



Washington State
Liquor and Cannabis Board

Date: June 08, 2022

To: David Postman, Board Chair
Ollie Garrett, Board Member
Jim Vollendroff, Board Member

From: Audrey Vasek, Policy and Rules Coordinator

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

Subject: Request for adoption of final rules (CR 103) regarding axe throwing at liquor licensed premises.

The Policy and Rules Coordinator requests that the Board adopt the final rules, and approve the CR 103 to create a new rule section WAC 314-03-060 Axe throwing at liquor licensed premises, and amend WAC 314-29-020 Group 3 license violations.

The Board has been briefed on the rule development background and public comments received for this rulemaking project. A CR 103 memorandum, CR 103P form, Concise Explanatory Statement, and rule text are attached.

If approved, the Policy and Rules Coordinator will file the rules with the Office of the Code Reviser and send the Concise Explanatory Statement concerning this rulemaking to persons who provided comments. The effective date of the rules will be 31 days after filing, or July 9, 2022.

_____ Approve	_____ Disapprove	_____	_____
		David Postman, Chair	Date
_____ Approve	_____ Disapprove	_____	_____
		Ollie Garrett, Board Member	Date

_____ Approve

_____ Disapprove

Jim Vollendroff, Board Member

Date

Attachments: CR 103 Memorandum
CR 103P Form
Rule Text
Concise Explanatory Statement



CR 103 Memorandum

Regarding axe throwing at liquor licensed premises.

Date: June 8, 2022
Presented by: Audrey Vasek, Policy and Rules Coordinator

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 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. However, from a public health and safety perspective, axe throwing combined with alcohol consumption is considered a high-risk activity.

In April 2021, after an axe throwing business appealed the Licensing Division's decision to deny their liquor license application, the Washington State Liquor and Cannabis Board (WSLCB) approved a settlement agreement allowing that specific business to have a liquor license for one year with certain safety parameters in place.

The WSLCB filed a CR 101 (WSR# 21-20-067) on September 29, 2021 to begin considering rulemaking to provide a framework to address the public health and safety concerns that arise when alcohol service is combined with axe throwing.

Rule Development

The rule proposal and final rules were developed through a collaborative rule development process involving both internal and external stakeholders, and including 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 from September 29 through November 19, 2021, four public comments were received. A fifth comment was also received after the CR 101 public comment period closed but before the CR 102 was filed. These comments (included in Attachment A to the [CR 102 memorandum](#)) 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 (provided in Attachment B to the CR 102 memorandum) was incorporated into the proposed rule language as described in the CR 102 memorandum. The WSLCB filed the CR 102 (WSR# 22-07-058) on March 16, 2022.

During the CR 102 public comment period from March 16, 2022, through April 27, 2022, four comments were received through email. The comments received were either questions about the rulemaking project or statements in support of the rule proposal. The public hearing was held at the Board Meeting on April 27, 2022, but no oral testimony was provided on the CR 102. Two additional comments were received after the public comment period closed. The Concise Explanatory Statement contains the comments received.

Rule Necessity

The final rules are needed to provide a framework to address the public health and safety concerns that arise when alcohol service is combined with axe throwing, as well as provide consistency for licensees and applicants that seek approval to offer axe throwing at liquor licensed premises.

Description of Rule Changes

New Section WAC 314-03-060. Axe throwing at liquor licensed premises. A new rule section is created that requires licensees that offer axe throwing to create a safety operating plan and submit it to the Licensing Division for approval. The safety operating plan must include protocols for monitoring patron intoxication and consumption of alcoholic beverages, and a floor plan identifying both the designated consumption areas where alcohol is allowed and the axe throwing areas where alcohol is not allowed. The axe throwing areas must have barriers to keep them separate from the designated consumption areas and prevent axes from travelling out of the axe throwing areas. The rules do not require that businesses use specific methods or materials to comply with these requirements. The 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 penalty schedule for violations of a board-approved operating plan is amended to add a cross-reference to the new rule section WAC 314-03-060 related to axe throwing at liquor licensed premises. This revision is a technical amendment designed to align the references in the existing penalty schedule with the new rule section.

Variance between proposed rule (CR 102) and final rule:

There were no changes from the proposed rules to the final rules as adopted.

