



Washington State Liquor and Cannabis Board

Topic: Petition for Adoption, Amendment, or Repeal of a State Administrative Rule – (WAC 314-11-050 - What types of conduct are prohibited on a premises with a liquor license?)

Date: February 14, 2024

Presented by: Daniel Jacobs, Policy and Rules Coordinator

Background

On January 31, 2024, six (6) petitions for rulemaking were submitted to the Washington State Liquor and Cannabis Board (Board) making the same request, to repeal [WAC 314-11-050](#), the rule that prohibits certain conduct at liquor license premises. This rule language is unchanged from when it was put into WAC 314-11-050 [in 2001](#), when WAC 314-16-125 was repealed and most of its language put into WAC 314-11-050. WAC 314-16-125 was created in 1975, then revised in 1981, 1982 and 1992.

All 6 petitioners submitted emails that appear to be almost identical language as follows:

Subject: Urgent Petition for Repeal and Immediate Cessation of Enforcement of WAC 314-11-050 due to Disproportionate Impact on the LGBTQ+ Community

Dear Members of the Washington State Liquor and Cannabis Control Board,

I trust this letter finds you well. My name is [REDACTED], and I am writing to express deep concern regarding the disproportionate impact of the enforcement of WAC 314-11-050 on the LGBTQ+ community in our state.

While I recognize the importance of maintaining regulations to ensure responsible liquor and cannabis use, it has come to my attention that the enforcement of WAC 314-11-050 has resulted in an unjust and disproportionate impact on members of the LGBTQ+ community. This raises serious concerns about the potential for discrimination and harm caused by the current enforcement practices.

In light of these concerns, I am submitting this letter as a formal petition urging the Washington State Liquor and Cannabis Control Board to consider the Repeal of WAC 314-11-050 & an immediate cessation of the enforcement of WAC 314-11-050. I believe that pausing enforcement activities will allow the board the necessary time to conduct a thorough review of the regulation's impact on the LGBTQ+ community.

I further request that the board engage in a comprehensive examination of the enforcement data related to WAC 314-11-050, specifically focusing on its impact on the LGBTQ+ community. Additionally, I encourage the board to collaborate with community organizations and advocates representing LGBTQ+ interests to gain valuable insights and perspectives on the matter.

Continued next page

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By taking this immediate action, the Washington State Liquor and Cannabis Control Board can demonstrate its commitment to fair and equitable enforcement practices, preventing any further harm or discrimination faced by the LGBTQ+ community due to the current implementation of WAC 314-11-050.

Thank you for your prompt attention to this matter. I trust that the board will consider this petition seriously and take swift action to address the urgent concerns raised.

4 of the 6 petitioners submitted petition forms with their request, that had the following text:

3. REPEAL RULE - I am requesting the agency to eliminate an existing rule.

List rule number (WAC), if known: WAC 314-11-050

(Check one or more boxes)

It does not do what it was intended to do.

It is no longer needed because:

It imposes unreasonable costs:

The agency has no authority to make this rule:

It is applied differently to public and private parties:

It conflicts with another federal, state, or local law or rule. List conflicting law or rule, if known:

Seattle City policy allows for patrons to wear less clothing than is required by this rule.

It duplicates another federal, state or local law or rule. List duplicate law or rule, if known:

Other (please explain):

This rule has a disproportionate discriminatory impact on LGBTQ+ licensees & provides no tangible impact towards the LCB's Mission Statement.

Laws

[RCW 66.08.030](#) identifies the general rulemaking authority of the Board over matters relating to alcohol licensees.

[RCW 66.98.070](#) states that “[f]or the purpose of carrying into effect the provisions of [the Washington State Liquor] act, the board shall have the same power to make regulations not inconsistent with the spirit of this act as is provided by RCW [66.08.030](#).”

Rules

[WAC 314-11-050](#) states as follows:

