



## Washington State Liquor and Cannabis Board

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**Date:** March 16, 2022

**To:** David Postman, Board Chair  
Ollie Garrett, Board Member

**From:** Audrey Vasek, Policy and Rules Coordinator

**Copy:** Rick Garza, Agency Director  
Toni Hood, Agency Deputy Director  
Becky Smith, Licensing Director  
Chandra Brady, Director of Enforcement and Education  
Justin Nordhorn, Policy and External Affairs Director  
Kathy Hoffman, Policy and Rules Manager

**Subject: CR 102 for Axe Throwing at Liquor Licensed Premises**

The Policy and Rules Coordinator requests approval to file a rule proposal (CR 102) for the rulemaking related axe throwing at liquor licensed premises described in the CR 102 Memorandum attached to this order and presented at the Board meeting on March 16, 2022. If approved for filing, the tentative timeline for this rule proposal is as follows:

March 16, 2022	Board is asked to approve filing proposed rules (CR 102). CR 102 filed with the Office of the Code Reviser. WSLCB webpage updated and notice circulated by GovDelivery distribution list. Formal comment period begins.
April 6, 2022	Notice published in the Washington State Register under WSR 22-07.
April 27, 2022	Public hearing held and formal comment period ends.
No earlier than May 11, 2022	Board is asked to adopt rules if no substantive changes are made (CR 103). Concise Explanatory Statement provided to individuals who offered written or oral comment at the public hearing or during the formal comment period, consistent with RCW 34.05.325. CR 103 and adopted rules are filed with the Office of the Code Reviser. WSLCB webpage updated and notice circulated by GovDelivery distribution list.
June 11, 2022	Rules are effective 31 days after filing, unless otherwise specified. See RCW 34.05.380(2).

☒ Approve ☐ Disapprove



David Postman, Chair

3.16.2022  
Date

☒ Approve ☐ Disapprove



Ollie Garrett, Board Member

3.16.2022  
Date

Attachments: CR 102 Memorandum



## CR 102 Memorandum

### Regarding Axe Throwing at Liquor Licensed Premises.

Date: March 16, 2022  
Presented by: Audrey Vasek, Policy and Rules Coordinator  
Prepared by: Audrey Vasek and Robert DeSpain, Policy and Rules Coordinators

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### Background

Axe throwing has become increasingly popular as an activity that businesses would like to offer in combination with liquor service. Beginning in 2018, the WSLCB Licensing Division began receiving applications from businesses that either had axe throwing as their primary activity and wanted to add liquor service, or from established liquor licensed businesses that wanted to add axe throwing as an on-premises activity.

In April 2021, after an axe throwing business appealed the agency's decision to deny their liquor license application, the WSLCB approved a settlement agreement allowing that specific business to have a liquor license for one year with certain safety parameters in place. From a public health and safety perspective, axe throwing combined with alcohol consumption is considered a high-risk activity, but current laws and rules do not provide any framework to address the public health and safety concerns that arise when alcohol service is combined with axe throwing.

### Stakeholder Engagement

The CR 102 rule proposal was developed through a collaborative rule development process involving both internal and external stakeholders. The agency held a stakeholder engagement session and gathered public feedback prior to developing this rule proposal, considering input from public health and prevention groups, axe throwing businesses, liquor licensees, and other interested members of the public.

During the initial CR 101 public comment period, five public comments were received. These comments are included in Attachment A to this memorandum and were taken into consideration as the conceptual draft rules were developed through a series of internal project team meetings with WSLCB staff from the Licensing Division, Enforcement and Education Division, the Communications unit, and the Public Health and Prevention Liaison.

After the conceptual draft rules were developed, the agency held a virtual stakeholder engagement ("Listen and Learn") session on February 3, 2022, from 10:00AM to 12:00

PM to gather public feedback and suggestions for revisions. At a peak, there were 65 individuals in attendance. The feedback received during the Listen and Learn Session is provided in Attachment B to this memorandum.

The WSLCB incorporated feedback received at the Listen and Learn session into the proposed rule language by making a number of changes including, but not limited to, the following:

- Changed “are encouraged” to “should” in the proposed WAC 314-03-060(1): “Licensees **should** follow industry best practices for safe axe throwing participation.” Although there were also suggestions to change this language to “must” or “shall,” the agency’s focus is on regulating alcohol service, not axe throwing in general.
- Removed language in subsection (2) requiring the safety operating plan to include the hours that alcohol will be served on-premises. No new restrictions on hours are created.
- Adds a definition for “barriers” and clarifies the purpose of the barriers. “The axe throwing areas must have barriers to separate the axe throwing activity from the designated consumption areas. Barriers must prevent axes from travelling out of the axe throwing areas, including behind the throwers. “Barriers” means walls, fences, cages, or similar physical obstructions.”

## Estimated Costs of Compliance

For the purpose of the minor cost analysis required by the Regulatory Fairness Act in chapter 19.85 RCW, the CR 102 includes estimated business costs of compliance with the proposed rules. The estimated costs of compliance and the relevant minor cost thresholds are described in detail in the CR 102 form.

## Rule Necessity

Axe throwing combined with alcohol consumption is considered a high-risk activity from a public health and safety perspective. Current rules do not provide any framework to address the public health and safety concerns that arise when alcohol service is combined with axe throwing. New rules are needed to provide such a framework, as well as consistency for licensees and applicants that seek agency approval to offer axe throwing.

## Description of Rule Changes

**New Section WAC 314-03-060.** Axe throwing at liquor licensed premises. The proposed new rules require licensees that offer axe throwing to create a safety operating plan that includes protocols for monitoring patron intoxication and consumption of alcoholic beverages, and a floor plan designating where alcohol may be sold or consumed and identifying the axe throwing areas where alcohol is not allowed. The axe throwing areas must have barriers to keep them separate from the designated

consumptions areas and prevent axes from travelling out of the axe throwing areas. The proposed rules do not require that businesses use specific methods or materials to comply with these requirements. The proposed rules also outline how to request a change in safety operating plan and include a reference to penalties for noncompliance.

**Amended WAC 314-29-030.** Group 3 license violations. The rule proposal amends the penalty schedule for violations of a board-approved operating plan to add a cross-reference to the proposed new rule section related to axe throwing at liquor licensed premises. The proposed revision is a technical amendment designed to align the references in the existing penalty schedule with the proposed new rule section.

**Attachments:**

Attachment A. *Table containing public feedback received during the CR 101 public comment period.*

Attachment B. *Table containing public feedback received during Listen and Learn Session on February 3, 2022.*

Attachment C. *Listen and Learn Session GovDelivery Message.*



# PROPOSED RULE MAKING

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

Do NOT use for expedited rule making

CODE REVISER USE ONLY

**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 21-20-067 ; 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) New Section WAC 314-03-060. Axe throwing at liquor licensed premises. The WSLCB proposes a new rule section allowing axe throwing at liquor licensed premises with the approval of a safety operating plan. WAC 314-29-030. Group 3 license violations. The WSLCB proposes a technical amendment to the penalty schedule for violations of a board-approved operating plan to add a cross-reference to the proposed new rule section related to axe throwing at liquor licensed premises.

### Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
April 27, 2022	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 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.	For more information about Board meetings, please visit <a href="https://lcb.wa.gov/Boardmeetings/Board_meetings">https://lcb.wa.gov/Boardmeetings/Board_meetings</a> .

**Date of intended adoption:** No earlier than May 11, 2022. (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](mailto:rules@lcb.wa.gov)

Fax: 360-704-5027

Other:

By (date) April 27, 2022

### 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) April 20, 2022

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The purpose of this rule proposal is to establish a framework for axe throwing activities at liquor licensed premises. The proposed new rules require licensees that offer axe throwing to create a safety operating plan that includes protocols for monitoring patron intoxication and consumption of alcoholic beverages, and a floor plan designating where alcohol may be sold or consumed and identifying the axe throwing areas where alcohol is not allowed. The proposed rules also outline how to request a change in operating plan and include a reference to penalties for noncompliance.

**Reasons supporting proposal:** Axe throwing has become increasingly popular as an activity that liquor licensed businesses would like to offer to their customers. Beginning in 2018, the agency began receiving applications from businesses that either had axe throwing as their primary activity and wanted to add liquor service, or from established liquor licensed businesses that wanted to add axe throwing as an on-premises activity. The WSLCB considers axe throwing at liquor licensed premises to be a high-risk activity with implications for public health and safety. Current rules do not provide any framework to address the public health and safety concerns that arise when alcohol service is combined with axe throwing. New rules are needed to provide such a framework, as well as consistency for licensees and applicants that seek agency approval to offer axe throwing.

**Statutory authority for adoption:** RCW 66.08.030.

**Statute being implemented:** None.

**Is rule necessary because of a:**

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> 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  
(WSLCB)  
☐ Private  
☐ Public  
☒ Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Audrey Vasek, Policy and Rules Coordinator	1025 Union Avenue, Olympia WA, 98501	360-664-1758
Implementation:	Becky Smith, Director of Licensing	1025 Union Avenue, Olympia, WA. 98501	360-664-1753
Enforcement:	Chandra Brady, Director of Enforcement and Education	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)<br>(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)<br>(Dictated by statute)   |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)<br>(Incorporation by reference)     | <input type="checkbox"/> RCW 34.05.310 (4)(f)<br>(Set or adjust fees)  |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)<br>(Correct or clarify language)    | <input type="checkbox"/> RCW 34.05.310 (4)(g)<br>((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. Estimated Costs of Compliance: The proposed rules would allow businesses the new option to add axe throwing as an activity at liquor licensed premises with WSLCB approval of a safety operating plan. Because this rule proposal concerns an entirely optional new activity, this proposal does not impose new or additional regulatory burden or increased administrative costs. However, businesses seeking to combine liquor service and axe throwing will be required to submit a safety operating plan and receive approval from the WSLCB prior to providing axe throwing activities at their liquor licensed premises.

The proposed rules state that the safety operating plan must address how the licensee will mitigate safety concerns associated with axe throwing, including the following: protocols for monitoring consumption of alcoholic beverages and ensuring patrons are not intoxicated prior to axe throwing, and a floor plan for the premises. The floor plan is required to include designated areas where alcoholic beverages may be sold, served, or consumed on-premises that are separate from the axe throwing zone, as well as barriers to keep the axe throwing zone separate from the designated consumptions areas and prevent axes from travelling out of the axe throwing zone. The proposed rules do not require that businesses use specific methods or materials to comply with these requirements.



Within the parameters established by the proposed rules, businesses have the flexibility to develop a unique safety operating plan. The agency anticipates that preparation of such a plan will not impose more than minor administrative costs associated with submission, including the following:

- One and a half (1.5) hours of licensee time to complete forms and communicate with the WSLCB regarding the safety operating plan; and
- A half hour (0.5) of licensee time to be present for final inspection;
- *Estimated total cost of compliance:* \$50 for two hours of licensee time for administrative activities. According to the 2021 Occupational Employment and Wage Statistics (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 is \$45.36 [\$22.68 avg. hourly wage x 2 hour = \$45.36]. For the purpose of the minor cost calculations, this estimated administrative cost is rounded up to \$50.

*Note:* These administrative costs are one-time costs that can be amortized over the period of business operation. Additional administrative costs might be incurred if a licensee decides to make changes to their safety operating plan after it has been approved. Under the proposal, the licensee would be required to re-submit the safety operating plan to the agency for approval.

Based on the anticipated administrative costs described above, the WSLCB applied an estimated cost of compliance of \$50 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.