Rule Implementation

Informing and Educating Persons Impacted by the Rule

To help inform and educate persons impacted by the rule, the WSLCB will:

- Email notice with the adoption materials to the rule making and licensee distribution lists, and the general WSLCB GovDelivery list;
- Post rule adoption materials, including final rule language, final analysis (Concise Explanatory Statement), and any other relevant documents on the rulemaking webpage for public access.
- Provide application instructions and a template for the safety operating plan on the public website.
- Provide information and training on request.

Promoting and Assisting Voluntary Compliance

WSLCB will promote and assist voluntary compliance through technical assistance.

- WSLCB staff are available to respond to phone and email inquiries about the rule.
- Agency leadership and staff have actively participated in rule development and are familiar with the final product. Internal and external education efforts to share knowledge and assure consistent application of rule will be supported.
- Rule and guidance documents will be available on the WSLCB website.
- The WSLCB will use available and customary resources to disseminate materials and information to all persons impacted by the rules.

These actions are designed to inform and educate all persons impacted by the rules.

Training and Informing WSLCB Staff

Several WSLCB staff responsible for implementing these rules work directly with impacted parties and are already familiar with the nuances of the rule changes. Internal guidance documents may be prepared as necessary. The WSLCB will also consider:

- Provision of internal and external training and education, as needed, potentially including webinars, training, pictures, and videos if appropriate.

- Coordinating and centrally locating decisions to assure consistency between agency, staff, and industry.

Rule Effectiveness Evaluation

The WSLCB will evaluate the effectiveness of these rules in the following ways, including but not limited to:

- Monitoring questions received after the effective date of these rules, and adjusting training and guidance accordingly;
- Monitoring enforcement actions, including type, resolution, and final outcome;
- Monitoring requests for rule language revisions or changes;
- Monitoring requests for rule interpretation.



RULE-MAKING ORDER

PERMANENT RULE ONLY

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

Agency: Washington State Liquor and Cannabis Board

Effective date of rule:

Permanent Rules

- 31 days after filing.
 Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: The Washington State Liquor and Cannabis Board adopted a new rule section WAC 314-03-060, regarding axe throwing at liquor licensed premises, and amendments to WAC 314-29-030, regarding group 3 license violations, to provide a framework to address and mitigate the public health and safety concerns that arise when alcohol service is combined with axe throwing.

Citation of rules affected by this order:

New: WAC 314-03-060
 Repealed: None
 Amended: WAC 314-29-030
 Suspended: None

Statutory authority for adoption: RCW 66.08.030

Other authority: N/A

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 22-07-058 on March 16, 2022 (date).

Describe any changes other than editing from proposed to adopted version: There were no changes from the proposed rules to the adopted rules.

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

Name: Audrey Vasek, Policy and Rules Coordinator
 Address: 1025 Union Avenue SE, Olympia WA 98501
 Phone: 360-664-1758
 Fax: 360-704-5027
 TTY:
 Email: rules@lcb.wa.gov
 Web site: lcb.wa.gov
 Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	<u>1</u>	Amended	<u>1</u>	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	<u>1</u>	Amended	<u>1</u>	Repealed	___

Date Adopted: June 8, 2022

Name: David Postman

Title: Chair

Signature:

Place signature here

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.

AMENDATORY SECTION (Amending WSR 09-21-050, filed 10/14/09, effective 11/14/09)

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

Violation Type	1st Violation	2nd Violation in a two-year window	3rd Violation in a two-year window	4th Violation in a two-year window
True party of interest violation. RCW 66.24.010(1) WAC 314-12-030	Cancellation of license			
Failure to furnish required documents. WAC 314-12-035	Cancellation of license			
Misrepresentation of fact. WAC 314-12-010	Cancellation of license			
Misuse or unauthorized use of liquor license (operating outside of license class, lending or contracting license to another person/entity). 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		
Operating plan: 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
Sale of alcohol in violation of a board-approved local authority restriction. 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
Sale of alcohol in violation of a board-approved alcohol impact area restriction. 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
Catering endorsement violation. 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



Notice of Permanent Rules

Regarding axe throwing at liquor licensed premises.

This concise explanatory statement concerns the Washington State Liquor and Cannabis Board's adoption of new rule section WAC 314-03-060 Axe throwing at liquor licensed premises, and amendment to WAC 314-29-030 Group 3 license violations.