<p>(1) Licensees may not allow, permit, or encourage employees (including him or herself) to:</p>	<p>(a) Be unclothed or in such attire, costume, or clothing as to expose to view any portion of the breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva, or genitals.</p>
<p>(2) Licensees may not allow, permit, or encourage any person (including him or herself) on the licensed premises to:</p>	<p>(a) Perform acts of or acts which simulate, or use artificial devices or inanimate objects which depict;</p> <ul style="list-style-type: none"> • Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law; • The touching, caressing, or fondling of the breast, buttocks, anus or genitals; or • The displaying of the pubic hair, anus, vulva, or genitals. <p>(b) Show any film, still picture, electronic reproduction, or other visual reproduction that depicts pornography, or a sexual act prohibited by law.</p>
<p>(3) Notwithstanding the provisions of subsection (4) of this rule, licensees may not encourage any person on the licensed premises to:</p>	<p>(a) Expose to public view any portion of his or her genitals or anus;</p> <p>(b) Touch, caress, or fondle the breasts, buttocks, anus, or genitals of any other person; or</p> <p>(c) Wear or use any device or covering that is exposed to view which simulates the breast, genitals, anus, pubic hair, or any portion thereof.</p>
<p>(4) Licensees must ensure any entertainers on the licensed premises perform under the following guidelines:</p>	<p>(a) Entertainers may only expose their breast and/or buttocks if the performer(s) is on a stage at least eighteen inches above the immediate floor level and removed at least six feet from the nearest patron.</p> <p>(b) Performers must be at least six feet away from the nearest patron. This restriction will not be applied to performances of traditional ethnic dancing, provided that all of the following conditions are met:</p> <ul style="list-style-type: none"> (i) The dancers are compensated by the licensee; (ii) At all times, the licensee must maintain and have available for inspection by any liquor enforcement officer a list of all traditional ethnic dancers employed at the licensed premises. The list must be retained for a period of thirty days after termination of employment and must contain the following information for each dancer or entertainer: <ul style="list-style-type: none"> • True name and professional or stage name, if any; • Residence address and phone number; • Terms of the agreement of employment; and • Signature of both the licensee and the dancer or entertainer; (iii) The traditional or ethnic dance performances will be those performed for the enjoyment of the general audience of the licensee and not for individual patrons.

(5) The occurrence of any of the above acts or conduct, whether permitted by a licensee, employee, or any other person under the control or direction of the licensee or an employee, constitutes good and sufficient cause for cancellation of license privileges.

(6) Nothing in this rule is intended disallow local officials from adopting ordinances that are more restrictive than the requirements outlined in this rule.

(7) If any provision of this rule or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of the rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are severable.

Issue

Whether the Board should initiate the rulemaking process to consider amending or repealing [WAC 314-11-050](#).

Analysis

When making a recommendation to the Board regarding a petition for rulemaking submitted, the Director's Office Staff considers the following factors to the extent practicable:

- LCB's statutory authority and obligations;
- Alignment with the Agency's policy goals and priorities;
- The immediacy of the safety, environmental, or security concern raised;
- Potential impact to public health outcomes;
- The potential impact on criminal activity;
- Level of public interest;
- Whether the problems or issues are already under consideration by the LCB in other rulemaking issues;
- Merits of the petition; and
- Equity impacts.

Following events that occurred in Seattle on January 26-27, 2024, the Board has heard concerns from the LGBTQ+ community about the requirements in WAC 314-11-050. On February 1, 2024, the Board issued a [press release](#) to immediately cease enforcement of WAC 314-11-050, as requested by the petitioners. The Board has expressed interest in initiating rulemaking proceedings to examine WAC 314-11-050 and identify rule requirements that may be necessary to amend or repeal to ensure the most favorable outcomes.

Accepting the petition initiates the rulemaking proceedings, as provided in the [Administrative Procedures Act \(APA\)](#). Agency filing of the pre-notice of inquiry (CR-101) is the official first step in the rule process ([RCW 34.05.310](#)). The CR-101 announces the Agency is considering rulemaking and invites interested parties to comment on the rulemaking subject. If the Board votes to approve the petition to consider rulemaking, immediately following the vote, Agency staff will request Board approval to file the CR-101.

From: [West, Cassidy \(LCB\)](#)
To: [Jacobs, Daniel \(LCB\)](#)
Subject: FW: Urgent Petition for Repeal and Immediate Cessation of Enforcement of WAC 314-11-050 due to Disproportionate Impact on the LGBTQ+ Community
Date: Thursday, February 1, 2024 9:46:04 AM
Attachments: [Petition for Repealing WAC 314-11-050.pdf](#)

Thanks,
Cassidy

From: Skye Theriot <thatskyeriot@gmail.com>
Sent: Wednesday, January 31, 2024 1:23 PM
To: West, Cassidy (LCB) <cassidy.west@lcb.wa.gov>
Subject: Urgent Petition for Repeal and Immediate Cessation of Enforcement of WAC 314-11-050 due to Disproportionate Impact on the LGBTQ+ Community

External Email

Subject: Urgent Petition for Repeal and Immediate Cessation of Enforcement of WAC 314-11-050 due to Disproportionate Impact on the LGBTQ+ Community

Dear Members of the Washington State Liquor and Cannabis Control Board,

I trust this letter finds you well. My name is Skye Theriot, and I am writing to express deep concern regarding the disproportionate impact of the enforcement of WAC 314-11-050 on the LGBTQ+ community in our state.

While I recognize the importance of maintaining regulations to ensure responsible liquor and cannabis use, it has come to my attention that the enforcement of WAC 314-11-050 has resulted in an unjust and disproportionate impact on members of the LGBTQ+ community. This raises serious concerns about the potential for discrimination and harm caused by the current enforcement practices.