**Minor Cost Threshold Estimates:** Businesses potentially impacted by the proposed rules include liquor licensees that might choose to add axe throwing activities (such as Spirits, Beer, and Wine (SBW) Restaurants and Beer/Wine (BW) restaurants, taverns, nightclubs, and snack bars; and distillery, winery, and brewery tasting rooms/additional locations) and axe throwing businesses that might choose to add liquor service. The agency applied the following North American Industry Classification System (NAICS) codes to estimate minor cost thresholds for licensees:

Business Type	NAICS Code	Description from the 2017 NAICS Manual ( <a href="https://www.census.gov/library/publications/2017/econ/2017-naics-manual.html">https://www.census.gov/library/publications/2017/econ/2017-naics-manual.html</a> )
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.”
Axe Throwing Establishments	713990 All Other Amusement and Recreation Industries	“This industry comprises establishments (except amusement parks and arcades; gambling industries; golf courses and country clubs; skiing facilities; marinas; fitness and recreational sports centers; and bowling centers) primarily engaged in providing recreational and amusement services.” ... Corresponding Index Entry: “Axe throwing clubs”

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	NAICS Code Title	Minor Cost Estimate = MAX (WT, RT, and \$100)	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	\$50	Distilleries and Craft Distilleries	Distilleries	\$2,806.14	\$2,806.14 2020 Dataset pulled from USBLS	\$1,707.60 2020 Dataset pulled from DOR
312130	\$50	Wineries	Wineries	\$3,905.58	\$3,905.58 2020 Dataset pulled from ESD	\$3,560.33 2020 Dataset pulled from DOR
312120	\$50	Breweries and Microbreweries	Breweries	\$3,085.32	\$2,803.58 2020 Dataset pulled from USBLS	\$3,085.32 2020 Dataset pulled from DOR
722410	\$50	Taverns and Nightclubs	Drinking Places (Alcoholic Beverages)	\$1,386.88	\$1,386.88 2020 Dataset pulled from USBLS	\$1,376.99 2020 Dataset pulled from DOR
722511	\$50	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	\$50	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	\$50	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
713990	\$50	Axe Throwing Establishments	All Other Amusement and Recreation Industries	\$1,303.44	\$1,303.44 2020 Dataset pulled from ESD	\$546.88 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 Minor-Cost Threshold Calculator (*updated October 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](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:** March 16, 2022

**Name:** David Postman

**Title:** Chair

**Signature:**



## NEW SECTION

### **WAC 314-03-060    Axe throwing at liquor licensed premises.    (1)**

Axe throwing combined with alcohol consumption is considered a high-risk activity. Licensees should follow industry best practices for safe axe throwing participation. A liquor licensee must receive approval from the board's licensing division prior to providing axe throwing activities at liquor licensed premises.

(2) The liquor licensee or liquor license applicant must submit a safety operating plan addressing how the licensee will mitigate safety concerns associated with axe throwing at the liquor licensed premises. The safety operating plan must include the following:

(a) Protocols for monitoring alcohol consumption and ensuring patrons are not intoxicated prior to axe throwing, including:

(i) Designated MAST-certified staff in the axe throwing area at all times to monitor alcohol consumption;

(ii) Prohibiting patrons who appear intoxicated from axe throwing;

(iii) Deescalating patrons who appear intoxicated and are uncooperative or hostile; and

(iv) Training employees on the protocols included in the safety operating plan; and

(b) A floor plan for the premises. The floor plan must include the following:

(i) The designated consumption areas where alcohol may be sold, served, or consumed on-premises; and

(ii) The axe throwing areas. The axe throwing areas must be separate from the designated consumption areas. Alcohol is not allowed in the axe throwing areas. The axe throwing areas must have barriers to separate the axe throwing activity from the designated consumption areas. Barriers must prevent axes from traveling out of the axe throwing areas, including behind the throwers. "Barriers" means walls, fences, cages, or similar physical obstructions.

(3) Changes to a licensee's safety operating plan must be submitted to the board's licensing division for approval. The safety operating plan must remain in effect until the licensee's change request is approved by the board's licensing division or the board determines changes are necessary due to safety concerns.

(4) Failure to adhere to the licensee's approved safety operating plan is subject to the penalty structure outlined in WAC 314-29-030, violations of a board approved operating plan.

**WAC 314-29-030 Group 3 license violations.** Group 3 violations are violations involving licensing requirements, license classification, and special restrictions.

<b>Violation Type</b>	<b>1st Violation</b>	<b>2nd Violation in a two-year window</b>	<b>3rd Violation in a two-year window</b>	<b>4th Violation in a two-year window</b>
<b>True party of interest violation.</b> RCW 66.24.010(1) WAC 314-12-030	Cancellation of license			
<b>Failure to furnish required documents.</b> WAC 314-12-035	Cancellation of license			
<b>Misrepresentation of fact.</b> WAC 314-12-010	Cancellation of license			
<b>Misuse or unauthorized use of liquor license (operating outside of license class, lending or contracting license to another person/entity).</b> Chapter 66.24 RCW WAC 314-02-015 WAC 314-02-041 WAC 314-02-045 WAC 314-02-065 WAC 314-02-070 WAC 314-02-075 WAC 314-02-090 WAC 314-02-095 WAC 314-02-100 WAC 314-02-105 WAC 314-02-110 WAC 314-12-030	5 day suspension or \$1,500 monetary option	Cancellation of license		
<b>Operating plan:</b> Violations of a board-approved operating plan. WAC 314-03-060 WAC 314-16-270 WAC 314-16-275	5 day suspension or \$500 monetary option	7 day suspension or \$1,500 monetary option	10 day suspension with no monetary option	Cancellation of license
<b>Sale of alcohol in violation of a board-approved local authority restriction.</b> Chapter 66.24 RCW	5 day suspension or \$500 monetary option	7 day suspension or \$1,500 monetary option	10 day suspension with no monetary option	Cancellation of license
<b>Sale of alcohol in violation of a board-approved alcohol impact area restriction.</b> WAC 314-12-215	5 day suspension or \$500 monetary option	7 day suspension or \$1,500 monetary option	10 day suspension with no monetary option	Cancellation of license
<b>Catering endorsement violation.</b> WAC 314-02-060 WAC 314-02-061	5 day suspension or \$250 monetary option	5 day suspension or \$1,500 monetary option	10 day suspension or \$3,000 monetary option	Cancellation of license

**CR 101 Public Comment Table—Axe Throwing at Liquor Licensed Premises**

This table includes comments received during the initial public comment period (September 29 through November 19, 2021) for the axe throwing [CR 101 filed as WSR 21-20-067 on September 29, 2021](#). This table also includes comments received after the CR 101 public comment period closed but before the CR 102 was filed. Comments received related to the Listen & Learn Forum held on February 3, 2022, are contained in a separate comment table.

Order Received	Name	Date Received	Comment
1.	Patrick McEvoy	10/02/2021	<u>Email received October 2, 2021—Direct quotation included below:</u>  “I do not believe axe throwing and alcohol should be allowed together. Thanks”
2.	Dave Maher	10/30/2021	<u>Email received October 30, 2021—Direct quotation from email included below, followed by direct quotation from attached letter:</u>  “Hi Robert, thanks for your prompt response, I have attached a short letter that outlines our position, please feel free to contact me if you have any questions. Cheers!”  “Axe Throwing Safety Feckin Axe Throwing (DBA Celtic Axe Throwing) has been in the Axe Throwing business since 2017. We started with 2 lanes in our brewery in Oregon City. We opened our second location in Laurelwood Brewery in Portland in 2019. We are now solely engaged in axe throwing, and have 6 locations, 4 in Oregon, 1 Austin Texas and 1 in Orlando.  Axes From our years of experience we have learned the most dangerous part of our sport is the issue of bounce back. The good news is that this problem can be easily eliminated by the use of wooden handle axes and no bounce borders. Metal handle axes with rubber handles act like a spring. The viral video that went around a couple of yeas ago clearly shows what can happen. A lady threw a metal handle axe that hit the ground, rubber handle first and then ricocheted back narrowly missing her. There is a reason springs are made of metal and not wood!  No Bounce Borders

			<p>We moved to no bounce borders several years ago as an added safety guard against bounce back. By building an anti bounce surround to the target, the energy from a poorly thrown axe is absorbed and they fall harmlessly to the ground a few feet from the target. These are easily constructed from horse matting and chain, we would be happy to consult with anybody wanting to build these at no cost.</p> <p>End Grain Targets We use end grain targets as an added safety feature, with an end grain target axes will stick at any angle of strike, they do not need to land with the grain. This enhances a new clients experience as they will stick more axes and therefore have less chance of bounce back. Most Axe Throwing facilities throw into a 2"X 8" plank which has inherently more spring than an end grain 4"X4"</p> <p>In Conclusion Celtic Axe works hard to give our clients a safe and fun experience, we help out struggling breweries and bars by bringing new clients to there business. Most of our partner Breweries have full liquor licenses and we have never had a accident or any alcohol related incident. All our staff are State Certified servers and we close all locations at 10pm to avoid alcohol related problems. We have Restaurant in Vancouver Wa, with a full liquor license that we would like to work with and we encourage you to amend the rules to allow us to proceed.....Cheers!"</p>
3.	Dave Maher	11/09/2021	<p><u>Email received November 9, 2021—Direct quotation included below:</u></p> <p>"Hi Dustin, I have attached comments for the board meeting on 11/10 regarding Licensed Axe Throwing facilities.</p> <p>Cheers!"</p> <p><b>Note:</b> The content of the attached comments was the same as the attached letter quoted in comment #2 above.</p>

4.	Aleksei Kniazev	11/18/2021	<p><u>Two emails received on November 18, 2021—Direct quotations included below:</u></p> <p><i>Second email:</i>  “Hello,  This is our final version of public comments.</p> <p>Pacific Axes is a sports center for recreational Axe Throwing in Redmond, Washington. Opened in 2020, it gives people the opportunity to try the sport of axe throwing in a safe and casual atmosphere. With safety as one of the major approaches, our experienced trainers are ready to help everyone to learn this new skill. Our company was opened 2 weeks before the global pandemic of COVID-19 virus, yet we survived the global crisis and were able to accommodate over 10.000 people this year only.</p> <p>The main goal of Pacific Axes is to provide a safe, exhilarating, and memorable experience and promote the fun of axe throwing. We strongly believe people should be allowed to consume alcohol in all locations of axe throwing, based on 4 main points:</p> <p>Controlled Consumption. Alcohol consumption doesn’t increase the risk level and on the contrary provide better control. When people come to axe throwing and they have a chance to drink beer on the spot, it means most probably they won’t consume before. At the same time, we have a chance to see how much they drink and make sure they serve not more than the allowed limit per person.</p> <p>Authenticity. Axe throwing is a physical activity that has its roots in lumberjack and first settlers' culture. It goes together with such elements as nature, wood, live music and craft beer. We plan to work together with local breweries and to complement our activity with local and authentic products. This would let us be better integrated in the local culture.</p> <p>Reduce alcohol consumption. We will have a clear limit of consumption per person per visit. This means the reduction of global alcohol consumption per</p>
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		<p>person in general. Because people won't have a chance to order more on the spot. Our goal at the moment is to have up to 2 beers per person.</p> <p>Already existed activity. The sport of axe throwing has existed for over 10 years and currently there are over 200 companies in the USA, over 200,000 fans and more than a 1 million visitors per year. Many of existing companies have bar licences and allow people to consume alcohol. No safety issues were reported.</p> <p>We also understand the level of responsibilities, if the alcohol consumption will be allowed at axe throwing facilities. Therefore, we plan to implement the hard verification process. When clients enter our center, they will be given special one-time-use bracelets, each time they order a beer we put a mark on the bracelets. If they don't have a bracelet they can not drink. This will allow us to have a clear consumption limit.</p> <p>We are a new company, but we have been in this type of business for over 8 years. We are very passionate in what we are doing and we believe this decision will be beneficial not only for us, but also for our guests.</p> <p>Sincerely, Pacific Axes Aleksei, Tikhon, Alexander"</p> <p><i>First Email:</i> "Hello, My name is Aleksei Kniazev, and I'm the owner of Pacific Axes Axe throwing venue in Redmond, WA. We are for the allowance of sale and consumption of beer at axe throwing venues for several reasons, besides the idea that hundreds of axe throwing places around the country are selling alcohol without running into safety issues.</p> <p>The first reason is controlled consumption in a controlled atmosphere. Our axe masters that monitor axe throwers are experts at seeing wrong techniques and addressing them immediately. It is our main priority to keep the venue as safe</p>
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			<p>as possible while allowing the clients to have fun and enjoy a limited amount beer.</p> <p>We believe that allowing the sale of alcohol would make the experience we provide more authentic. Axe throwing is a raw social sport, like darts, bowling or golf. Sport venues benefit from the social aspect of each sport which goes in hand with the sale of beer on property.</p> <p>Having beer available would mean an increase in new and returning customers while benefiting other businesses &amp; the city. We would support local breweries as well as pay more in taxes.</p> <p>Pacific Axes is hoping for the allowance of beer and wine sales at our venue. We are open to have limits set on alcohol consumption. Our main source income would still be from axe throwing sessions but with a very helpful addition from beer sales.</p> <p>Thank you, Aleksel”</p>
<p><u>The comment below was received after the CR 101 public comment period closed on November 19, 2021:</u></p>			
5.	Dave Quinn	01/06/2022	<p><u>Email received January 06, 2022—Direct quotation from email included below:</u></p> <p>“Hello,</p> <p>Responding to the upcoming revising rules in Title 314 WAC as necessary to allow axe throwing at liquor licensed premises.</p> <p>We opened Seattle's first indoor axe throwing venue back in 2018 and have not been permitted to sell alcohol. At the time indoor axe throwing was a new activity which now has become very popular. Safety has always been a main priority and we have not seen or experienced anything that would suggest our axe throwing activities would be a concern while serving beer. We have had approximately 50,000 guests since we opened in 2018.</p>