The Administrative Procedure Act (RCW 34.05.325(6)) requires agencies to complete a concise explanatory statement before filing adopted rules with the Office of the Code Reviser. The concise explanatory statement must be provided to any person upon request, or from whom the Board received comment.

The Board appreciates and encourages your involvement in the rule making process. If you have questions, please contact Audrey Vasek, Policy and Rules Coordinator, at (360) 664-1758 or by email at rules@lcb.wa.gov.

Background and reasons for adopting these rules:

Axe throwing has become increasingly popular as an activity that businesses would like to offer in combination with liquor service. Beginning in 2018, the 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.

The rule proposal and final rules were developed through a collaborative rule development process involving both internal and external stakeholders, and including input from public health and prevention groups, axe throwing businesses, liquor licensees, and other interested members of the public. The rule development and stakeholder engagement process are described in more detail in the CR 103 Memorandum.

The final rules are needed to provide a framework to address the public health and safety concerns that arise when alcohol service is combined with axe throwing, as well as provide consistency for licensees and applicants that seek approval to offer axe throwing at liquor licensed premises.

Rulemaking history for this adopted rule:

CR 101 – filed as WSR #21-20-067 on September 29, 2021.

CR 102 – filed as WSR #22-07-058 on March 16, 2022.

Public hearing held April 27, 2022. No oral testimony was provided during the public hearing.

Public comments received on the rule proposal:

The following comments were received during the CR 102 public comment period from March 16, 2022, to April 27, 2022, as indicated below. No oral testimony was provided during the public hearing. Several comments received after the formal public comment period closed but before the CR 103 was filed are also included below. A response to each comment is provided, along with an indication regarding whether the comment is reflected in the adopted rule.

1. *Emails received on March 17, March 23, April 8, and April 11, 2022—Direct quotations included below:*

From Jason Bos:

Email received on March 17, 2022:

“Hello Audrey,

My name is Jason Bos with Brothers Cascadia Brewing in Vancouver, WA. I was given your contact by Ryan Nielsen who suggested I bring my question to you.

Our brewery is interested in starting an ax throwing facility and would love to acquire a liquor license for this. I saw the CR 101 Memo in regards to this, my question is has there been any updates or movement on getting liquor licenses opened up for ax throwing businesses?

Any info would be greatly appreciated! Thank you!

Jason Bos”

Email received on March 23, 2022:

“Hello Audrey,

Thank you so much for all this information!!! This is so helpful!

I have one remaining question at the moment that I couldn’t find in the material you sent over. Do you know what sort of liquor license types will be available for facilities that offer ax throwing? We are trying to see what we will need to plan for.

Again, thank you very much for your help!

Jason Bos”

Email received on April 8, 2022:

“Hello Audrey,

We are trying to stay up to date with this axe throwing situation, as we are looking to start an axe throwing facility with beer when that opens up. I was hoping to hear from you where we are at with this? Is it safe to assume that this will likely go through? I also heard that it is open to public comment, but I can’t seem to find where to comment. Could you please send me a link or something so I can comment?

Thank you very much for your time!

Jason Bos”

Email received on April 11, 2022:

“Hello,

In regards to axe throwing within a liquor licensed facility - I am for it. I believe it can be done safely. We can look toward other states that already allow it. I’m sure we can come up a safe environment for people to enjoy axe throwing.

Jason Bos”

Board response: The Board appreciates these comments and the demonstration of interest in collaborative participation in the rulemaking process. The Policy and Rules Coordinator reached out to Jason Bos to provide information about the rulemaking project and answer questions about the rulemaking process.

Was the comment reflected in the adopted rule? This comment is not reflected in the final rule.

2. *Email received on April 7, 2022—Direct quotation included below:*

From Patrick Tate:

“Hi Dustin,

I hope this finds you well!

I received your email address from Dave Maher, owner of Celtic Axe Throwing in Portland, OR. I am considering an opportunity to bring axe throwing to an existing microbrewery taproom in Vancouver. Dave indicated that the LCB approval to have this activity paired with a beer & wine establishment will be announced at the end of May (and is likely to pass). I was wondering if you could provide any details about this approval, the timing, the likelihood of it passing, and any other information you can offer at this time. This will be very helpful as I consider this investment opportunity.