In light of these concerns, I am submitting this letter as a formal petition urging the Washington State Liquor and Cannabis Control Board to consider the Repeal of WAC 314-11-050 & an immediate cessation of the enforcement of WAC 314-11-050. I believe that pausing enforcement activities will allow the board the necessary time to conduct a thorough review of the regulation's impact on the LGBTQ+ community.

I further request that the board engage in a comprehensive examination of the enforcement data related to WAC 314-11-050, specifically focusing on its impact on the LGBTQ+ community. Additionally, I encourage the board to collaborate with community organizations and advocates representing LGBTQ+ interests to gain valuable insights and perspectives on the matter.

By taking this immediate action, the Washington State Liquor and Cannabis Control Board can demonstrate its commitment to fair and equitable enforcement practices, preventing any further harm or discrimination faced by the LGBTQ+ community due to the current implementation of WAC 314-11-050.

Thank you for your prompt attention to this matter. I trust that the board will consider this petition seriously and take swift action to address the urgent concerns raised.

Sincerely,

Skye Theriot



PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE

Print Form

In accordance with [RCW 34.05.330](#), the Office of Financial Management (OFM) created this form for individuals or groups who wish to petition a state agency or institution of higher education to adopt, amend, or repeal an administrative rule. You may use this form to submit your request. You also may contact agencies using other formats, such as a letter or email.

The agency or institution will give full consideration to your petition and will respond to you within 60 days of receiving your petition. For more information on the rule petition process, see Chapter 82-05 of the Washington Administrative Code (WAC) at <http://apps.leg.wa.gov/wac/default.aspx?cite=82-05>.

CONTACT INFORMATION *(please type or print)*

Petitioner's Name _____

Name of Organization _____

Mailing Address _____

City _____ State _____ Zip Code _____

Telephone _____ Email _____

COMPLETING AND SENDING PETITION FORM

- Check all of the boxes that apply.
- Provide relevant examples.
- Include suggested language for a rule, if possible.
- Attach additional pages, if needed.
- Send your petition to the agency with authority to adopt or administer the rule. Here is a list of agencies and their rules coordinators: <http://www.leg.wa.gov/CodeReviser/Documents/RClst.htm>.

INFORMATION ON RULE PETITION

Agency responsible for adopting or administering the rule: Washington State Liquor & Cannabis Control Board

1. NEW RULE - I am requesting the agency to adopt a new rule.

The subject (or purpose) of this rule is: _____

The rule is needed because: _____

The new rule would affect the following people or groups: _____

2. AMEND RULE - I am requesting the agency to change an existing rule.

List rule number (WAC), if known: _____

I am requesting the following change: _____

This change is needed because: _____

The effect of this rule change will be: _____

The rule is not clearly or simply stated: _____

3. REPEAL RULE - I am requesting the agency to eliminate an existing rule.

List rule number (WAC), if known: WAC 314-11-050 _____

(Check one or more boxes)

It does not do what it was intended to do.

It is no longer needed because: _____

It imposes unreasonable costs: _____

The agency has no authority to make this rule: _____

It is applied differently to public and private parties: _____

It conflicts with another federal, state, or local law or rule. List conflicting law or rule, if known: _____
Seattle City policy allows for patrons to wear less clothing than is required by this rule.

It duplicates another federal, state or local law or rule. List duplicate law or rule, if known: _____

Other (please explain): _____
This rule has a disproportionate discriminatory impact on LGBTQ+ licensees & provides no tangible impact towards the LCB's Mission Statement.

From: [West, Cassidy \(LCB\)](#)
To: [Jacobs, Daniel \(LCB\)](#)
Subject: FW: Urgent Petition for Repeal and Immediate Cessation of Enforcement of WAC 314-11-050 due to Disproportionate Impact on the LGBTQ+ Community
Date: Thursday, February 1, 2024 9:44:28 AM

Thanks,
Cassidy

From: Donny Schell <dschell9677@gmail.com>
Sent: Wednesday, January 31, 2024 1:43 PM
To: West, Cassidy (LCB) <cassidy.west@lcb.wa.gov>
Subject: Urgent Petition for Repeal and Immediate Cessation of Enforcement of WAC 314-11-050 due to Disproportionate Impact on the LGBTQ+ Community

External Email

Dear Members of the Washington State Liquor and Cannabis Control Board,

I trust this letter finds you well. My name is Donald Schell, and I am writing to express deep concern regarding the disproportionate impact of the enforcement of WAC 314-11-050 on the LGBTQ+ community in our state.

While I recognize the importance of maintaining regulations to ensure responsible liquor and cannabis use, it has come to my attention that the enforcement of WAC 314-11-050 has resulted in an unjust and disproportionate impact on members of the LGBTQ+ community. This raises serious concerns about the potential for discrimination and harm caused by the current enforcement practices.