			<p>I hope our voice is heard even at this point of decision making on this matter.</p> <p>Thank you,</p> <p>Dave Quinn”</p>
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## February 3, 2022, Listen & Learn Forum Public Comment Table

**Topic:** Conceptual Draft Rules for New Section WAC 314-03-060, Axe Throwing at Liquor Licensed Premises

**Background:** A virtual Listen & Learn Forum on conceptual draft rules for New Section WAC 314-03-060, Axe Throwing at Liquor Licensed Premises, was held on February 3, 2022, through Microsoft Teams. A public invitation was shared through GovDelivery on January 19, 2022. A courtesy email was also sent to all individuals expressing interest in the rulemaking project through public comment. The presentation and recording are both available publicly in the Alcohol Rulemaking Activity section of the Washington State Liquor and Cannabis Board website. Based on the attendance log, there were around 65 people in attendance online or by phone. The table below includes the comments received verbally or by chat during the event. Five additional comments were received by email, four prior to the forum and one immediately after the forum. These five comments are included at the end. All other comments occurred during the Listen and Learn Forum. To maintain the flow and feel of the forum discussion, comments are listed chronologically in the order received. Replies to comments from LCB and attendees are included in the “Comments” column in the same cell as the initial comment. Additional notes, including actions taken in response, are included in the “Notes” column.

	Name	Section or Theme	Comment	Notes
<b><i>Comments received during the Listen and Learn Forum</i></b>				
1	Mike Graham-Squire (Guest)	WAC 314-03-060(1) – Approval	<u>Verbal comment [18:38]:</u> “Hi this is Mike Graham-Squire from the Washington Association for Substance Abuse and Violence Prevention, and I’m a resident of Seattle. I see you mention “best practices in the industry,” and if possible to spell those out in a more detailed list or refer to some document of what those practices are, rather than just leaving that up to peoples’ opinion of what the best practices are. Thank you.”  <u>Verbal reply from Robert DeSpain (LCB):</u> “Thanks for that, Mike. Thank you. That’s good feedback. Appreciate that, thank you. So Mike’s comment was to offer up what it is the best practices in the industry are rather than leaving it to those in the industry.”	<b>Summary:</b> Request to include “best practices” in rules.
2	Riely Harris (Guest)	WAC 314-03-060(1) – Approval	<u>Verbal comment [21:43]:</u> “Hi there, Riely Harris from Casting Iron Axes. So as far as the best practices in the industry - those of us who have axe throwing venues are usually associated with someone like WATL, the World Axe Throwing League. They sort of set standards for us, for what the safety looks like, and	<b>Summary:</b> Best practices often determined league, organization, or association.

## February 3, 2022, Listen & Learn Forum Public Comment Table

**Topic:** Conceptual Draft Rules for New Section WAC 314-03-060, Axe Throwing at Liquor Licensed Premises

			<p>what best practices are so it's not just kind of each individual place winging it, if that's the concern."</p> <p><u>Verbal reply from Robert DeSpain (LCB):</u> "Thank you Riley. Did you have a follow up comment to that?"</p> <p><u>Riely Harris (Guest):</u> "No, I think that that's what I was understanding from the person who spoke before me that his concern was how do we determine what is best practices. Did I misunderstand that?"</p> <p><u>Robert DeSpain (LCB):</u> "No, I think you're right. I think it was just having like a set standard kind of written into the rule set. What I hear from you is that you're typically part of a league or an organization or an association.</p> <p>OK, well, thanks for that feedback Riley, and if you would. Now is a good time to restate, once you've been acknowledged if you're able to lower your hand after you're finished with your comment, that helps us see who's in the cue. Thank you."</p>	
3	Val (Guest)	WAC 314-03-060(1) – Approval	<p><u>Chat comment [10:26 AM]:</u> "I was trying to speak through my phone. Are you able to hear me?"</p> <p><u>Chat reply from Tierney Hamilton-Steele (LCB):</u> "Val, we are not able to hear you"</p> <p><u>Val (Guest):</u> "My comment was that while I think the best practices should be articulated, there is not one set of best practices throughout the industry. Although there are</p>	<b>Summary:</b> Not one set of best practices industry wide

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**Topic:** Conceptual Draft Rules for New Section WAC 314-03-060, Axe Throwing at Liquor Licensed Premises

			<p>several governing bodies, not all venues are affiliated with these organizations.”</p> <p><u>Verbal reply from Robert DeSpain (LCB):</u>  “OK, thank you for that Val. Again, we are hearing different opinions on this and I appreciate that. I think that's really important and really vital to help us in moving forward.”</p>	
4	Mike Graham-Squire (Guest)	WAC 314-03-060(1) – Approval	<p><u>Verbal comment [23:34]:</u>  “Yeah, I just wanted to add, and I'd say, you know, I'm new to this issue and looking at it from a prevention lens, but I see there's kind of two streams of folks interested in this. There's existing axe throwing establishments, which seem to be well-established and have good safety protocols in place; and then it seems like there's maybe bars and taverns that want to add this on as a new activity to their establishment. And that's where I think really spelling out those best practices for folks who may want to add this onto their establishment, but aren't currently doing it may need some more guidance. Thanks.”</p> <p><u>Verbal reply from Robert DeSpain (LCB):</u>  “Thanks for the follow up Mike appreciate that.”</p>	<p><b>Summary:</b> two types of folks – axe throwing that want to add alcohol and bars and taverns that want to add axe throwing. Bars and taverns might need “best practices” guidance.</p>
5	Judy Bennett (Guest)	WAC 314-03-060(1) – Approval	<p><u>Verbal comment [24:35]:</u>  “Yeah, hi can you hear me?”</p> <p><u>Verbal reply from Robert DeSpain (LCB):</u>  “I can, yes. Thank you so much Judy.”</p> <p><u>Judy Bennett (Guest):</u> “So yeah, so yes, I I also have a concern about what best practices we’re talking about because are we talking about, well, which industry the liquor industry or the axe throwing industry? So I'd like to see some more clarity around that. Also, I would also maybe strike the word “encouraged” into and change it into</p>	<p><b>Summary:</b> Clarify which industry.</p> <p>Alternative language: strike encouraged, replace with mandated or required.</p> <p>Mike agrees with this and suggests additional discussion with the industry on common set of best practices to require.</p>

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**Topic:** Conceptual Draft Rules for New Section WAC 314-03-060, Axe Throwing at Liquor Licensed Premises

			<p>something more enforceable. I think encouraged is not a strong enough action.”</p> <p><u>Robert DeSpain (LCB):</u> “Judy if I can follow up. I hear you want to strike encourage. Do you have any sort of alternative language you would think to offer up in place of encouraged?”</p> <p><u>Judy Bennett (Guest):</u> “Well something like mandated or required.”</p> <p><u>Robert DeSpain (LCB):</u> “So licensees are required or licensees are mandated to follow best practices. OK. Thank you and thanks for providing alternative language, I appreciate that.”</p> <p><u>Chat reply from Mike Graham-Squire (Guest):</u> “Agee that encouraged is not strong enough . Would be better to require best practices and spell out what those best practices are. This could be additional discussion with the industry on what a common set of best practices should be.”</p>	
6	David Maher (Guest)	WAC 314-03-060(1) – Approval	<p><u>Verbal comment [26:03]:</u> “Yeah, gotcha OK, Uh David Marr with Celtic Axe Throwing. The best practices, I think, is something that the state should investigate for themselves. I wouldn't be relying on WATL, which we find, you know, we don't like their system and their rules. We think they're not as safe as some other facilities so that would be my comment.”</p> <p><u>Verbal reply from Robert DeSpain (LCB):</u> “Thank you David I appreciate that and I think we have some good recommendations regarding this. I heard another one that that thought maybe to separate out or be more specific as to best practices - are we referring to best</p>	<p><b>Summary:</b> best practices should be investigated and defined by the state, not industry.</p>

## February 3, 2022, Listen & Learn Forum Public Comment Table

**Topic:** Conceptual Draft Rules for New Section WAC 314-03-060, Axe Throwing at Liquor Licensed Premises

			<p>practices around the liquor licensee or referring to best practices regarding axe throwing so I appreciate that as well. David did you have another follow up comment.”</p> <p><u>David Maher (Guest):</u> “No, that’s it. Thank you.”</p>	
7	Val (Guest)	WAC 314-03-060(1) – Approval	<p><u>Chat comment [10:32 AM]:</u> “Comment: “Licensees <b>shall abide by</b> ... best practices””</p> <p><u>Chat reply from Judy Bennett (Guest):</u> “I like that, Val.”</p> <p><u>Verbal reply from Robert DeSpain (LCB):</u> “OK. Great. Thank you. That’s legalese and that works too. Thank you.”</p>	<p><b>Summary:</b></p> <p>Alternative language: strike encouraged, replace with shall abide by.</p>
8	Mike Graham-Squire (Guest)	WAC 314-03-060(2) and (2)(a)– Safety Operating Plan Overview and Alcohol Service Hours Component	<p><u>Verbal comment [30:50]:</u> “I don’t see that the hours are specified. And seeing as how this is a high risk activity and you want to prevent overconsumption, it may be good to specify maximum number of hours or limit what time it could close earlier than what you might have at a restaurant or bar.”</p> <p><u>Verbal reply from Robert DeSpain (LCB):</u> “Thank you for that feedback Mike. I think the thinking was we would have, with respect to alcohol service hours, in general, it is tied to the license type that the person would be receiving, that a person has. Is there anyone from licensing on that thinks you need to add anything with respect to sub a, any context?”</p> <p><u>Verbal reply from Nicola Reid (LCB):</u> “Hi Robert this is Nicola can you hear me? I could speak to that.”</p> <p><u>Robert DeSpain (LCB):</u> “Absolutely. Thank you Nicola.”</p>	<p><b>Summary:</b> request to specify hours and/or be more restrictive on hours than a restaurant or bar.</p> <p>Specific hours of axe throwing v alcohol service.</p> <p>One reply disagrees with limiting hours and thinks the focus should be on limiting consumption of alcohol.</p>

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**Topic:** Conceptual Draft Rules for New Section WAC 314-03-060, Axe Throwing at Liquor Licensed Premises

		<p><u>Nicola Reid (LCB)</u>: “So I think our general focus was going to be on potentially the amount of service prior to joining the activity and not limiting an establishment. Because I think to limit hours based on one activity would be to assume that the entire business is only based off of that activity which may not be the case. And so further down within the ruleset we focus more on how much is consumed prior to a patron’s turn to do the activity itself.”</p> <p><u>Robert DeSpain (LCB)</u>: “Thank you for that Nicola. Does that answer your question or concerns, Mike?”</p> <p><u>Mike Graham-Squire (Guest)</u>: “Yeah, I see what you're saying. I think it might just be good to think more about the hours, either the hours of alcohol service or the hours that the axe throwing is allowed. So you know, do we need alcohol served at 1:00 o'clock in the morning with axe throwing going on or can either the alcohol end earlier or the axe throwing end earlier before, you know, someone may not appear intoxicated. But as the night goes on more likely that things could get worse.”</p> <p><u>Robert DeSpain (LCB)</u>: “OK and so if I'm hearing you right, I guess one of your suggestions is to be more specific with respect to the hours around alcohol service versus axe throwing service. Is that what you're suggesting?”</p> <p><u>Mike Graham-Squire (Guest)</u>: “Yeah, just because this is a higher risk activity than your normal restaurant or bar. Seeing if you need to have some extra guardrails up around the hours of service or the hours that the activity is occurring while alcohol is being served.”</p> <p><u>Robert DeSpain (LCB)</u>: “OK. Do you have any alternative language you'd like to offer or you just want to think about it?”</p>	
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**Topic:** Conceptual Draft Rules for New Section WAC 314-03-060, Axe Throwing at Liquor Licensed Premises