I really appreciate it! Happy to schedule a phone call to discuss if that's easier.

Thank you,
Patrick Tate”

Board response: The Board appreciates these comments and the demonstration of interest in collaborative participation in the rulemaking process. The Policy and Rules Coordinator reached out to Patrick Tate to provide information about the rulemaking project and answer questions about the rulemaking process.

Was the comment reflected in the adopted rule? This comment is not reflected in the final rule.

3. **Email received on April 13, 2022—Direct quotation included below:**

From Matt Kinney:

“Any progress on axe throwing venues and alcohol?
Thanks,
MATT KINNEY”

Board response: The Board appreciates this question and the demonstration of interest in collaborative participation in the rulemaking process. The Policy and Rules Coordinator reached out to Matt Kinney to provide information about the rulemaking project.

Was the comment reflected in the adopted rule? This comment is not reflected in the final rule.

4. **Two emails received on April 27, 2022 during the public comment period and one email received on May 18, 2022 after the public comment period closed—Direct quotations included below:**

From Katrina Brede:

First email received on April 27, 2022:

“Hello Dustin,

Thank you so much for sharing the meeting information with me. My question relates to CR102 filed on 3/16/22 related to licensing establishments that have axe-throwing on premises.

Audrey Vasek suggested that rules may be brought to the board on 5/11/22.

My question is where it is possible to see what at least the preliminary rules are so that clients may begin making any necessary modifications to their premises in advance of the finalization of the rules.

Is this information accessible anywhere?

Thank you,

Katrina”

Second email received on April 27, 2022:

“Thank you both!

One last question – must an establishment wait until the proposal has been submitted to the rules committee before submitting a safety plan?

Katrina”

Email received on May 18, 2022:

“Hello Audrey,

I wanted to follow up on this overall question. It appears that the rules were not presented and/or adopted by the Board on May 11th, correct? Do you happen to have any insight into when the Board plans to take up those rules?

Best,
Katrina”

Board response: The Board appreciates these questions and the demonstration of interest in collaborative participation in the rulemaking process. The Policy and Rules Coordinator reached out to Katrina Brede to provide information about the rulemaking project and answer questions about the rulemaking process.

Was the comment reflected in the adopted rule? This comment is not reflected in the final rule.

5. **Two emails received on May 2, 2022 and one email received on May 20, 2022 after the public comment period closed—Direct quotations included below:**

From Amy Groth:

First email received on May 2, 2022:

“Hello,

My name is Amy Groth, I am the owner of Axe Bliss Axe Throwing LLC in Wenatchee. I’m reaching out to see if there are any updates on getting a snack license? I still have not recovered from the covid shut down situation. I was only open for 6 weeks before having to close. I was then closed for 3 weeks shy of a year. Getting a snack license would be a game changer for me!

Can you please get back to me with any update information?

Thank you,

Amy Groth

Axe Bliss Axe Throwing LLC”

Second email received on May 2, 2022:

“Thank you so much for getting back to me and for the information! I’ve signed up for email updates. Fingers crossed the dates you laid out happen! This will be a game changer for me! I was only open 6 weeks when Covid hit and closed for 3 weeks shy of a year. Still struggling even after being open again since February 18, 2021. When should I put in an application for a snack license? I’d like to be ready to go as soon as it’s official!

Thank you,

Amy Groth

Axe Bliss Axe Throwing LLC”

Email received on May 20, 2022:

“Hi Audrey, Sorry to be a bother to you but I’ve been eager to find out what’s going on with beer licenses from the May 11th session. I have not received an email update. Do you mind letting me know what’s happening?!

Thank you,

Amy

Axe Bliss Axe Throwing LLC”

Board response: The Board appreciates these questions and the demonstration of interest in collaborative participation in the rulemaking process. The Policy and Rules

Coordinator reached out to Amy Groth to provide information about the rulemaking project and answer questions about the rulemaking process.

Was the comment reflected in the adopted rule? This comment is not reflected in the final rule.

