



Washington State  
**Liquor and Cannabis Board**

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**Date:** February 21, 2018

**To:** Jane Rushford, Board Chair  
 Ollie Garrett, Board Member  
 Russ Hauge, Board Member

**From:** Janette Benham, Policy and Rules Coordinator

**Copy:** Rick Garza, Agency Director  
 Peter Antolin, Deputy Director  
 Justin Nordhorn, Chief of Enforcement  
 Becky Smith, Licensing Director

**Subject:** **Approval for filing a pre-proposal statement of inquiry (CR 101) to review chapter 314-20 WAC and chapter 314-24 WAC to address rulemaking not included in rules adopted in December of 2017.**

During the final stages of rulemaking to review chapter 314-20 WAC and chapter 314-24 WAC, several comments were received that indicated a need to further review rules regarding alternating proprietorships for breweries and wineries and internet sales and deliveries for wineries. For this reason, the chapters need to be reopened in order to conduct a more in-depth review. This rulemaking will address those concerns and other items as needed.

**Process**

The Rules Coordinator requests approval to file the pre-proposal statement of inquiry (CR 101) for the rule making described above. An issue paper on this rule was presented at the board meeting on February 21, 2018, and is attached to this order.

If approved for filing, the tentative timeline for the rule making process is outlined below:

February 21, 2018	Board is asked to approve filing the pre-proposal statement of inquiry (CR 101)
March 7, 2018	Code Reviser publishes notice, LCB sends notice to rules distribution list
April 7, 2018	End of written comment period
April 18, 2018	Board is asked to approve filing the proposed rules (CR 102 filing)
May 2, 2018	Code Reviser publishes notice, LCB sends notice to rules distribution list
May 30, 2018	Public Hearing held

May 30, 2018	End of written comment period
June 13, 2018	Board is asked to adopt rules
June 13, 2018	Agency sends notice to those who commented both at the public hearing and in writing.
June 13, 2018	Agency files adopted rules with the Code Reviser (CR 103)
July 16, 2018	Rules are effective (31 days after filing)

Approve       Disapprove      \_\_\_\_\_  
 Jane Rushford, Chair      Date

Approve       Disapprove      \_\_\_\_\_  
 Ollie Garrett, Board Member      Date

Approve       Disapprove      \_\_\_\_\_  
 Russ Hauge, Board Member      Date

Attachment: Issue Paper

Washington State Liquor and Cannabis Board

## **Issue Paper**

### **Breweries and wineries**

Date: February 21, 2018

Presented by: Janette Benham, Policy and Rules Coordinator

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#### **Description of the Issue**

The purpose of this Issue Paper is to request approval from the board to file the first stage of rule making (CR 101) to address and review items not included in rules the board adopted in December of 2017.

#### **Why is rule making necessary?**

During the final stages of rulemaking to review chapter 314-20 WAC and chapter 314-24 WAC in December of 2017, several comments were received that indicated a need to further review rules regarding alternating proprietorships for breweries and wineries and internet sales and deliveries for wineries. For this reason, the chapters need to be reopened in order to conduct a more in-depth review. This rulemaking will address those concerns and other items as needed.

#### **Process**

The rule making process begins by announcing LCB's intent to add and make changes to existing rules by filing a CR 101 form. This allows staff and stakeholders to begin discussing necessary rule changes. At the CR 101 stage of the process, no proposed language is offered. The public may comment on the subject of this rulemaking during the designated comment period. Notice will be sent to all who have indicated that they want to receive notice of rule changes. The notice will identify the public comment period and where comments can be sent. Based on public input received, staff will draft proposed changes for presentation to the Board at the next phase of the rule making process.