			<p><u>Mike Graham-Squire (Guest)</u>: “Not specifically at the moment.”</p> <p><u>Robert DeSpain (LCB)</u>: “OK thanks for your feedback.”</p> <p><u>Chat reply from Val (Guest) [10:39 AM]</u>:  “Comment: Disagree with comment about hours, it will be too limiting on business. The focus on limiting consumption is what's important. And, as Nicolette[sp] mentioned, is being addressed within the rule making.”</p>	
9	Riely Harris (Guest)	WAC 314-03-060(2) and (2)(a)– Safety Operating Plan Overview and Alcohol Service Hours Component	<p><u>Verbal comment [34:39]</u>:  “Hi Riely Harris from Casting Iron Axes. And I just wanted to point out that because there is language in there about the amount of service prior to axe throwing, I'm not sure that limiting the hours of either activity necessarily makes any sense other than to sort of potentially fiscally punish locations, which doesn't seem like a reasonable thing to do. Nationally, there are lots of axe throwing venues that serve alcohol, and there have not been any insurance claims. Actually, I know it sounds like a very dangerous combination but there have not been some issues with it across the United States. And there are plenty of locations that are allowing this and have been allowing it for quite awhile.”</p> <p><u>Verbal reply from Robert DeSpain (LCB)</u>:  “OK did you have any comment - thank you for that Riely - do you have any follow up with respect to, you know, the the language as it is in this section?”</p> <p><u>Riely Harris (Guest)</u>: “I think the language as it is, is just fine.”</p> <p><u>Robert DeSpain (LCB)</u>: “ OK. Yeah, thanks for that.”</p>	<p><b>Summary:</b> limiting hours might be punitive to businesses. Plenty of locations around the country offer alcohol with axe throwing – no insurance claims. Language is fine as is.</p> <p>One reply agrees language is fine as is.</p>

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**Topic:** Conceptual Draft Rules for New Section WAC 314-03-060, Axe Throwing at Liquor Licensed Premises

			<p><u>Chat reply from Val (Guest) [10:41 AM]:</u>  “Language seems good.”</p>	
10	David Maher (Guest)	WAC 314-03-060(2) and (2)(a)– Safety Operating Plan Overview and Alcohol Service Hours Component	<p><u>Verbal comment [36:16]:</u>  “Yeah, hi, David Maher, Celtic Axe Throwing. We have, currently have 4 locations that all serve liquor in breweries and bars, in Oregon and Texas. We shut down our axe throwing at 10:00 PM just because you know to Mike 's point we really don't want to have people throwing axes at 1:00 o'clock in the morning. But our people are LLC certified and will you know, if they see basically intoxicated person will cut them off. So yeah, that's my comment. I think 10 or 11:00 PM for me. I'm comfortable with that as a business owner. I don't want the risk of somebody there, you know, it can get messy after midnight. That's my comment. Uhm yeah, thank you.”</p> <p><u>Verbal reply from Robert DeSpain (LCB):</u>  “Thanks, David and again, I'll stop asking, but for now do you have any follow up regarding the language as is? Do you see any need for change or any alternative language you'd want to propose be added to this?”</p> <p><u>David Maher (Guest):</u> “Uhm. No, but I wouldn't like to, like to Mike 's point, I wouldn't like to see it too restricted. You know to the point about axe throwing being dangerous - I would go along with Val and say in my experience of running bars and restaurants and breweries for 30 years - a pool table is a much more dangerous thing to have in your bar, because it's unsupervised and there's always fights around pool tables and darts. That would be my comment.”</p> <p><u>Robert DeSpain (LCB):</u> “Fair enough thank you so much.”</p>	<p><b>Summary:</b> Business decision regarding axe throwing hours but in all locations that serve alcohol he chooses to shut down axe throwing at 10pm.</p> <p>Restrictions should not be in the rules though. Pool tables and darts are more dangerous.</p>

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**Topic:** Conceptual Draft Rules for New Section WAC 314-03-060, Axe Throwing at Liquor Licensed Premises

11	Mike Graham-Squire (Guest)	WAC 314-03-060(2)(b)(1-iv)– Safety Operating Plan: Alcohol Consumption Monitoring Component	<p><u>Verbal comment [40:47]:</u>  “I think a lot of these look like good best practices. I'm not sure if it fits under this section, but one thing I'm wondering is what kind of liquor license will be issued and because this is a higher risk activity would it makes sense to limit the license to beer and wine or lower proof alcohol rather than spirits being served at these kind of establishments? Just a comment.”</p> <p><u>Verbal reply from Robert DeSpain (LCB):</u>  “That's great. So, just to be clear, you're fine with - thank you for that, first off - but you're fine with these rules as they are, but you want to add maybe a qualifier around the types of liquor licenses that would be allowed to add this activity.”</p> <p><u>Mike Graham-Squire (Guest):</u> “Correct.”</p> <p><u>Robert DeSpain (LCB):</u> “OK do you have any proposed language for that?”</p> <p><u>Mike Graham-Squire (Guest):</u> “I'm not an expert on the types of licenses but I know that there are, I believe, beer and wine licenses, which would be less chance of over-intoxication than serving spirits.”</p> <p><u>Robert DeSpain (LCB):</u> “But in general, your suggestion is to maybe add a little more restrictions around the license types.”</p> <p><u>Mike Graham-Squire (Guest):</u> “Yeah.”</p> <p><u>Robert DeSpain (LCB):</u> “OK. Thank you for that, Mike.”</p>	<b>Summary:</b> limit license types to only beer and wine or lower proof alcohol or qualifier around the types of liquor licenses allowed to add this activity.
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**February 3, 2022, Listen & Learn Forum Public Comment Table**

**Topic:** Conceptual Draft Rules for New Section WAC 314-03-060, Axe Throwing at Liquor Licensed Premises

12	Riely Harris (Guest)	WAC 314-03-060(2)(b)(1-iv)– Safety Operating Plan: Alcohol Consumption Monitoring Component	<p><u>Verbal comment [42:33]:</u>  “Hi there, Riely Harris Casting Iron Axes. I just want to speak against that to say that I don't think there's actually, and maybe he has evidence about this. But I don't think there's actually much evidence to say that people are more likely to overindulge when offered the option of spirits and I think it's unfairly restricting restaurants and bars again when there's already safety protocol in place. Having two beers as I'm sure Mike is aware is no different than having two old fashions or two mai-tais or whatever it is as far as alcohol content. my husband is a police officer and is specifically trained in this area and has voiced his opinion for me to share I guess that it really is sort of equal across the board whether you serve just beer and wine or you have a full liquor license. If our protocol is in place to keep people safe and then it is our responsibility to make sure that they are not overindulging regardless of what substance they are ingesting.”</p> <p><u>Verbal reply from Robert DeSpain (LCB):</u>  “OK. So whether it's a cocktail, a shot, a beer, or a glass of milk. I get you. OK fair enough. Do you have any alternative language you want to propose or do you see any areas where you might want to change what's currently written?”</p> <p><u>Riely Harris (Guest):</u> “No actually I like it as written. I've read it several times and I think having a MAST certified staff in the axe throwing area at all times is definitely a wise safety step and for those of us that are proposing to be establishments that have this, the last thing that any of us wants as a safety event that would be catastrophic for our business. So it's, as business owners, it's really important to us that that our patrons stay safe. We recognize that people are looking for accidents to happen in axe throwing venues and we are actively working to ensure that that doesn't happen. So I think we will actually be more strict</p>	<p><b>Summary:</b> The focus should be on safety and restricting consumption, not the type of alcohol consumed.</p> <p>Agree with MAST certified staff in areas at all times and generally agree with this section as written. Believes venues will be more strict and safety conscious.</p>
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			<p>than a lot of other places, where like one of our other guests mentioned a lot of fights happen around a pool table or at darts where they're not monitored and this is going to be so carefully monitored. I think that regardless of beer, wine and spirits or just beer and wine, I think it's going to be safety conscious."</p> <p><u>Robert DeSpain (LCB):</u> "OK. Thanks for those comments Riely."</p> <p><u>Chat reply from Pacific Axes (Guest) [10:51 AM]:</u> "We absolutely agree with Riely Harris."</p> <p><u>Chat reply from Judy Bennett (Guest) [10:51 AM]:</u> "These look like some of the "best practices" list we were looking for earlier"</p>	
13	Matt Baysinger (Guest)	WAC 314-03-060(2)(b)(1-iv)– Safety Operating Plan: Alcohol Consumption Monitoring Component	<p><u>Verbal comment [45:26]:</u> "Everything Robert thanks for making time and for putting this altogether. I'm with Blade and Timber. We're in Cap Hill. To my knowledge, we're the only axe throwing facility in the state that is currently serving alcohol as part of the pilot program. We did submit 149 pages of documentation as far as what our rules, policies, procedures, trainings look like in order to be able to do so safely. We have been doing so safely since April. And so it would be a waste of everyone 's time here to go through all 149 pages of that documentation, but I do think that what we came up with for the pilot program has been working well and so using that as a baseline to ensure safety standards. I think if other facilities were able to match the systems that we have created I think that would be a really good start as we mentioned in our meeting a month ago. We, you know, we're limited right now to two beverages in the state of Washington. That's the only state that has limited us to two</p>	<p><b>Summary:</b> Pilot program, 149-page application, all other states allow venue to self-limit alcoholic beverages, current program limited to two drinks, would like to see that removed.</p> <p>Alternative language: change "Axe throwing area" to "axe throwing facility"</p> <p>Reply seconds that facility/establishment is better than area.</p>