6. **Three emails received on May 11, May 16, and May 26, 2022 after the public comment period closed—Direct quotations included below:**

From Riely Harris:

Email received on May 11, 2022:

“Hi Audrey,

We are manage the timing of our application for liquor license for Casting Iron, but saw that the CR103 for Axe throwing venues had been removed from the agenda for today’s board meeting. We were planning to submit our application this week in anticipation of that going into effect. Can you tell me if it is still safe to go ahead and apply? We have been waiting a long time and would love to be able to serve when the new WAC codes take effect. Will that be proposed at the next Board meeting in 2 weeks?

Riely Harris”

Email received on May 16, 2022:

“Hi Audrey,

Yes, I certainly understand the timing of the rules taking effect, and read the referenced WAC. Obviously, we will not be able to serve alcohol any sooner than 31 days after the board approves the CR103.

However, It seems once the CR103 is officially approved, the applications can be accepted, but that the license cannot be active until that 30-day mark - do I understand correctly? The WAC you quoted was referencing the lag between approval of rules and effective date of rules, but I don’t see that licenses cannot be accepted or processed immediately after board approval.

We absolutely understand and are not trying to push any boundaries on the timing of when we would actually be legally allowed to serve alcohol. However, our customers definitely ask us daily when the bar will be open, and it certainly impacts us financially to push the date further and further out. We would like to be ready to submit our application when the CR103 has board approval, and hope that when the new codes go into effect, we will be ready (or almost ready) to serve.

Thanks for your help on this project, as stakeholders it obviously has a huge impact on our small business.

Riely Harris”

Email received on May 26, 2022:

“Audrey,

I was disappointed to see that the Board Meeting, scheduled for yesterday, was cancelled. Since this was already two weeks after the originally planned date of adopting the CR103, we are now looking at a minimum of a month long delay, pushing a large portion of our business model out again. The summer months are particularly important to businesses in the Northwest, and these delays are not minor in their impact on our ability to stay afloat as a brand new small business.

We continue to hear promises of how Washington wants to support minority and women-owned businesses, yet have hit road blocks with the LCB at every turn that feel rather discriminatory. Not only has the LCB allowed a large, multi-location franchise to have the only pilot program in the state for over a year, creating a monopoly, but there have then been multiple unreasonable delays in the rule-making process. The decisions of the LCB seem to intentionally favor those with deep pockets in large cities, leaving us small businesses in rural towns with less opportunity to remain profitable in a difficult economy. In addition, we have been told that we cannot even apply for our license when the CR103 is approved, which is not a rule supported by the RCWs. The RCW states that the CR103 does not take effect for 30 days, but does not say that applicants cannot apply or that they cannot be approved in the 30-day span between CR103 approval and the effective date. To say that we need to wait for “instructions,” when the CR103 is exactly that, is just another unreasonable delay.

At this point, it would be a reasonable expectation to call a special Board Meeting to approve the CR103 that has been completed for several weeks.

Riely Harris”

Board response: The Board appreciates these questions, comments, and the demonstration of interest in collaborative participation in the rulemaking process. The Policy and Rules Coordinator reached out to Riely Harris to provide information about the rulemaking project and answer questions about the rulemaking process.

Was the comment reflected in the adopted rule? This comment is not reflected in the final rule.

7. **Email received on May 26, 2022 after the public comment period closed—
Direct quotation included below:**

From Thomas Sauvageau:

Email received on May 26, 2022:

“Good morning Audrey,
My name is Thomas Sauvageau, I’m a City Councilman for the city of Enumclaw. Mr. and Mrs. Harris expressed their concern over the delays of adopting CR103 and I offered to assist in any way that I could in getting this moved forward for them. I don’t pretend to carry any authority within the LCB, however as a government employee I understand the severity of claims of discrimination as explained by Mrs. Harris below. If possible, I’d encourage the board to consider an emergency board meeting to proceed further on adoption(or reference back for changes) CR103 so that this isn’t held up due to any further administrative delays.

I greatly appreciate your attention on the matter.

Thank you,

Thomas”

Board response: The Board appreciates this comment and the demonstration of interest in collaborative participation in the rulemaking process.

Was the comment reflected in the adopted rule? This comment is not reflected in the final rule.

8. **Email received on May 26, 2022 after the public comment period closed—
Direct quotation included below:**

From Aleksei Kniazev:

“Hi Robert,
May we get an update about the status of axe throwing laws?

