



**Washington State
Liquor and Cannabis Board**

March 20, 2019

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
Megan Duffy, Deputy Director
Justin Nordhorn, Chief of Enforcement
Becky Smith, Licensing Director

Subject: Approval to file proposed rules (CR 102) regarding acceptable forms of identification

The proposed revisions to WAC 314-11-025 allow consideration of tribal enrollment cards from federally recognized tribes located outside of Washington as acceptable forms of identification. Revisions also add the consideration process for tribal enrollment cards and make technical and clarifying changes. An issue paper outlining the changes is attached.

Process

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

March 20, 2019	<ul style="list-style-type: none"> • CR 102 and proposed rules filed with the Office of the Code Reviser • LCB webpage updated and notice sent to the rules distribution list
April 3, 2019	Notice published by the Office of the Code Reviser in WSR # 19-07
May 1, 2019	Public Hearing held and end of written comment period
May 15, 2019	<ul style="list-style-type: none"> • Board asked to adopt rules if no additional changes are made • Notice and Concise Explanatory Statement sent to those who commented both at the public hearing and in writing • CR 103 and adopted rules filed with the Office of the Code Reviser • LCB webpage updated and notice sent to the rules distribution list
June 15, 2019	Rules 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

Issue Paper

Acceptable Forms of Identification – WAC 314-11-025

Date: March 20, 2019

Presented by: Janette Benham, Policy and Rules Coordinator

Description of the Issue

The purpose of this Issue Paper is to request approval from the board to file the CR 102 with proposed revisions to WAC 314-11-025.

The proposed revisions:

- Allow consideration of tribal enrollment cards from federally recognized Indian tribes located outside of Washington as acceptable forms of identification to verify a person's age for alcohol sales, service, consumption, and possession;
- Add the process for tribes to request consideration of enrollment cards as acceptable forms of identification. The process is one we currently utilize and was added to the rule for clarification purposes; and
- Make technical changes and update the rule language to ensure requirements are clear.

Why is rule making necessary?

Rulemaking was initiated as a result of legislative inquiries that began with contact from a tribal member of a federally recognized tribe located outside of Washington.

Background

The rule is being revised to allow consideration of tribal enrollment cards from federally recognized tribes located outside of Washington as acceptable forms of identification. The board's enforcement division currently reviews enrollment cards from federally recognized tribes located in Washington. A list is maintained on our website of all approved tribal enrollment cards. Rules changes will give all federally recognized tribes the opportunity to request review and approval of their enrollment cards. Other technical and clarifying changes were needed to ensure requirements are clear.

What changes are being made?

Amended Section: WAC 314-25-025 What are the forms of acceptable identification?

Amended language removes the requirement that federally recognized tribes located in Washington may request consideration of their enrollment cards as acceptable forms of identification. Removing the Washington-specific requirement allows consideration for federally recognized tribes across the

nation. Amended language adds the consideration process for tribal enrollment cards, and makes updates to clarify the rule language.

WAC 314-11-025 What are the ((forms of)) acceptable forms of identification? (1) ((Following are)) The acceptable forms of identification ((that are acceptable)) to verify a person's age for the purpose of selling, serving, or allowing a person to possess or consume alcohol are:

(a) A driver's license, instruction permit, or identification card of any state, ((or)) province of Canada, ((from a)) U.S. territory, or the District of Columbia, or an "identocard" issued by the Washington state department of licensing per RCW 46.20.117;

(b) A United States armed forces identification card issued to active duty, reserve, and retired personnel and the personnel's dependents ((, which may include an embedded, digital signature in lieu of a visible signature));

(c) A passport, passport card, or NEXUS card;

(d) A Merchant Marine identification card issued by the United States Coast Guard; ((and)) or

(e) An enrollment card issued by the governing authority of a federally recognized Indian tribe ((located in Washington)), if the enrollment card incorporates security features comparable to those implemented by the department of licensing for Washington driver's licenses.

(i) An enrollment card must be approved by the board's enforcement division prior to use as an acceptable form of identification. The tribe may request approval by submitting the following for review and inspection:

(A) A letter requesting approval and describing the security features of the enrollment card;

(B) A physical sample of an enrollment card; and

(C) A contact phone number where enforcement officers may call at any time to verify the validity of the enrollment card.

(ii) After review and inspection, the board's designee will send a letter approving or denying the enrollment card as an acceptable form of identification.

(iii) The board may rescind approval if the enrollment card no longer meets the requirements of this section.

(2) All acceptable forms of identification must include:

(a) The identification holder's photo;

(b) The identification holder's date of birth; and

(c) The identification holder's signature, except on federally issued identification where a visible signature is not required.

(3) If the identification ((document)) has an expiration date, ((a person may not use the document)) it cannot be used to verify age after the expiration date ((to verify his or her age)).