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		<p>beverages. Every other state we self-limit to three beverages.</p> <p>We would like to eventually get to the point that the state of Washington feels comfortable with us having our facilities in the state of Washington match what we're doing in other states and have been doing since 2017 safely. Having said that I would be happy to, I'm not sure if that's already public documentation as far as our 149-page application.</p> <p>But I think that would be a really good place to start as far as the I guess the standards that axe throwing facilities in the state could or should be held to.</p> <p>Second and more specifically to what you have on the screen here designating MAST certified staff in the axe throwing area. I think area is a very loose definition there. I would change the word area to facility just to give our axe throwing venue owners and operators a little bit more grace as far as:</p> <p>1: making sure that there are MAST folks who are in the facility at all times and 2: that it is not quite as important to specifically quantify "What is an axe throwing area and what is not?" thank you"</p> <p><u>Verbal reply from Robert DeSpain (LCB):</u> "Thanks for that Matt and so I appreciate your general comments with respect to the protocols in place and you mentioned changing I think sub one axe throwing area to axe throwing facility. You did make a comment with respect to drink minimum. I don't see that in here, but did you see a need to add any of that to the rules?"</p> <p><u>Matt Baysinger (Guest):</u> "You know that's a great question, and so and that was what I was getting at is our policies are</p>	
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		<p>spelled out over the course of 149-page document that was submitted to the state you know a year and a half 2 years ago and so I didn't know if this was the appropriate time to get more granular as far as what those policies look like specifically because they do overlap. Some of what you're speaking to right now, but I also don't think that this is the appropriate avenue necessarily to you know pull verbiage out of our manual and put it here. I think what I would suggest is that we take some of that language that's already been approved and use that as the structure for which we put language in for this rulemaking and documentation."</p> <p><u>Robert DeSpain (LCB):</u> "OK, well, thank you for that. I agree. We're trying to be really thoughtful and intentional on focusing just on what's in front of you right now. Having said that if there are certain granular bits from your document that you feel would actually be applicable or would serve as good alternative language to what's on the screen right now, we'd. appreciate that as well."</p> <p><u>Matt Baysinger (Guest):</u> "Sure and I'm happy to provide that via email or I can have our attorney provide that as well. But it's a lot, so I'll again I'll hold off on audibly speaking that at this time."</p> <p><u>Robert DeSpain (LCB):</u> "Right of course, thank you so much Matt."</p> <p><u>Chat reply from Val (Guest) [10:54 AM]:</u> "VAL, AXE KPR - COMMENT: Second that facility / establishment is a better term than area."</p>	
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14	David Maher (Guest)	WAC 314-03-060(2)(b)(1-iv)– Safety Operating Plan: Alcohol Consumption Monitoring Component	<p><u>Verbal comment [49:46]:</u> “Yeah, this is David Maher, I think I just want to reiterate what Riely was saying. Our four locations all have full liquor licenses and I think the more important thing is that we have a certified axe marshall, who is also MAST, or as we call it, LLCC, certified to watch what's going on in the axe lanes. That would be my comment. Thank you.”</p> <p><u>Verbal reply from Robert DeSpain (LCB):</u> “Thank you for that David. Can I just ask a follow up real quick? would you mind speaking to - you mentioned an axe specialist or an axe throwing marshall?”</p> <p><u>David Maher (Guest):</u> “Yeah, we call them axe marshalls, so we, we have locations with 3 lanes and some locations with 8 lanes. So we would assign to an 8 Lane location, we would have 2 axe marshals, who are in Oregon, LLCC certified they would also be bartender certified. And that's how we do it, then and, as I said, before we shut down all locations at 10:00 PM and we have never had an issue at all through alcohol and we've never had an accident. I think somebody earlier said you know, if you check the records there, there really hasn't been an accident with axe throwing because they're supervised, unlike pool or darts.”</p> <p><u>Robert DeSpain (LCB):</u> “Right. And so with respect to this subsection. Yeah, David do you see any need to add additional protocols. You mentioned the Axe Marshall, but is there anyway, because this is specific to you know alcohol consumption protocols, do you have any language You think you would want to see added to this or any alternative language you want to have included.”</p> <p><u>David Maher (Guest):</u> “No. Yeah. No, I think it's designated MAST certified staff in the axe throwing area at all times, so that's perfect, but I would not like to see somebody add,</p>	<b>Summary:</b> having a certified axe marshall watching the lanes is important for safety, more so than limiting type of alcohol sold.
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			<p>you know take away the ability to sell liquor. Because all our locations have it and it's never been a problem. I can see where you know, somebody from outside the industry thinks this is a scary business. It's actually not."</p> <p><u>Robert DeSpain (LCB)</u>: "OK, well. Thank you for that David and I appreciate all your comments."</p>	
15	Isaiah Harris (Guest)	WAC 314-03-060(2)(b)(1-iv)– Safety Operating Plan: Alcohol Consumption Monitoring Component	<p><u>Chat comment [10:47 AM]</u>: "Standard WAC/RCW language that is somewhat of a compromise between "encouraged vs shall" is the word "should""</p> <p><u>Verbal comment [52:43]</u>: "Alright. Hey guys, thank you. Isaiah Harris, Casting Iron. So hey, I just appreciate everybody 's comments and look forward to hopefully liaison with some of these guys afterwards. Uh yeah regarding the language. I think there's a couple of things just to remind folks and that's that the absence of language doesn't mean that a location can't impose more stringent rules for in house. So if I feel like I only want folks with flannel to be able to throw, I think that should be a great rule. Well, that doesn't need to necessarily be everybody's rule that can just be a house rule.</p> <p>And so typically I prefer to see a more expansive allowance of activity and then leave it up to the individual business to create a stricter tighter rule set and then let the free market decide if they prefer one place with its ruleset versus any others. That's just my general take on things there, I would also encourage us to look more at language. So regarding intoxication instead or instead of one drink minimum or a 2 drink minimum. I think it should be cut off should be whether or not you are intoxicated or showing signs of intoxication somewhere to driving right so nobody here. I</p>	<p><b>Summary:</b> "should" is a good compromise between encouraged and shall.</p> <p>There should not be a drink minimum or maximum rather the focus should be on intoxication.</p>

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		<p>think everybody would agree that drunk driving is unacceptable and dangerous, but that if you look at the language about it, it's all about driving while intoxicated so that's, but maybe that's the cop in me speaking so.</p> <p>And then the other thing was we talked earlier, about there was some concern about the language of shall got thrown out there versus like we hope that people follow these rules and then there's the opposite side. That was well, we mandate that people follow these rules and a typical classic RCW or WAC code language that compromises and that is often "should" so you see shalls and you see shoulds so I would suggest you throw the word should into consideration."</p> <p><u>Verbal reply from Robert DeSpain (LCB):</u> "So you're speaking to a section subsection, one with that I think."</p> <p><u>Isaiah Harris (Guest):</u> "That's all. Yeah, I think so."</p> <p><u>Robert DeSpain (LCB):</u> "OK, so, so your suggestion from that, it should and with respect to sub B and parts one through 4 do you see any changes in language, you'd like to have incorporated or does it seem OK as is right now?"</p> <p><u>Isaiah Harris (Guest):</u> "Uhm I can't honestly see the whole thing from here. I'm working off my phone, while taking care of some other items today. But I would just encourage folks to just keep an open mind about focusing language on more running intoxication levels versus the number of drinks 'cause you could have a tiny person have 3 drinks and absolutely get hammered right or I mean, everybody reacts a little differently."</p>	
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16	Mike Graham-Squire	WAC 314-03-060(2)(b)(1-iv)– Safety Operating Plan: Alcohol Consumption Monitoring Component	<p><u>Chat comment [10:54 AM]:</u> “I think a 2 drink maximum would be a good addition to the rules”</p> <p><u>Chat reply from Val (Guest) [10:54 AM]:</u> “VAL, AXE KPR - COMMENT: I don't believe this is the appropriate time for drink maximums discussion”</p>	<p><b>Summary:</b> 2 drink max request</p> <p>One reply disagrees</p>
17	Val (Guest)	WAC 314-03-060(2)(b)(1-iv)– Safety Operating Plan: Alcohol Consumption Monitoring Component	<p><u>Chat comment [11:02 AM]:</u> “LONDON, MPH, AXE KPR COMMENT: I would like to add that, the public health principle of the least restrictive means holds that <b>public health measures should interfere with the autonomous freedom of individuals to the least possible or necessary extent.</b>”</p> <p><u>Chat reply from Val (Guest):</u> “No”</p> <p><u>Chat reply from Riely Harris (Guest):</u> “Yes Val. Thank you”</p>	<p><b>Summary:</b> Public health least restrictive means test</p>
18	Luke (Guest)	WAC 314-03-060(2)(b)(1-iv)– Safety Operating Plan: Alcohol Consumption Monitoring Component	<p><u>Chat comment [11:02 AM]:</u> “What are the best practices for liquor boards? Is it normal for states to get involved in the rule making at this level? It seems like a slippery slope and labor intensive for the board to manage. Also, who determines that this is a high risk activity and relative to what because we are hearing contrary information. Sorry if I am coming across negatively.”</p> <p><u>Verbal reply from Robert DeSpain (LCB):</u> “OK, I appreciate the comment Luke. I think that's a little more meta than this specific rule subsection, but I still appreciate where you're coming from with that. OK, any other thoughts comments feedback alternative language suggestions for this. Particular subsection. Seeing and</p>	<p><b>Summary:</b> off topic – questions about rule making around this activity.</p>

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		<p>hearing none I will go ahead and move on to the next section.”</p> <p><u>Verbal reply from Nicola Reid (LCB):</u> “Hi I'd like to address Luke's comment and we appreciate everyone being forthright with how they feel, but I tend to disagree with the rule-making. You know within any liquor establishment we are tasked with public safety and I think everyone is assuming that this is going to be a business model that only focuses on axe throwing and you know, kind of the best of the best but once this type of activity opens up it really means that any tavern, restaurant, any liquor business could add it and so, if we don't put some measures in place, then we're not really you know holding up to what we need to do for public safety within the premises we license within Washington. So while we're not trying to manage exactly how your business should operate, we do need to consider the impacts of liquor with what we consider to be a high risk activity. Thank you.”</p> <p><u>Robert DeSpain (LCB):</u> “Thank you very much for that Nicola this is exactly what I was talking about with expertise offered from persons within various divisions in our agency. I think that's an important perspective and then that's really appreciated.”</p> <p><u>Chat reply from Riely Harris (Guest):</u> “Agreed Luke”</p> <p><u>Chat reply from Mike Graham-Squire (Guest):</u> “Thank you Nicola, I agree that public health standards need to be set for this activity”</p> <p><u>Chat reply from Pacific Axes (Guest):</u> “To add Luke's comment: We also wonder, whether there is any hard data on considering the activity riskier than others</p>	
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			<p>(e.g. bowling, pool, darts, etc), injury reports, insurance claims should suffice.”</p> <p><u>Chat reply from Dave Quinn Axe Kickers (Guest):</u> “A risk activity? Can this be clearer by looking into the number of claims submitted to insurance companies from bars with darts - pool tables/sticks - golf, where I've seen many accidents as a result from drinking. Never heard of any rule making concerns.”</p> <p><u>Verbal reply from Robert DeSpain (LCB):</u> “OK. Well, thank you for that. I mean that the feedback is appreciated whether it's specific. We have a hand raised from Kathy. Go ahead, Kathy.”</p> <p><u>Verbal reply from Kathy Hoffman (LCB):</u> “Hi thanks everybody for the great discussion. Just kind of hoping to redirect our efforts back to the conceptual draft rules. I think some of the things that are coming up in the chat definitely points of conversation, possibly things we might want to think about in separate conversations, but right now, hoping to kind of get at what Robert's directing here and that is from the strengths, weaknesses, and some proposed language for these rules. So, just to both Tierney and Robert's point - If people can come off the chat box and offer oral comment. That's very helpful for everybody. Thanks, Robert.”</p> <p><u>Robert DeSpain (LCB):</u> “Thank you. Kathy I appreciate that and that's it. I think that's as good a time as any to say we're going to move on now to the next rule subsection. Again, if you have any other comments that are outside of this topic or outside of the focus, you can always email us <a href="mailto:rules@lcb.wa.gov">rules@lcb.wa.gov</a> we're happy to set up a time outside of this forum to have a further discussion.”</p>	
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19	David Maher (Guest)	WAC 314-03-060(2)(c)(i-ii) – Safety Operating Plan: Floor Plan Component	<p><u>Verbal comment [1:05:58]:</u>  “Yeah, I like the language about the no bounce borders. But I would like to add a wooden handle axes in our experience. A lot of operators using metal axes with rubber handles which is a problem in the industry and I think I'd like to see everybody in the industry move to wooden handle axes, to help with the no bounce any you see these horrifying videos of axes bouncing back at people and that we believe is caused by the metal handle access, hitting a rubber base and a hard back board and coming back at people come in all our facilities. We have no bounce borders and we only use wooden handle axes. So I think that would be an important thing to add to the rules. Thanks.”</p> <p><u>Verbal reply from Robert DeSpain (LCB):</u>  “Thank you David if I could just follow up real quick. Yeah, I appreciate that comment. I think that that is some good feedback. One of the issues I think with respect to that is I don't see it fitting in this section around a floor plan component. Do you have any suggestions as to you know if if something like that were added where that would fit? Would it be in best practices for licensees for the industry and if so do you have more specific language you'd want to see incorporated into that section? Again, that's out of scope of this particular subsection rule. But if you do have suggestions that would be great.”</p> <p><u>David Maher (Guest):</u> “But I think it does fit in this section because you're talking about anti bounce barriers in this section, and that's all about bounce back and keeping people safe.”</p> <p><u>Robert DeSpain (LCB):</u> “I see. So you see it in kind of sub 2, so after discussing barriers you could also provide</p>	<p><b>Summary:</b> add requirement to rules that axes must have wooden handles.</p> <p>Replies are against adding this to the rules.</p> <p>Suggestion to add a requirement for a lid or top on axe cages and a closed back</p>
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		<p>examples of what type of axes might best help with the barriers in the bounce back issues.”</p> <p><u>David Maher (Guest):</u> “Yeah, because this section is dealing with bounced back and safety you know in the lanes. And one other thing while I'm thinking about it, I mean, having a lid on your axe cages is you know is helpful as well. That's what we do. We just never had it happen. But I never want to have one of my you know facilities have an axe come over the top of the cage. Our cages are 10 feet high metal surrounds and it has a closed back on them. A lot of facilities have open backs and I just fear you know that an axe would slip out of somebody's hand on their back swing. So we have you know a back on our cages that completely enclosed with the one door in.</p> <p>And I just think for the industry. I mean, if we can when that video came out of the lady flowing in action bouncing back after it went into the audience behind her. Uh and my business went down by 30% after that video came out. So I think just for the industry, which have you know? The safest you know done along with what we're trying to do here is come up with really safe. Actually, an excellent business is we're not going to get shut down or lose business because of an accident. So I think we're on the same page darling, you know make this as safe. Uhm a cyclist possible and they wouldn't handle actors, it's definitely something that we believe strongly that that's really helps with that and I think it should be in this section. We're talking about no bounds borders and and and barriers.”</p> <p><u>Robert DeSpain (LCB):</u> “OK, that's great. Thank you so much for that feedback David I appreciate that.”</p> <p><u>Chat reply from Mike Graham-Squire [11:08 AM]:</u></p>	
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			<p>"I'm glad to hear that many well run establishments are doing this safely and want to ensure that all establishments are run as well as yours."</p> <p><u>Chat reply from Val (Guest) [11:12 AM]:</u> "COMMENT: No disrespect, this comment about axe-types has nothing to do with a floor plan."</p> <p><u>Chat reply from Matt Baysinger (Guest) [11:16 AM]:</u> "Disagree with specificity of axe-type. We use metal axes and have been without issue for 6 years."</p>	
20	Val (Guest)	WAC 314-03-060(2)(c)(i-ii) – Safety Operating Plan: Floor Plan Component	<p><u>Chat comment from Val (Guest) [11:14 AM]:</u> "VAL, AXE KPR: No-bounce borders are not required in order to provide a safe guest axe throwing experience. I think this kind of language is getting too far into the weeds on defining how a venue operates. I recommend striking the language about no-bounce borders. barriers, as a general concept is good and recommend keeping that."</p>	<b>Summary:</b> no-bounce borders requirement is too restrictive
21	Emily Gant (Guest)	WAC 314-03-060(2)(c)(i-ii) – Safety Operating Plan: Floor Plan Component	<p><u>Verbal comment [1:10:08]:</u> "Thanks. Everyone can you hear me OK?"</p> <p><u>Verbal reply from Robert DeSpain (LCB):</u> "I can hear you loud and clear thank you Emily."</p> <p><u>Emily Gant (Guest):</u> "Perfect thank you. My name is Emily Gans. I'm an attorney at Foster Garvey and I'm here speaking for flannel Jack says. And I had some questions about this subsection's use of the term barrier. And so oftentimes in other portions of the LCB 's rules, there's references to barriers that are at least 42 inches high. It's unclear to me. Uhm whether this rule is going to take the same approach. But I think that that would be helpful to understand the LCB 's thoughts on that aspect of things."</p>	<b>Summary:</b> Define barrier better; define lanes; barriers bw axe throwing and alcohol consumption yes but not necessarily between every lane or target.