Thank you,
Alex”

Board response: The Board appreciates this question and the demonstration of interest in collaborative participation in the rulemaking process. The Policy and Rules Coordinator reached out to Alex Kniazev to provide information about the rulemaking project.

Was the comment reflected in the adopted rule? This comment is not reflected in the final rule.

9. **Email received on May 30, 2022 after the public comment period closed —
Direct quotation included below:**

From David Maher:

“Hi Dustin, have rules been finalized for Axe Throwing?”

Board response: The Board appreciates this question and the demonstration of interest in collaborative participation in the rulemaking process. The Policy and Rules Coordinator reached out to David Maher to provide information about the rulemaking project.

Was the comment reflected in the adopted rule? This comment is not reflected in the final rule.

Changes from Proposed Rules (CR102) to the Final Rules as Adopted:

There were no changes from the proposed rules to the final rules as adopted.

CR 102 Public Comment Table—Axe Throwing at Liquor Licensed Premises

This table includes questions and comments received during the formal public comment period (March 16, 2022 through April 27, 2022) for the [CR 102 filed as WSR 22-07-085 on March 16, 2022](#). A recording of the April 27, 2022 public hearing is available on the LCB website at https://lcb.wa.gov/boardmeetings/2022apr_schedule. No oral testimony was provided at the public hearing. This table also includes two comments received after the formal public comment period closed, but before the CR 103 was filed.

	Name	Date Received	Comment
1.	Jason Bos	Emails received March 17, March 23, April 8, and April 11, 2022	<p><u>Email received April 11, 2022—Direct quotation included below:</u></p> <p>“Hello,</p> <p>In regards to axe throwing within a liquor licensed facility - I am for it. I believe it can be done safely. We can look toward other states that already allow it. I’m sure we can come up a safe environment for people to enjoy axe throwing.</p> <p>Jason Bos”</p> <p><u>Email received April 8, 2022—Direct quotation included below:</u></p> <p>“Hello Audrey,</p> <p>We are trying to stay up to date with this axe throwing situation, as we are looking to start an axe throwing facility with beer when that opens up. I was hoping to hear from you where we are at with this? Is it safe to assume that this will likely go through? I also heard that it is open to public comment, but I can’t seem to find where to comment. Could you please send me a link or something so I can comment?</p> <p>Thank you very much for your time!</p> <p>Jason Bos”</p> <p><u>Email received March 23, 2022—Direct quotation included below:</u></p> <p>“Hello Audrey,</p> <p>Thank you so much for all this information!!! This is so helpful!</p>

			<p>I have one remaining question at the moment that I couldn't find in the material you sent over. Do you know what sort of liquor license types will be available for facilities that offer ax throwing? We are trying to see what we will need to plan for.</p> <p>Again, thank you very much for your help!</p> <p>Jason Bos”</p> <p><u>Email received March 17, 2022—Direct quotation included below:</u></p> <p>“Hello Audrey,</p> <p>My name is Jason Bos with Brothers Cascadia Brewing in Vancouver, WA. I was given your contact by Ryan Nielsen who suggested I bring my question to you.</p> <p>Our brewery is interested in starting an ax throwing facility and would love to acquire a liquor license for this. I saw the CR 101 Memo in regards to this, my question is has there been any updates or movement on getting liquor licenses opened up for ax throwing businesses?</p> <p>Any info would be greatly appreciated! Thank you!</p> <p>Jason Bos”</p>
2.	Patrick Tate	April 7, 2022	<p><u>Email received April 7, 2022—Direct quotation included below:</u></p> <p>“Hi Dustin,</p> <p>I hope this finds you well!</p> <p>I received your email address from Dave Maher, owner of Celtic Axe Throwing in Portland, OR. I am considering an opportunity to bring axe throwing to an existing microbrewery taproom in Vancouver. Dave indicated that the LCB approval to have this activity paired with a beer & wine establishment will be announced at the end of May (and is likely to pass). I was wondering if you could provide any details</p>