In light of these concerns, I am submitting this letter as a formal petition urging the Washington State Liquor and Cannabis Control Board to consider the Repeal of WAC 314-11-050 & an immediate cessation of the enforcement of WAC 314-11-050. I believe that pausing enforcement activities will allow the board the necessary time to conduct a thorough review of the regulation's impact on the LGBTQ+ community.

I further request that the board engage in a comprehensive examination of the enforcement data related to WAC 314-11-050, specifically focusing on its impact on the LGBTQ+ community. Additionally, I encourage the board to collaborate with community organizations and advocates representing LGBTQ+ interests to gain valuable insights and perspectives on the matter.

By taking this immediate action, the Washington State Liquor and Cannabis Control Board can demonstrate its commitment to fair and equitable enforcement practices, preventing any further harm or discrimination faced by the LGBTQ+ community due to the current

implementation of WAC 314-11-050.

Thank you for your prompt attention to this matter. I trust that the board will consider this petition seriously and take swift action to address the urgent concerns raised.

Sincerely,

Donald Schell

From: [West, Cassidy \(LCB\)](#)
To: [Jacobs, Daniel \(LCB\)](#)
Subject: FW: Urgent Petition for Repeal and Immediate Cessation of Enforcement of WAC 314-11-050 due to Disproportionate Impact on the LGBTQ+ Community
Date: Thursday, February 1, 2024 9:44:19 AM
Attachments: [Petition for Repealing WAC 314-11-050 \(fillable\).pdf](#)

Thanks,
Cassidy

From: Brice Crawford <brice.c.crawford@gmail.com>
Sent: Wednesday, January 31, 2024 2:33 PM
To: West, Cassidy (LCB) <cassidy.west@lcb.wa.gov>
Subject: Urgent Petition for Repeal and Immediate Cessation of Enforcement of WAC 314-11-050 due to Disproportionate Impact on the LGBTQ+ Community

External Email

Dear Members of the Washington State Liquor and Cannabis Control Board,

I trust this letter finds you well. My name is Brice Crawford, and I am writing to express deep concern regarding the disproportionate impact of the enforcement of WAC 314-11-050 on the LGBTQ+ community in our state.

While I recognize the importance of maintaining regulations to ensure responsible liquor and cannabis use, it has come to my attention that the enforcement of WAC 314-11-050 has resulted in an unjust and disproportionate impact on members of the LGBTQ+ community. This raises serious concerns about the potential for discrimination and harm caused by the current enforcement practices.

In light of these concerns, I am submitting this letter as a formal petition urging the Washington State Liquor and Cannabis Control Board to consider the Repeal of WAC 314-11-050 & an immediate cessation of the enforcement of WAC 314-11-050. I believe that pausing enforcement activities will allow the board the necessary time to conduct a thorough review of the regulation's impact on the LGBTQ+ community.

I further request that the board engage in a comprehensive examination of the enforcement data related to WAC 314-11-050, specifically focusing on its impact on the LGBTQ+ community. Additionally, I encourage the board to collaborate with community organizations and advocates representing LGBTQ+ interests to gain valuable insights and perspectives on the matter.

By taking this immediate action, the Washington State Liquor and Cannabis Control Board can demonstrate its commitment to fair and equitable enforcement practices, preventing any further harm or discrimination faced by the LGBTQ+ community due to the current implementation of WAC 314-11-050.

Thank you for your prompt attention to this matter. I trust that the board will consider this petition seriously and take swift action to address the urgent concerns raised.

Sincerely,

Brice Crawford



PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE

Print Form

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The agency or institution will give full consideration to your petition and will respond to you within 60 days of receiving your petition. For more information on the rule petition process, see Chapter 82-05 of the Washington Administrative Code (WAC) at <http://apps.leg.wa.gov/wac/default.aspx?cite=82-05>.

CONTACT INFORMATION *(please type or print)*

Petitioner's Name Brice Crawford
Name of Organization _____
Mailing Address 132 24th Ave E Apt 104
City Seattle State WA Zip Code 98112
Telephone (407) 808-9582 Email brice.c.crawford@gmail.com

COMPLETING AND SENDING PETITION FORM

- Check all of the boxes that apply.
- Provide relevant examples.
- Include suggested language for a rule, if possible.
- Attach additional pages, if needed.
- Send your petition to the agency with authority to adopt or administer the rule. Here is a list of agencies and their rules coordinators: <http://www.leg.wa.gov/CodeReviser/Documents/RClst.htm>.