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		<p>On another note. It's uh it's unclear from this draft when there's conversations about barriers. If those barriers are required to kind of set the boundary between the axe throwing area and the designated consumption area between each axe throwing Lane or both. It will be helpful, particularly because there's a capital expense that's necessary when building that out these facilities to give people pretty clear guidance there.</p> <p>Uh you know what flannel jax and its franchisees have liquor licenses in in multiple places throughout the country. None of those other jurisdictions, they may require a barrier between the axe throwing area and that alcohol consumption area, but not necessarily between the lanes and from a safety perspective, this hasn't posed a risk as many have commented. These are places where there's a focus on safety. There are people that are there a Lumberjack Axe Marshall. Whatever the term is for peoples. Somebody there supervising and so barriers between the lanes don't appear to be necessary from a public safety perspective barriers designating the space between the axe throwing lanes and the alcohol consumption areas is something that is, is more commonly seen in other places in in the country.</p> <p>And then finally I had a question about whether or not these barriers are intended to keep kind of axes within that Lane if they are intended to stop people from kind of inadvertently meandering into a Lane or something different because that may help determine which types of barriers are appropriate."</p> <p><u>Robert DeSpain (LCB):</u> "Thank you for that Emily I think so. You're saying there's from your perspective, there's some ambiguity with respect to how the word barriers is used. I think we try to provide some clarity from the second sentence where it says barriers should prevent access from</p>	
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			<p>traveling out of the axe during lanes. However, I think from your feedback you're saying, you want a little more clarity on what that means. So you'd like to see a little more precise definition within this rule. Do you have any alternative language you would suggest for this?"</p> <p><u>Emily Gant (Guest):</u> "Sure, I mean that it is certainly possible that I've missed it over the years, but I am not aware of a place really anywhere, and the LCB 's rules that the term barrier is distinctly defined even outside the axe throwing context. And in virtually all other places that you'll see a reference to barriers that are at least 42 inches high. I am most times that's really to signal to the guest where they can have alcohol and where they can't in say an outside service area, or things of that nature and so, if anything. And it it's simply unclear from because the term barrier isn't defined. Does it need to be a pony wall? Is it a net? Is it a U bar? Is there flexibility in this? And sometimes the LCB will perhaps leave a term undefined to give people more flexibility in the way that they do, so long as it's still safe.</p> <p>Ultimately we are simply looking for some guidance on what are the things that would sufficiently qualify because again it's expensive to build out these facilities when you're doing it right and people want to make sure that that that construction is going to is going to meet the the LCB 's needs."</p> <p><u>Robert DeSpain (LCB):</u> "OK. Thank you. Emily thank you for that I appreciate the feedback."</p>	
22	Riely Harris (Guest)	WAC 314-03-060(2)(c)(i-ii) – Safety Operating	<p><u>Verbal comment [1:16:54]:</u>          "I think it's me, this is Riely from Casting Iron. Hi I just wanted to mention that I don't think it makes sense to get really technical very or very specific about what these</p>	

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		<p>Plan: Floor Plan Component</p>	<p>barriers look like because many of your axe venues are already built and the intention behind building these lanes is to protect their patrons so being very specific about whether there's a lid or the height of I mean, maybe you give a height of the walls, but not the material it's made out of or whatever that is. It's the comment that's there, the language that's there that says to protect access from. Escaping the lanes essentially I think is sufficient. I think like that was mentioning we can get way too far into the weeds and way too over regulated when we're already. Doing our best to make sure that these are safe environments."</p> <p><u>Verbal reply from Robert DeSpain (LCB):</u> "OK thanks. thank you for that. Riely you mentioned like a height for the barriers do you have any language to propose or any suggestions regarding that."</p> <p><u>Riely Harris (Guest):</u> "Honestly, I don't think I would suggest that anything is added. But if there was to be an addition at the request of of other people who are participating here, I would say that that is more than enough addition to say we want these barriers 8 feet tall or you know, some agreed upon number, but I would prefer that you that it's just not added I think there's as the attorney I think mentioned there's capital expenditure that is involved here and many of these places are already constructed so. Putting undue financial burden on these places to meet. Add. Uh I guess rules that were concocted by mostly by people who don't actually you know the LCB has their specialty, but axe throwing isn't it right so I'd speak to exactly the reason for this meeting so I just don't want to see the rules get. So detailed that it hinders people from being able to have businesses in the state of Washington."</p>	
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			<u>Robert DeSpain (LCB):</u> “OK. That's great. Thank you for those comments Riley.”	
23	Daniel Quinn (Guest)	WAC 314-03-060(2)(c)(i-ii) – Safety Operating Plan: Floor Plan Component	<p><u>Verbal comment [1:20:09]:</u>  “Uh yeah, Daniel from taxpayers. I pretty much agree with kind of the rules. I think this Section 2, there at the barriers is. To get a little weird with some facilities that. Might maybe it's a like a brewery that wants to host an event and set something up on their premise. There's a lot of places around the country that do this. I have big events and then just have kind of free standing a frames if nothing really around it, but I think it does come down to more of the facility, making sure they have well trained staff with keeping everyone safe throwing axes in general. That's the more important part rather than saying, You know the facility has to have these kind of borders. 'cause everyone just gonna get crazy, so I just I don't really think. Section 2, should really be in there and then maybe down the road have some thought about some some language about a temporary setup for places that might want to host the event. Thank you.”</p> <p><u>Verbal reply from Robert DeSpain (LCB):</u>  “Thank you Daniel.”</p>	<b>Summary:</b> Comment is that in general agree with the draft rules but want more flexibility with respect to barriers and it comes down to well trained staff in terms of safety.
24	Matt Baysinger (Guest)	WAC 314-03-060(2)(c)(i-ii) – Safety Operating Plan: Floor Plan Component	<p><u>Verbal comment [1:21:25]:</u>  “Thanks again Robert so we, we have had success just at our facilities. We do have individual lanes and so there's a lot of different ways that axe throwing facility owners define what a Lane is and so just to be really clear. Our definition of a Lane is one single axe throwing target what we did in our initial plan with the state of Washington was each individual Lane does have its own individual barriers on the sides the top. And the back. This is what we did for part of the pilot program. We have found success with that.</p>	<b>Summary:</b> define barriers and lanes

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		<p>Uh I think the point of what a lot of us are saying and what I what I do agree with is I. I think to have rules that generally are as least restrictive as possible is a desirable goal. I'm having said that I think all of us have seen axe throwing facilities that we think put kind of a bad mark or a bad look for the industry as a whole and so I don't think that it's that there shouldn't be any regulation, obviously that's why we're having this conversation and so. Just to speak again clearly from experience. I I don't. I do think it would be OK. In this situation to call for barriers on the sides on the top and on the back of each throwing target or each axe throwing Lane. However, we want uh collectively define that."</p> <p><u>Verbal reply from Robert DeSpain (LCB):</u> "OK and so, so specifically to this, some of your feedback is maybe again be a little more specific as to what we mean by barriers and what we mean by lanes is that is that?"</p> <p><u>Matt Baysinger (Guest):</u> "That's correct because some folks are going to define lanes as having 2 axe throwing targets in a single Lane. Some folks might actually have 4 axe throwing targets in a single Lane and that's where there are no barriers between the targets themselves and so. Uh people define that differently as we mentioned the very beginning of this call. There are international organizations and axe throwing organizations that define this differently. We very intentionally are not part of those organizations simply because we didn't think they had the correct safety standards, so but that being said, I think some granular definition of if we're going to create a very clear definition. We also have to have a little bit more specifications specificity of what a Lane actually is."</p> <p><u>Robert DeSpain (LCB):</u> "Thank you for that feedback Matt that's really, really appreciated."</p>	
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25	Dave Quinn Axe Kickers (Guest)	WAC 314-03-060(2)(c)(i-ii) – Safety Operating Plan: Floor Plan Component	<p><u>Chat comment from Dave Quinn Axe Kickers (Guest)</u> [11:19 AM]: “A Barrier requirement - constructed with what? Will there be material requirements?”</p> <p><u>Chat comment from Dave Quinn Axe Kickers (Guest)</u> [11:24 AM]: “Do you have a mock up drawing of how a floor plan would be laid out....just curious about you view on the consumption area”</p> <p><u>Verbal reply from Robert DeSpain (LCB):</u> “OK appreciate those comments and questions. Yeah, I don't think I'm the right person to speak on this, if there's someone else again from licensing. It could be Nicola or someone else.</p> <p>I don't think we have, I don't think we're conceptualizing a mock up of what floor plans have to look like. I don't think that's the intent. I appreciate the question, though I don't know if someone from licensing wants to speak to that question. I see two hands from licensing – Kaitlin. Kaitlin go ahead.”</p> <p><u>Verbal reply from Kaitlin Bamba (LCB):</u> “Hi it's Kaitlin Bamba in the Licensing Division, Policy Manager. So we don't have materials in rule because we are trying to be more open about different things that could be used and not be super restrictive for what a barrier could be. We don't have a mock floor plan right now. I think that's something that we certainly could work on once the rules get established. And I don't know if there is anything else that I missed. Reading through here anything else Robert?”</p> <p><u>Robert DeSpain (LCB):</u></p>	<b>Summary:</b> barrier requirement and mock up floor plan requirement
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			<p>"No, I think it's just a mock up drawing and what would be the material requirements. So yeah, I think you spoke to both of those. Thank you so much."</p>	
26	Val (Guest)	WAC 314-03-060(2)(c)(i-ii) – Safety Operating Plan: Floor Plan Component	<p><u>Chat comment from Val (Guest) [11:20 AM]:</u>            "Agree about the need to designate the liquor service / consumption area from the throwing area, less about the regulations about between lanes. The language about axes traveling out of the lanes, are we talking about a lane with one target or two, or four? how is this being defined?"</p> <p><u>Verbal reply from Robert DeSpain (LCB):</u>            "OK, I think the conceptual rules draft as it is now I don't think - to what Kaitlin was just saying - I don't think it does do that. So there have been suggestions to maybe be more intentional with how we write up the meaning of barriers, how we write up the meaning of lanes. So I appreciate that. I think the question is speaking to that. Thank you for that Val."</p>	<p><b>Summary:</b> Comment about designating axe throwing area from alcohol service area is a good safety measure but do not agree with regulations about barriers between lanes.</p>
27	Riely Harris (Guest)	WAC 314-03-060(2)(c)(i-ii) – Safety Operating Plan: Floor Plan Component	<p><u>Verbal comment [1:26:41]:</u>            "Hi there, it's just Riely from Casting Iron. So I want to make it very clear that the World Axe Throwing League lanes contain 2 targets and that is absolutely required in order to host their League events. So it would be a real hindrance to business to say that each Lane individually had to have both sides and back barriers because if you put a barrier between lanes 1 and 2 for example, you are no longer considered a WATL facility because then you cannot host their events. So that would be really bad for business for many of us who are already associated with the World Axe throwing League. So at a minimum, a Lane would need to be defined at least in terms of barriers as 2 targets spaces if that makes sense."</p>	<p><b>Summary:</b> Request to more clearly define where barriers are placed and how they interact with lanes. Too restrictive will limit ability to host different league events. Agency reviewed this suggestion and made changes to the conceptual draft rules as a result.</p>