			<p>about this approval, the timing, the likelihood of it passing, and any other information you can offer at this time. This will be very helpful as I consider this investment opportunity.</p> <p>I really appreciate it! Happy to schedule a phone call to discuss if that's easier.</p> <p>Thank you, Patrick Tate”</p>
3.	Matt Kinney	April 13, 2022	<p><u>Email received April 13, 2022—Direct quotation included below:</u></p> <p>“Any progress on axe throwing venues and alcohol? Thanks, MATT KINNEY”</p>
4.	Katrina Brede	April 27, 2022	<p><u>Two Emails received April 27, 2022—Direct quotation included below:</u></p> <p><i>First email:</i></p> <p>“Hello Dustin,</p> <p>Thank you so much for sharing the meeting information with me. My question relates to CR102 filed on 3/16/22 related to licensing establishments that have axe-throwing on premises.</p> <p>Audrey Vasek suggested that rules may be brought to the board on 5/11/22.</p> <p>My question is where it is possible to see what at least the preliminary rules are so that clients may begin making any necessary modifications to their premises in advance of the finalization of the rules.</p> <p>Is this information accessible anywhere?</p> <p>Thank you,</p>

			<p>Katrina”</p> <p><i>Second email:</i></p> <p>“Thank you both!</p> <p>One last question – must an establishment wait until the proposal has been submitted to the rules committee before submitting a safety plan?</p> <p>Katrina”</p>
<p>The comments below were received after the formal public comment period closed on April 27, 2022, but before the CR 103 was filed</p>			
5.	Amy Groth	May 2, 2022	<p><u>Two Emails received May 2, 2022—Direct quotation included below:</u></p> <p><i>First email:</i></p> <p>“Hello,</p> <p>My name is Amy Groth, I am the owner of Axe Bliss Axe Throwing LLC in Wenatchee. I’m reaching out to see if there are any updates on getting a snack license? I still have not recovered from the covid shut down situation. I was only open for 6 weeks before having to close. I was then closed for 3 weeks shy of a year. Getting a snack license would be a game changer for me!</p> <p>Can you please get back to me with any update information?</p> <p>Thank you,</p> <p>Amy Groth</p> <p>Axe Bliss Axe Throwing LLC”</p> <p><i>Second email:</i></p>

			<p>“Thank you so much for getting back to me and for the information! I’ve signed up for email updates. Fingers crossed the dates you laid out happen! This will be a game changer for me! I was only open 6 weeks when Covid hit and closed for 3 weeks shy of a year. Still struggling even after being open again since February 18, 2021.</p> <p>When should I put in an application for a snack license? I’d like to be ready to go as soon as it’s official!</p> <p>Thank you, Amy Groth Axe Bliss Axe Throwing LLC”</p>
6.	Riely Harris	Emails received May 11 and May 16, 2022	<p><u>Email received May 16, 2022—Direct quotation included below:</u></p> <p>“Hi Audrey,</p> <p>Yes, I certainly understand the timing of the rules taking effect, and read the referenced WAC. Obviously, we will not be able to serve alcohol any sooner than 31 days after the board approves the CR103.</p> <p>However, It seems once the CR103 is officially approved, the applications can be accepted, but that the license cannot be active until that 30-day mark - do I understand correctly? The WAC you quoted was referencing the lag between approval of rules and effective date of rules, but I don’t see that licenses cannot be accepted or processed immediately after board approval.</p> <p>We absolutely understand and are not trying to push any boundaries on the timing of when we would actually be legally allowed to serve alcohol. However, our customers definitely ask us daily when the bar will be open, and it certainly impacts us financially to push the date further and further out. We would like to be ready to submit our application when the CR103 has board approval, and hope that when the new codes go into effect, we will be ready (or almost ready) to serve.</p> <p>Thanks for your help on this project, as stakeholders it obviously has a huge impact on our small business.</p>

			<p>Riely Harris”</p> <p><u>Email received May 11, 2022—Direct quotation included below:</u></p> <p>“Hi Audrey,</p> <p>We are manage the timing of our application for liquor license for Casting Iron, but saw that the CR103 for Axe throwing venues had been removed from the agenda for today’s board meeting. We were planning to submit our application this week in anticipation of that going into effect. Can you tell me if it is still safe to go ahead and apply? We have been waiting a long time and would love to be able to serve when the new WAC codes take effect. Will that be proposed at the next Board meeting in 2 weeks?</p> <p>Riely Harris”</p>
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