopted rules implement E2SHB 1480 by: (1) creating new rule sections for the temporary “to-go” alcohol endorsements for cocktails/wine by the glass, growlers, and manufacturer sealed alcohol products; (2) creating a new rule section for the temporary outdoor alcohol service area requirements; and (3) permanently revising food service menu requirement rules to provide licensees with greater flexibility.

Citation of rules affected by this order:

- New: WAC 314-03-205, 314-03-500, 314-03-505, and 314-03-510.
- Repealed:
- Amended: WAC 314-02-010, 314-02-035, 314-02-0411, 314-02-065, 314-02-087, 314-02-112, 314-02-114, and 314-03-200.
- Suspended:

Statutory authority for adoption: E2SHB 1480 (section 2, chapter 48, Laws of 2021), RCW 66.08.071, RCW 66.08.030.

Other authority: E2SHB 1480 (chapter 48, Laws of 2021) now codified in RCW 66.08.071, 66.24.630.

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 21-20-066 on September 29, 2021 (date).
Describe any changes other than editing from proposed to adopted version: There were no changes from the proposed rules to the adopted rules.

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

Name: Robert DeSpain
 Address: 1025 Union Avenue SE, Olympia WA 98501
 Phone: 360-664-1758
 Fax: 360-704-5027
 TTY:
 Email: rules@lcb.wa.gov
 Web site: www.lcb.wa.gov
 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	4	Amended	8	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	___	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	4	Amended	8	Repealed	___

Date Adopted: December 8, 2021	Signature: 
Name: David Postman	
Title: Chair	