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			<p><u>Verbal reply from Robert DeSpain (LCB):</u> “It does. Thank you. So that's with respect to restrictions from that Association.”</p> <p><u>Riely Harris (Guest):</u> “Yes, so those of us who are a part of World Axe Throwing League, we have set up our lanes in compliance with their regulations, which does place 2 lanes to 2 targets together for the purposes of competitions because you cannot host competitions that are World Axe Throwing League competitions if you don't have your Lane set up that way. So if the LCB precluded us from having lanes that met the standard of WATL, then we wouldn't be able to participate in that Association.”</p> <p><u>Robert DeSpain (LCB):</u> “OK. Thank you so much for that Riely and that's - again - that's why we're hosting these forums. You know, many of you in the forum know many things that that we don't. You know you're the subject matter experts for that, so I appreciate the feedback. Riely did you have anything else to add?”</p> <p><u>Riely Harris (Guest):</u> “Nope, that's it.”</p> <p><u>Robert DeSpain (LCB):</u> “Thank you.”</p>	
28	Pacific Axes (Guest)	WAC 314-03-060(2)(c)(i-ii) – Safety Operating Plan: Floor Plan Component	<p><u>Verbal comment [1:28:46]:</u> “Hello everyone, this is TK from Pacific Axes and then we just had a comment to add that we agree with the language that you know for designated areas where alcohol is sold should be separate from kind of areas where people are throwing the axes. But we disagree with the kind of language being used for requiring barriers behind the axes because I think we believe that it's too limiting and defining what materials and besides nobody is requiring bowling alleys to kind of do the same thing. While we are allowed to sell alcohol on premises, so I believe that kind of adding</p>	<p><b>Summary:</b> Comment that the conceptual draft rules as written are flexible enough for the business model, adding additional restrictions would make business more difficult.</p>



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			<p>better restrictive language is not gonna, it's not gonna work with everyone and it's not gonna, it's not gonna allow us to be flexible in what we do."</p> <p><u>Verbal reply from Robert DeSpain (LCB):</u> "OK and so your comment is that you know you see it now it's flexible enough for your business model, but you're saying adding additional restrictions might make it more difficult."</p> <p><u>Pacific Axes (Guest):</u> "Absolutely yeah, so it's gonna cost money to put in the barriers that are going to be after all approved if we are approved. And we have the separators in between the lanes. We have a kind of everything set up to be as safe as possible, but I believe kind of putting in hard language requiring specific barriers and specific materials. I think that's too much."</p> <p><u>Robert DeSpain (LCB):</u> "Thank you. Thank you for that feedback did you have anything else to add?"</p> <p><u>Pacific Axes (Guest):</u> "Nope."</p> <p><u>Chat reply from Luke (Guest):</u> "Agree with Pacific Axes about not requiring barriers behind the axe thrower."</p>	
29	Jackie Berganio (Guest)	WAC 314-03-060(2)(c)(i-ii) – Safety Operating Plan: Floor Plan Component	<p><u>Verbal comment [1:30:23]:</u> "Good morning. Thank you for this opportunity, I just wanted to say that I am wanting to have the most public safety as possible if this goes forward because alcohol has had some problems when it's involved with many different types of activities. I support this section maybe being more specific and appreciate the people who are already experienced with these types of venues. Their comments feel to me that there should be a minimum standard for the floor plan and it has to be a little bit more specific and not</p>	<p><b>Summary:</b> Request for this section to be more specific and to have a minimum standard for the floor plan and to have an inspection to ensure safety. The request is addressed in the following draft rule section.</p>

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			<p>only that, but if it does not meet those minimums, I would like to say that the proposed floor plan should be very detailed and, I'll be a small to say are there ever any inspections to make sure that safety is the number one consideration? For example, I've done home remodels and there's always a licensed inspector that comes to make sure that this is in the best interest of everybody involved."</p> <p><u>Verbal reply from Robert DeSpain (LCB):</u>          "Thank you for that. I'm glad you mentioned that. That kind of segues very nicely into subsection 3 of the rules and we're running a little behind so unless there are additional comments on this particular subsection. I'm going to move on to 3."</p>	
30	Judy Bennett (Guest)	WAC 314-03-060(3) – Safety Operating Plan Change Request Procedures	<p><u>Verbal comment [1:35:12]:</u>          "Oh, hi. I guess I'm just not clear about what changes this document refers to as it changes to come into compliance."</p> <p><u>Verbal reply from Robert DeSpain (LCB):</u>          "Judy that's a good question actually it's Section 2 is all on the safety operating plan and the safety operating plan is required to allow the activity of axe throwing in a liquor licensed premises. So any change made to the components of Section 2 would need to be submitted to the board."</p> <p><u>Judy Bennett (Guest):</u> "But if there are requirements do we have the ability to change those?"</p> <p><u>Robert DeSpain (LCB):</u> "I think it means more once you've, and perhaps licensing can speak to this, too, but I think it's if you have set up an establishment and been inspected and been approved to have this activity on your liquor license premises and then wish to change your floor plan, wish to change any of the components of the safety</p>	<p><b>Summary:</b> Comment regarding required changes to come into compliance. Agency response is that the process described in this conceptual draft rule section is after approval and inspection to allow this activity, any material changes to the floor plan need to be resubmitted and approved.</p>

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			<p>operating plan, you need to resubmit the safety operating plan and have another inspection before you're then allowed to do this activity again."</p> <p><u>Judy Bennett (Guest)</u>: "Oh, I understand. OK, I get it now thank you."</p> <p><u>Robert DeSpain (LCB)</u>: "Yeah, it's not regulatory. You failed inspection and now you're resubmitting... but maybe if someone from licensing can address this in a better way, Kaitlin or Jon, either/or."</p> <p><u>Verbal reply from Kaitlin Bamba (LCB)</u>: "Robert - Kaitlin - I was just I agree with what you said that was our understanding is if there was a change to the floor plan or something like that to submit a change request for that, so you're correct."</p> <p><u>Robert DeSpain (LCB)</u>: "OK, Judy did you have a follow-up question?"</p> <p><u>Judy Bennett (Guest)</u>: "No, I lowered my hand."</p> <p><u>Robert DeSpain (LCB)</u>: "OK, OK, thank you, Judy."</p>	
31	Val (Guest)	WAC 314-03-060(3) – Safety Operating Plan Change Request Procedures	<p><u>Chat comment from Val (Guest) [11:42 AM]</u>: "VAL, AXE KPR: The safety plan includes monitoring consumption in addition to floor plan, etc. I believe that a requirement to submit a plan to the board will limit business innovation / operation. If a venue intends to create more restrictive measures that enhance their customers safety, for instance, they will not be able to implement those measures until the WA LCB board approves them. It seems unnecessary and burdensome."</p> <p><u>Verbal reply from Robert DeSpain (LCB)</u>:</p>	<p><b>Summary:</b> Comment regarding the necessity of requiring the submission of a safety operating plan with every change and that it seems unnecessary and burdensome.</p> <p>alternative language: if implementing less restrictive ... then must submit, anything</p>

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		<p>“OK. Uh I appreciate those comments Val do you have any alternative language that you'd like to propose that would both maintain this provision but would speak to your concerns.”</p> <p><u>Chat reply from Val (Guest) [11:44 AM]:</u> “alternative language: if implementing less restrictive ... then must submit, anything more restrictive... should not be required. sorry, hard to think of the right language off the cuff.”</p> <p><u>Robert DeSpain (LCB):</u> “OK and then I see Nicola just raise her hand. Nicola did you want to speak to Val 's suggestion?”</p> <p><u>Verbal reply from Nicola Reid (LCB):</u> “Hi yes, so I just wanted to state that this type of language wouldn't be specific just to this business model. Currently, any restaurant that serves alcohol if they make changes to their floor plan like the adding of tables or a dining area, or an extra bar. They do submit those changes in it is not a lengthy process like an initial application process or anything like that. It is really more so that our enforcement office has a current floor plan on file.</p> <p>Should they visit the business, they are aware of what the surroundings are going to be when they go into it and it also is similar to sports entertainment facilities. We also obtain operating plans from them and any time changes are made. They will submit an updated operating plan so in no way would it be this long delay of trying to expand your business, or anything of that and I just want to let you know that we aren't pinpointing just this business model. It is common.</p> <p>I mean, it's actually practiced for every single liquor license business within this state and cannabis.”</p>	<p>more restrictive... should not be required.</p> <p>Agency response is that currently any restaurant that makes substantive changes to their floor plan have to submit to those changes and the process is not lengthy.</p>
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			<p><u>Chat reply from Val (Guest) [11:46 AM]:</u>  “Thank you Reid, Nicola M (LCB) for the clarification. That's helpful.”</p> <p><u>Chat reply from Reid, Nicola M (LCB) [11:47 AM]:</u>  “You're welcome!”</p> <p><u>Robert DeSpain (LCB):</u> “Thank you Nicola. That was wonderful. I think Val's response speaks to that. There might have been some confusion around that. Yeah, I think from their response. Thank you for the clarification that's helpful. I think they're OK with that response.”</p>	
32	Dave Quinn Axe Kickers (Guest)	WAC 314-03-060(3) – Safety Operating Plan Change Request Procedures	<p><u>Chat comment from Dave Quinn Axe Kickers (Guest) [11:46 AM]:</u>  “Submitting a safety plan - how strict will this be in it's appearance...will we need a lawyer/architect etc. also including the initial floor plan”</p> <p><u>Verbal reply from Robert DeSpain (LCB):</u>  “Sure, Nicola, yeah, go ahead, or Kaitlin, either/or.”</p> <p><u>Verbal reply from Nicola Reid (LCB):</u>  “OK, I'll go. No, you would definitely not need them, architect or anything like that and you know honestly, I think 90% of the floor plans we receive are drawn out by the applicant themselves. It's really common with spirits you do to scale but it's by a one inch per square foot type thing, but no - handwritten drawn out floor plan is usually what we receive for most applicants.”</p> <p><u>Robert DeSpain (LCB):</u> “Thank you for that Nicola.”</p>	<p><b>Summary:</b> Question about whether a lawyer or architect would need to be hired in order to complete and submit a safety operating plan.</p>

