Washington State
Liquor and Cannabis Board

Notice of Permanent Rules

Regarding private club membership drives.

This concise explanatory statement concerns the Washington State Liquor and Cannabis Board's (LCB) adoption of rules that allow private clubs to add additional membership drives and host consecutive membership drives.

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 LCB received comment.

The LCB appreciates and encourages your involvement in the rule making process. If you have questions, please e-mail at rules@lcb.wa.gov.

Background and reasons for adopting these rules:

On July 28, 2022, Keith Laurent, on behalf of the Vancouver Elks #823, submitted a petition for adoption, amendment, or repeal of a state administrative rule to the Washington State Liquor and Cannabis Board (Board). The petition requested that the Board amend WAC 314-40-040(6) to allow private clubs to add one additional membership drive per calendar quarter (for a total of eight per calendar year) and host a membership drive on two consecutive days during one quarter per calendar year, while consecutive days of membership drive are currently prohibited.

On September 14, 2022, the Board accepted the petition. Consistent with RCW 34.05.330(1)(b), the Board agreed to initiate the rulemaking process and begin collaboratively engaging with stakeholders and any interested members of the public to explore the possibility of allowing private clubs to add additional membership drives, host consecutive membership drives, or both.

To develop potential rule language, a set of conceptual draft rules was shared publicly through GovDelivery on May 3, 2023. As part of the collaborative rule development process, the messaging asked for stakeholder feedback and suggestions for revisions to the conceptual draft rules by May 17, 2023.

Most of the feedback received was supportive in nature and did not include any specific suggestions for changes to the conceptual draft rule language. Based on the feedback received, the LCB did not make any changes to the conceptual draft rule language.

Rulemaking history for this adopted rule:

> **CR 102** – filed July 5, 2023, as WSR #23-14-121
> Public hearing held August 16, 2023

The effective date of these rules is September 30, 2023.

Public comment received on the rule proposal:

1. Email from Michelle Anderson, Received Tuesday, August 15, 2023

From: shellies4@netzero.com <shellies4@netzero.com>
Sent: Tuesday, August 15, 2023 4:51 PM
To: Dickson, Dustin P (LCB) <dustin.dickson@lcb.wa.gov>
Subject: Public comments

External Email

Public comments on Private club memberships.

I think private clubs SHOULD DEFINITELY be allowed and have a maximum number of 250 members.
What happens in a private club is nobody's business unless they are breaking the law.
Having a private club is NOT breaking the law and should NEVER be considered as breaking the law.
If I only want certain people in my PRIVATE space, that's up to me!!

LCB response: The LCB appreciates this comment, and participation in the rulemaking process. The LCB looks forward to your participation in future policy and rule development projects.

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

Oral Testimony Received During the Public Hearing

1. Bailey Hirschberg (in person).

   Hi, Bailey Hirschberg, Washington NORML. Actually don't have a strong opinion on this. Just really hope to take the opportunity to ask the Board to support these types of possibilities legislatively for marijuana consumers as well. Thank you.

LCB response: The LCB appreciates this comment, and participation in the rulemaking process. The LCB looks forward to your participation in future policy and rule development

projects. However, this comment addresses a concern that is not within the scope of this rulemaking.

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

Changes from Proposed Rules (CR-102) to the Rules as Adopted:

There were no changes between the proposed and adopted rules.