INFORMATION ON RULE PETITION

Agency responsible for adopting or administering the rule: Washington State Liquor & Cannabis Control Board

1. NEW RULE - I am requesting the agency to adopt a new rule.

The subject (or purpose) of this rule is: _____

The rule is needed because: _____

The new rule would affect the following people or groups: _____

2. AMEND RULE - I am requesting the agency to change an existing rule.

List rule number (WAC), if known: _____

I am requesting the following change: _____

This change is needed because: _____

The effect of this rule change will be: _____

The rule is not clearly or simply stated: _____

3. REPEAL RULE - I am requesting the agency to eliminate an existing rule.

List rule number (WAC), if known: WAC 314-11-050 _____

(Check one or more boxes)

It does not do what it was intended to do.

It is no longer needed because: _____

It imposes unreasonable costs: _____

The agency has no authority to make this rule: _____

It is applied differently to public and private parties: _____

It conflicts with another federal, state, or local law or rule. List conflicting law or rule, if known: Seattle City policy allows for patrons to wear less clothing than is required by this rule. _____

It duplicates another federal, state or local law or rule. List duplicate law or rule, if known: _____

Other (please explain): This rule has a disproportionate discriminatory impact on LGBTQ+ licensees & provides no tangible impact towards the LCB's Mission Statement. _____

From: [West, Cassidy \(LCB\)](#)
To: [Jacobs, Daniel \(LCB\)](#)
Subject: FW: Urgent Petition for Repeal and Immediate Cessation of Enforcement of WAC 314-11-050 due to Disproportionate Impact on the LGBTQ+ Community
Date: Thursday, February 1, 2024 9:47:24 AM
Attachments: [Petition for Repealing WAC 314-11-050 \(fillable\).pdf](#)

Thanks,
Cassidy

From: Jason Mavis <mavis.jason@gmail.com>
Sent: Wednesday, January 31, 2024 3:11 PM
To: West, Cassidy (LCB) <cassidy.west@lcb.wa.gov>
Subject: Urgent Petition for Repeal and Immediate Cessation of Enforcement of WAC 314-11-050 due to Disproportionate Impact on the LGBTQ+ Community

External Email

Dear Members of the Washington State Liquor and Cannabis Control Board,

I trust this letter finds you well. My name is Jason Mavis, and I am writing to express deep concern regarding the disproportionate impact of the enforcement of WAC 314-11-050 on the LGBTQ+ community in our state.

While I recognize the importance of maintaining regulations to ensure responsible liquor and cannabis use, it has come to my attention that the enforcement of WAC 314-11-050 has resulted in an unjust and disproportionate impact on members of the LGBTQ+ community. This raises serious concerns about the potential for discrimination and harm caused by the current enforcement practices.

In light of these concerns, I am submitting this letter as a formal petition urging the Washington State Liquor and Cannabis Control Board to consider the Repeal of WAC 314-11-050 & an immediate cessation of the enforcement of WAC 314-11-050. I believe that pausing enforcement activities will allow the board the necessary time to conduct a thorough review of the regulation's impact on the LGBTQ+ community.

I further request that the board engage in a comprehensive examination of the enforcement data related to WAC 314-11-050, specifically focusing on its impact on the LGBTQ+ community. Additionally, I encourage the board to collaborate with community organizations and advocates representing LGBTQ+ interests to gain valuable insights and perspectives on the matter.

By taking this immediate action, the Washington State Liquor and Cannabis Control Board can demonstrate its commitment to fair and equitable enforcement practices, preventing any further harm or discrimination faced by the LGBTQ+ community due to the current implementation of WAC 314-11-050.

Thank you for your prompt attention to this matter. I trust that the board will consider this petition seriously and take swift action to address the urgent concerns raised.

Sincerely,

Jason Mavis



PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE

Print Form

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The agency or institution will give full consideration to your petition and will respond to you within 60 days of receiving your petition. For more information on the rule petition process, see Chapter 82-05 of the Washington Administrative Code (WAC) at <http://apps.leg.wa.gov/wac/default.aspx?cite=82-05>.

CONTACT INFORMATION *(please type or print)*

Petitioner's Name Jason Mavis
Name of Organization _____
Mailing Address 132 24th Ave E Apt 104
City Seattle State WA Zip Code 98112
Telephone 740-501-7522 Email mavis.jason@gmail.com

COMPLETING AND SENDING PETITION FORM

- Check all of the boxes that apply.
- Provide relevant examples.
- Include suggested language for a rule, if possible.
- Attach additional pages, if needed.
- Send your petition to the agency with authority to adopt or administer the rule. Here is a list of agencies and their rules coordinators: <http://www.leg.wa.gov/CodeReviser/Documents/RClist.htm>.