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33	Daniel Quinn (Guest)	General Feedback	<p><u>Verbal comment [1:44:28]:</u>            “Yeah, I would just I missed the first kind of half of all this. I don't know if it was mentioned at all but I was just curious 'cause I know a lot of venues run mobile units. Uh and I was wondering what restrictions would be on a kind of like a bar allowing them to come on to their facility and what that mobile structure would have to look like as far as the requirements for that. Thank you.”</p> <p><u>Verbal reply from Robert DeSpain (LCB):</u>            “Yeah, that's a good question. I think it falls out of the scope of this particular forum that's not really I don't think based on the way the rules are, as the conceptual draft rules are as written that that would be an allowable activity.</p> <p>Having said that again, Daniel I think that's out of scope of this particular forum and this particular conceptual draft rule. But if you have some suggestions thoughts or concerns and you want to talk with us at a later date, you're always welcome. Feel free to email us at <a href="mailto:rules@lcb.wa.gov">rules@lcb.wa.gov</a>. If you want to set up a meeting just to talk with us about your thoughts on that, that's fine. Did you have any follow up with respect to the penalty structure. No OK.”</p>	<p><b>Summary:</b> Question regarding mobile axe throwing units. Additional internal discussion needs to be had around this topic.</p>
34	Mike Graham-Squire (Guest)	General Feedback	<p><u>Verbal comment [1:46:29]:</u>            “Thanks, I did have one question I notice in a quick search online that some existing establishments are open to kids ages 10 or 13. And just wanted to see how that was going to be addressed if alcohol is added into these establishments. I understand that some of these may occur age restricted venues like bars, but it seems like some of the existing ones are not age restricted. Thanks.”</p> <p><u>Verbal reply from Robert DeSpain (LCB):</u></p>	<p><b>Summary:</b> Question about age restrictions.</p>

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			<p>"I think I could have licensing follow up but I think in general the idea is that the restrictions that are on the particular license that is held would also restrict axes in the same nature. So if a particular licensee had a certain type of license that would otherwise restrict minor access then it would remain restricted because of that license. Did anyone from licensing want to add to that or clarify a little more fully? Yes, Kaitlin go ahead."</p> <p><u>Verbal reply from Kaitlin Bamba (LCB):</u>          "Nope, you're correct Robert, we wouldn't have any additional restrictions just for this axe throwing activity. You would be with the license. Those restrictions would apply but nothing additional specific for axe throwing."</p> <p><u>Robert DeSpain (LCB):</u> "Thank you Kaitlin."</p>	
35	Dave Quinn Axe Kickers (Guest)	WAC 314-03-205(3)(d), Public Spaces— Dedicated Attendant	<p><u>Chat comment from Dave Quinn Axe Kickers (Guest) [11:53 AM]:</u>          "Mobile axe throwing is currently not allowed on the property of anyone who holds a liquor license, is this accurate"</p> <p><u>Verbal reply from Nicola Reid (LCB):</u>          "So it's yes based on the license premises. That's why we have rulemaking in place. I know there are some locations that have maybe had axe throwing like a parking lot over and that type of thing that may not fall within our jurisdiction, but hearing the mobile question that really does bring up a good point and I think some conversation that will need to take back and discuss further so we definitely appreciate all of that input."</p> <p><u>Verbal reply from Robert DeSpain (LCB):</u></p>	<p><b>Summary:</b> Question regarding mobile axe throwing units. Additional internal discussion needs to be had around this topic.</p>

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			"I'm echoing Nicola in that, yeah, that there's some further discussion I think that needs to be to be had with respect to that."	
<b><i>Emails related to the Listen and Learn Forum</i></b>				
36	William Snyder	General Feedback	<p><u>Email received January 19, 2022, before the L&amp;L Forum—</u>  <u>Direct quotation from email included below:</u></p> <p>"Just say NO!! when stupid ideas are brought up."</p>	
37	Matt Kinney	General Feedback	<p><u>Email received January 19, 2022, before the L&amp;L Forum—</u>  <u>Direct quotation from email included below:</u></p> <p>"Hi,</p> <p>This is very exciting for the owners of axe throwing venues. I'm happy we're going in the right direction to getting the approval. However not being able to drink at the lane is over kill. I am all for safety. Drinking a soda or water while throwing axes doesn't make the activity any more dangerous. So taking a drink of a beer won't as well. It's our responsibility to ensure safety at our venues. Regardless of alcohol. Please let us do our job and let our customers enjoy the time throwing axes. We are there to monitor everyone. Drinking or not drinking alcohol. Creating rules that take away from the experience while not doing anything for safety is silly. Let's monitor the amount per customer and stay focused as usual on any activity that would be considered unsafe. I hope you make the right decision that helps the venue owners create successful businesses. It's tough enough with COVID. We need customers to stay open.</p> <p>Thanks,  MATT KINNEY</p>	



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			OWNER BellinghamAxe.com"	
38	William Wurth	General Feedback	<p><u>Email received January 19, 2022, before the L&amp;L Forum—</u>  <u>Direct quotation from email included below:</u></p> <p>"My God! Weapons allowed in a bar. When the first limb is severed, what will you ruminate about your decision?</p> <p>William Wurth"</p>	
39	Aleksei Kniazev	General Feedback	<p><u>Email received January 30, 2022, before the L&amp;L Forum—</u>  <u>Direct quotation from email included below:</u></p> <p>"Hi Robert,</p> <p>Thank you so much for letting me know. We would be glad to participate in that session.</p> <p>All of our staff mostly agreed with all terms from the conceptual draft, but we would like to talk about that part.</p> <p>(ii) Barriers for the axe throwing lanes and barriers behind the axe thrower. Barriers should prevent axes from travelling out of the axe throwing lanes; some examples include no-bounce borders or anti-bounce barriers.</p> <p>Barriers <b>behind</b> the axe throwers are useless at first and could be more dangerous than helpful at second. There is no way anyone can accidentally throw an axe behind himself and it basically can't slip out from your hands. If you even try to make it specially, the axe will immediately go down on the floor because of its weight, trajectory and how your body works for that type of movement. We can show it during the session.</p>	

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			<p>Also, what is important for us. We are only interested in selling beers from local breweries in cans (no other alcoholic drinks at all). Will we be able to sell cans to go? Can someone come to us just like in a beer store and buy beer to go or they will have to drink it on our property? We would love to have that option to be a small local beer store there.</p> <p>Thank you, Alex”</p>	
40	Mike Graham-Squire, NHTA	General Feedback	<p><u>Email received February 03, 2022, after the L&amp;L Forum—</u> <u>Direct quotation from email included below:</u></p> <p><b>“Dear Mary and LCB,</b></p> <p>Thanks for reaching out to the Prevention Community to provide comments on this issue which is one that we were not aware of.</p> <p>Some concerns that I see related to this activity include:</p> <ul style="list-style-type: none"> <li>• In general we would not like to encourage combining potentially dangerous activities and alcohol or other impairing substances.</li> <li>• In a quick online search I see that existing axe throwing establishments (some of whom are seeking to serve alcohol) are currently open to kids as young as 10 years old. This adds an additional level of scrutiny and regulation to ensure youth safety.</li> <li>• It is concerning that there were several bars/taverns on the listen and learn who would like to add this activity to their establishment and these businesses may not have the same safety standards or experience in this industry as existing</li> </ul>	

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			<p>axe throwing businesses so regulations are important..</p> <ul style="list-style-type: none"><li>• There were no specific rules listed as what the “best practices” are in the axe throwing industry. As this is a relatively new industry it would be good have a list of what those best practices are and specify them in the rules. This may take more time but is important.</li><li>• Unfortunately these days there are a lot of people out there who do crazy things and adding alcohol can make it more dangerous. People can do a lot more damage with an axe than with a pool stick or a dart. You can’t regulate all potential harms but this does require some additional clear regulations.</li></ul> <p>So our preference would be to not allow this activity to occur in combination with alcohol. I see that many Axe throwing establishments currently exist without serving alcohol (although I see on their websites that they suggest that they are in the process of trying to make alcohol available). Is it necessary to even have alcohol at these establishments? Can we encourage other activities that don’t involve sharp weapons?</p> <p>Having said that, if this is going to happen some ways to strengthen it could be:</p> <ol style="list-style-type: none"><li>1. Specific rules and best practices must be required and spelled out in rules.</li><li>2. Restrict age in the entire venue or in the axe throwing area. If establishment allows kids maybe require there to be “family” hours when no alcohol is served and those under 21 are allowed only during that time and not at any time.</li></ol>	
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**February 3, 2022, Listen & Learn Forum Public Comment Table****Topic:** Conceptual Draft Rules for New Section WAC 314-03-060, Axe Throwing at Liquor Licensed Premises

			<ol style="list-style-type: none"><li>3. Reduce alcohol service hours to prevent over consumption. It is very hard for servers to know when people are intoxicated (or if they are on the edge and then will be intoxicated after the drink they are being served).</li><li>4. Reduce hours of axe throwing so that it is not occurring later in the evening when people may be more intoxicated. One owner mentioned 10pm is when they stop axe throwing at other places that serve alcohol and that seems like a good idea.</li><li>5. Have a 2 drink minimum up until the time that axe throwing ends.</li><li>6. Require that axes be locked up and secured when not in use or area is closed.</li><li>7. I don't know about how these places are set up but it could be good to have "lanes" that are set up to prevent bounce and stray axes flying off... I don't know enough about how this works to provide specific regulations only that some minimum standards should be set in the rules "or just general such as "barriers in place that prevent bounce back and protect patron and staff safety" or see if there are already best practices in place for this... More concern is the existing bars and taverns that may want to add this and not just letting them set it up in the back of their bar like a dart board...</li><li>8. There definitely shouldn't be drinks served while people are doing this as well as while they are getting instruction/training. There are photos online of one place with people holding drinks while they are getting instructed on how to throw...</li><li>9. Someone mentioned that this might occur at off site events or "mobile units". May need to specify if this would be allowed outside of the establishment (for example can they set this up outside at a festival beer garden?). Robert said this was outside the</li></ol>	
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**February 3, 2022, Listen & Learn Forum Public Comment Table**

**Topic:** Conceptual Draft Rules for New Section WAC 314-03-060, Axe Throwing at Liquor Licensed Premises

			<p>scope but need to determine if that would be allowable associated with other event/beer garden liquor permits...</p> <p>Thanks for keeping public safety in mind for this issue.</p> <p>Mike Graham-Squire"</p> <p><u>Email follow-up received February 04, 2022, after the L&amp;L Forum—Direct quotation from email included below:</u></p> <p>"Thanks Robert. I appreciated the opportunity to provide input and you did a great job of allowing everyone to be heard. I am glad to see that LCB is balancing public health, prevention and safety with the business interests. Thanks, Mike"</p>	
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## Feedback Sought on Draft Conceptual Rules about Axe Throwing at Liquor Licensed Premises

Washington State Liquor and Cannabis Board sent this bulletin at 01/19/2022 10:51 AM PST

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January 19, 2022

### Invitation: Forum on Draft Conceptual Rules about Axe Throwing at Liquor Licensed Premises Feedback Sought on Draft Rules for New Section WAC 314-03-060

The Washington State Liquor and Cannabis Board (LCB) is hosting an online Listen & Learn forum to gather feedback and comments on conceptual draft rules related to axe throwing at liquor licensed premises.

Feedback gathered during the forum will help shape the rules. Please review the [agenda](#) along with the [conceptual draft rules](#) before the forum and be ready to offer feedback. Information on the "Listen and Learn" style forum is provided via [this guidance document](#).

The LCB is currently in the CR-101 inquiry phase of the [rulemaking process](#). A [Preproposal Statement of Inquiry \(CR-101\)](#) was filed on September 29, 2021. There are no proposed or final rules at this stage of the rulemaking process. A CR-102 rule proposal has not yet been filed.

**When: Thursday, February 03, 2022, 10:00 a.m. – 12:00 p.m.**

**Where:** Join on your computer or smart phone app through Microsoft (MS) Teams.

[Click here to join the meeting.](#)

If you have the MS Teams app on your device, select "Open Microsoft Teams" when prompted.

If you do not have the MS Teams app, select "Continue on this browser" when prompted.

*Please note that MS Teams does not have a pre-registration option. Please add the forum to your calendar and join using [this link](#) at the start time indicated above. The event may end earlier than scheduled depending on the amount of feedback offered during the forum.*

#### To listen to the meeting on the phone (audio only):

Dial: +1 564-999-2000 (local) or (833) 598-2099 (Toll-free)

Conference ID: 762 246 638#

*The phone call-in option can only be used for listening to the forum. To provide feedback during the forum, please join using online via MS Teams.*

If you join online here are a few reminders:

- Online participation will be structured to allow one speaker at a time through a hand-raising feature on MS Teams.
- If you have difficulty with audio or visual elements of MS Teams, please continue to try.

You can also provide feedback to us at the email below. There is still opportunity to let us know your thoughts via email.

**Questions?** Contact Policy and Rules Coordinator Robert DeSpain at [rules@lcb.wa.gov](mailto:rules@lcb.wa.gov)

For more information, please visit <https://lcb.wa.gov/laws/alcohol-rulemaking-activity>.

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