## **Liquor and Cannabis Board Interim Policy BIP-01-2018**

**Subject:** **Food Service Requirements for Spirits, Beer, and Wine Restaurants (WAC 314-02-035)**

**Effective Date:** February 21, 2018

**Ending Date:** Upon adoption of rules to implement this policy.

**Approved:**

\_\_\_\_\_  
Jane Rushford, Chair

\_\_\_\_\_  
Ollie Garret, Board Member

\_\_\_\_\_  
Russ Hauge, Board Member

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### **Purpose:**

Currently a spirits, beer, and wine restaurant licensee must serve eight entrees that come with at least one side dish. The requirement that the side dish must be included with the entrée doesn't align with various business models or take into consideration it might be problematic for various cultures that don't traditionally serve a side dish with their entrée.

In an effort to accommodate cultural diversity as well as changing business models a spirits, beer, and wine restaurant licensee will be required to serve a minimum of eight entrees with the option of a side dish that can be purchased should the customer want to order one.

### **Policy Statement**

#### **WAC 314-02-035**

#### **What are the food service requirements for a spirits, beer, and wine restaurant license?**

(1) A spirits, beer, and wine restaurant licensee must maintain a menu offering at least eight complete meals. The board may make an exception to the meal requirement on a case-by-case basis. Establishments shall be maintained in a substantial manner as a place for preparing, cooking and serving of complete meals. For purposes of this title:

(a) "Complete meal" means an entree and a side dish. Side dishes are not required to be included with the entrée, however must be offered.

(b) "Entree" means the main course of a meal. Some examples of entrees are fish, steak, chicken, pork, pasta, pizza, burgers, pho, sushi, street tacos, tikki masala, quiche, seafood salad, Cobb salad, chef's salad, sandwiches, and breakfast items. Entrees do not include snack items, or menu items which consist solely of precooked frozen food that is reheated, or consist solely of carry-out items obtained from another business.

(c) Examples of side dishes are soups, vegetables, salads, potatoes, rice, fruit, and bread. Garnishes such as, but not limited to, pickles, salsa, and dips do not qualify as a side dish.

(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 one hundred percent dedicated dining area must maintain complete meal service any time liquor is available for sale, service, or consumption.

(8) Restaurants with less than one hundred 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.

Limited food service, such as appetizers, sandwiches, salads, soups, pizza, hamburgers, or fry orders, must be available outside of these hours. Snacks such as peanuts, popcorn, and chips do not qualify as limited food service.

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



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**To:** Jane Rushford, Board Chair  
 Ollie Garrett, Board Member  
 Russ Hauge, Board Member

**From:** Karen McCall, Policy and Rules Coordinator

**Copy:** Rick Garza, Agency Director  
 Peter Antolin, Deputy Director  
 Justin Nordhorn, Chief of Enforcement  
 Becky Smith, Licensing Director

**Subject:** **Approval for filing a pre-proposal statement of inquiry (CR 101) to revise WAC 314-12-035 Food service requirements for spirits, beer, and wine restaurants**

Currently a spirits, beer, and wine restaurant licensee must serve eight entrees that come with at least one side dish. The requirement that the side dish must be included with the entrée doesn't align with various business models or take into consideration it might be problematic for various cultures that don't traditionally serve a side dish with their entrée.

**Process**

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Approve       Disapprove      \_\_\_\_\_ Jane Rushford, Chair      \_\_\_\_\_ Date

Approve       Disapprove      \_\_\_\_\_ Ollie Garrett, Board Member      \_\_\_\_\_ Date

Approve       Disapprove      \_\_\_\_\_ Russ Hauge, Board Member      \_\_\_\_\_ Date

Attachment: Issue Paper

Washington State Liquor and Cannabis Board

## **Issue Paper**

# **Spirits, beer, and wine restaurant food service requirements**

Date: February 21, 2018

Presented by: Karen McCall, Policy and Rules Coordinator

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### **Description of the Issue**

The purpose of this Issue Paper is to request approval from the board to file the first stage of rule making (CR 101) to revise WAC 314-02-035 Food service requirements for spirits, beer, and wine restaurants.

### **Why is rule making necessary?**

Currently a spirits, beer, and wine restaurant licensee must serve eight entrees that come with at least one side dish. The requirement that the side dish must be included with the entrée doesn't align with various business models or take into consideration it might be problematic for various cultures that don't traditionally serve a side dish with their entrée.

### **Process**

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