INFORMATION ON RULE PETITION

Agency responsible for adopting or administering the rule: Washington State Liquor & Cannabis Control Board

1. NEW RULE - I am requesting the agency to adopt a new rule.

The subject (or purpose) of this rule is: _____

The rule is needed because: _____

The new rule would affect the following people or groups: _____

2. AMEND RULE - I am requesting the agency to change an existing rule.

List rule number (WAC), if known: _____

I am requesting the following change: _____

This change is needed because: _____

The effect of this rule change will be: _____

The rule is not clearly or simply stated: _____

3. REPEAL RULE - I am requesting the agency to eliminate an existing rule.

List rule number (WAC), if known: WAC 314-11-050 _____

(Check one or more boxes)

It does not do what it was intended to do.

It is no longer needed because: _____

It imposes unreasonable costs: _____

The agency has no authority to make this rule: _____

It is applied differently to public and private parties: _____

It conflicts with another federal, state, or local law or rule. List conflicting law or rule, if known: Seattle City policy allows for patrons to wear less clothing than is required by this rule. _____

It duplicates another federal, state or local law or rule. List duplicate law or rule, if known: _____

Other (please explain): This rule has a disproportionate discriminatory impact on LGBTQ+ licensees & provides no tangible impact towards the LCB's Mission Statement. _____

From: [Nordhorn, Justin T \(LCB\)](#)
To: [West, Cassidy \(LCB\)](#); [Jacobs, Daniel \(LCB\)](#)
Subject: FW: URGENT: Immediate Call for Revocation and Halt of WAC 314-11-050 Enforcement Due to Its Unfair Effect on the LGBTQ+ Community
Date: Wednesday, January 31, 2024 5:16:39 PM

FYI

From: Postman, David (LCB) <david.postman@lcb.wa.gov>
Sent: Wednesday, January 31, 2024 3:45 PM
To: Nordhorn, Justin T (LCB) <justin.nordhorn@lcb.wa.gov>
Subject: FW: URGENT: Immediate Call for Revocation and Halt of WAC 314-11-050 Enforcement Due to Its Unfair Effect on the LGBTQ+ Community

In case you haven't seen this one yet .

From: Drew Castillo <drewcast9@gmail.com>
Sent: Wednesday, January 31, 2024 3:20 PM
To: Postman, David (LCB) <david.postman@lcb.wa.gov>; Garrett, Ollie A (LCB) <ollie.garrett@lcb.wa.gov>; Vollendroff, Jim (LCB) <jim.vollendroff@lcb.wa.gov>
Cc: Dickson, Dustin P (LCB) <dustin.dickson@lcb.wa.gov>
Subject: URGENT: Immediate Call for Revocation and Halt of WAC 314-11-050 Enforcement Due to Its Unfair Effect on the LGBTQ+ Community

External Email

Members of the Washington State Liquor and Cannabis Control Board,

My name is Drew Castillo, I have lived in Seattle for 7 years now, and I am compelled to bring to your attention a matter of urgent concern regarding the unequal impact that the enforcement of WAC 314-11-050 has on the LGBTQ+ community in our state.

Acknowledging the necessity of upholding liquor and cannabis regulations for safe usage, I must highlight a troubling issue: the enforcement of WAC 314-11-050 seems to disproportionately and unfairly target the LGBTQ+ community. This situation not only raises the alarm about potential discriminatory practices but also the unintended harm that may arise from the current enforcement methods.

In response to these significant issues, I am submitting this communication as a formal request, urging the Washington State Liquor and Cannabis Control Board to consider both the repeal of WAC 314-11-050 and an immediate halt to its enforcement. Temporarily stopping enforcement will provide the Board an opportunity to reassess the rule's impact on the LGBTQ+ community more thoroughly.

I also propose that the board conducts an in-depth analysis of the enforcement data concerning

WAC 314-11-050, with a particular focus on its effects on LGBTQ+ individuals. It is crucial that this examination includes collaboration with LGBTQ+ community groups and advocates to ensure a well-rounded understanding of the issue.

By initiating these steps, the Washington State Liquor and Cannabis Control Board can affirm its dedication to unbiased and just enforcement practices. This action is vital to prevent any further inadvertent discrimination or harm to the LGBTQ+ community as a consequence of the present application of WAC 314-11-050.

I appreciate your immediate consideration of this pressing issue and am confident that the board will approach this petition with the seriousness it warrants, promptly addressing the critical concerns presented.

Thank you,
Drew Castillo

From: [West, Cassidy \(LCB\)](#)
To: [Jacobs, Daniel \(LCB\)](#)
Subject: FW: Urgent Petition for Repeal and Immediate Cessation of Enforcement of WAC 314-11-050 due to Disproportionate Impact on the LGBT+ Community
Date: Thursday, February 1, 2024 9:47:43 AM
Attachments: [Petition for Repealing WAC 314-11-050 GuymerJett.pdf](#)

Thanks,
Cassidy

-----Original Message-----

From: Jett Guymer <jettguymer@gmail.com>
Sent: Wednesday, January 31, 2024 5:09 PM
To: West, Cassidy (LCB) <cassidy.west@lcb.wa.gov>
Subject: Urgent Petition for Repeal and Immediate Cessation of Enforcement of WAC 314-11-050 due to Disproportionate Impact on the LGBT+ Community

External Email

Dear Members of the Washington State Liquor and Cannabis Control Board,

I trust this letter finds you well. My name is Jett, and I am writing to express deep concern regarding the disproportionate impact of the enforcement of WAC 314-11-050 on the LGBT+ community in our state.

While I recognize the importance of maintaining regulations to ensure responsible liquor and cannabis use, it has come to my attention that the enforcement of WAC 314-11-050 has resulted in an unjust and disproportionate impact on members of the LGBT+ community. This raises serious concerns about the potential for discrimination and harm caused by the current enforcement practices.

In light of these concerns, I am submitting this letter as a formal petition urging the Washington State Liquor and Cannabis Control Board to consider the Repeal of WAC 314-11-050 & an immediate cessation of the enforcement of WAC 314-11-050. I believe that pausing enforcement activities will allow the board the necessary time to conduct a thorough review of the regulation's impact on the LGBT+ community.

I further request that the board engage in a comprehensive examination of the enforcement data related to WAC 314-11-050, specifically focusing on its impact on the LGBT+ community. Additionally, I encourage the board to collaborate with community organizations and advocates representing LGBT+ interests to gain valuable insights and perspectives on the matter.

By taking this immediate action, the Washington State Liquor and Cannabis Control Board can demonstrate its commitment to fair and equitable enforcement practices, preventing any further harm or discrimination faced by the LGBT+ community due to the current implementation of WAC 314-11-050.

Thank you for your prompt attention to this matter. I trust that the board will consider this petition seriously and take swift action to address the urgent concerns raised.

Sincerely,
Jett Guymer



PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE

Print Form

In accordance with [RCW 34.05.330](#), the Office of Financial Management (OFM) created this form for individuals or groups who wish to petition a state agency or institution of higher education to adopt, amend, or repeal an administrative rule. You may use this form to submit your request. You also may contact agencies using other formats, such as a letter or email.

The agency or institution will give full consideration to your petition and will respond to you within 60 days of receiving your petition. For more information on the rule petition process, see Chapter 82-05 of the Washington Administrative Code (WAC) at <http://apps.leg.wa.gov/wac/default.aspx?cite=82-05>.

CONTACT INFORMATION *(please type or print)*

Petitioner's Name Jett Guymer
Name of Organization LGBTQ+ of Seattle
Mailing Address 4536 153rd AVE SE
City Bellevue State WA Zip Code 98006
Telephone 4255021893 Email jettguymer@gmail.com

COMPLETING AND SENDING PETITION FORM

- Check all of the boxes that apply.
- Provide relevant examples.
- Include suggested language for a rule, if possible.
- Attach additional pages, if needed.
- Send your petition to the agency with authority to adopt or administer the rule. Here is a list of agencies and their rules coordinators: <http://www.leg.wa.gov/CodeReviser/Documents/RClint.htm>.

INFORMATION ON RULE PETITION

Agency responsible for adopting or administering the rule: Washington State Liquor & Cannabis Control Board

1. NEW RULE - I am requesting the agency to adopt a new rule.

The subject (or purpose) of this rule is: _____

The rule is needed because: _____

The new rule would affect the following people or groups: _____

2. AMEND RULE - I am requesting the agency to change an existing rule.

List rule number (WAC), if known: _____

I am requesting the following change: _____

This change is needed because: _____

The effect of this rule change will be: _____

The rule is not clearly or simply stated: _____

3. REPEAL RULE - I am requesting the agency to eliminate an existing rule.

List rule number (WAC), if known: WAC 314-11-050 _____

(Check one or more boxes)

It does not do what it was intended to do.

It is no longer needed because: _____

It imposes unreasonable costs: _____

The agency has no authority to make this rule: _____

It is applied differently to public and private parties: _____

It conflicts with another federal, state, or local law or rule. List conflicting law or rule, if known: Seattle City policy allows for patrons to wear less clothing than is required by this rule. _____

It duplicates another federal, state or local law or rule. List duplicate law or rule, if known: _____

Other (please explain): This rule has a disproportionate discriminatory impact on LGBTQ+ licensees & provides no tangible impact towards the LCB's Mission Statement. _____

RCW 66.08.030 Regulations—Scope. The power of the board to make regulations under chapter 34.05 RCW extends to:

(1) Prescribing the duties of the employees of the board, and regulating their conduct in the discharge of their duties;

(2) Prescribing an official seal and official labels and stamps and determining the manner in which they must be attached to every package of liquor sold or sealed under this title, including the prescribing of different official seals or different official labels for different classes of liquor;

(3) Prescribing forms to be used for purposes of this title or the regulations, and the terms and conditions to be contained in permits and licenses issued under this title, and the qualifications for receiving a permit or license issued under this title, including a criminal history record information check. The board may submit the criminal history record information check to the Washington state patrol and to the identification division of the federal bureau of investigation in order that these agencies may search their records for prior arrests and convictions of the individual or individuals who filled out the forms. The board must require fingerprinting of any applicant whose criminal history record information check is submitted to the federal bureau of investigation;

(4) Prescribing the fees payable in respect of permits and licenses issued under this title for which no fees are prescribed in this title, and prescribing the fees for anything done or permitted to be done under the regulations;

(5) Prescribing the kinds and quantities of liquor which may be kept on hand by the holder of a special permit for the purposes named in the permit, regulating the manner in which the same is kept and disposed of, and providing for the inspection of the same at any time at the instance of the board;

(6) Regulating the sale of liquor kept by the holders of licenses which entitle the holder to purchase and keep liquor for sale;

(7) Prescribing the records of purchases or sales of liquor kept by the holders of licenses, and the reports to be made thereon to the board, and providing for inspection of the records so kept;

(8) Prescribing the kinds and quantities of liquor for which a prescription may be given, and the number of prescriptions which may be given to the same patient within a stated period;

(9) Prescribing the manner of giving and serving notices required by this title or the regulations, where not otherwise provided for in this title;

(10) Regulating premises in which liquor is kept for export from the state, or from which liquor is exported, prescribing the books and records to be kept therein and the reports to be made thereon to the board, and providing for the inspection of the premises and the books, records and the liquor so kept;

(11) Prescribing the conditions and qualifications requisite for the obtaining of club licenses and the books and records to be kept and the returns to be made by clubs, prescribing the manner of licensing clubs in any municipality or other locality, and providing for the inspection of clubs;

(12) Prescribing the conditions, accommodations, and qualifications requisite for the obtaining of licenses to sell beer, wines, and spirits, and regulating the sale of beer, wines, and spirits thereunder;

(13) Specifying and regulating the time and periods when, and the manner, methods and means by which manufacturers must deliver liquor within the state; and the time and periods when, and the manner, methods and means by which liquor may lawfully be conveyed or carried within the state;

(14) Providing for the making of returns by brewers of their sales of beer shipped within the state, or from the state, showing the gross amount of such sales and providing for the inspection of brewers' books and records, and for the checking of the accuracy of any such returns;

(15) Providing for the making of returns by the wholesalers of beer whose breweries are located beyond the boundaries of the state;

(16) Providing for the making of returns by any other liquor manufacturers, showing the gross amount of liquor produced or purchased, the amount sold within and exported from the state, and to whom so sold or exported, and providing for the inspection of the premises of any such liquor manufacturers, their books and records, and for the checking of any such return;

(17) Providing for the giving of fidelity bonds by any or all of the employees of the board. However, the premiums therefor must be paid by the board;

(18) Providing for the shipment of liquor to any person holding a permit and residing in any unit which has, by election pursuant to this title, prohibited the sale of liquor therein;

(19) Prescribing methods of manufacture, conditions of sanitation, standards of ingredients, quality and identity of alcoholic beverages manufactured, sold, bottled, or handled by licensees and the board; and conducting from time to time, in the interest of the public health and general welfare, scientific studies and research relating to alcoholic beverages and the use and effect thereof;

(20) Seizing, confiscating and destroying all alcoholic beverages manufactured, sold or offered for sale within this state which do not conform in all respects to the standards prescribed by this title or the regulations of the board. However, nothing herein contained may be construed as authorizing the *liquor board to prescribe, alter, limit or in any way change the present law as to the quantity or percentage of alcohol used in the manufacturing of wine or other alcoholic beverages;

(21) Monitoring and regulating the practices of license holders as necessary in order to prevent the theft and illegal trafficking of liquor pursuant to RCW 66.28.350. [2014 c 63 § 2; 2012 c 2 § 204 (Initiative Measure No. 1183, approved November 8, 2011); 2002 c 119 § 2; 1977 ex.s. c 115 § 1; 1971 c 62 § 1; 1943 c 102 § 1; 1933 ex.s. c 62 § 79; RRS § 7306-79. Formerly RCW 66.08.030 and 66.08.040.]

***Reviser's note:** The "state liquor control board" was renamed the "state liquor and cannabis board" by 2015 c 70 § 3.

Finding—Application—Rules—Effective date—Contingent effective date—2012 c 2 (Initiative Measure No. 1183): See notes following RCW 66.24.620.

RCW 66.98.070 Regulations by board—1949 c 5. For the purpose of carrying into effect the provisions of this act, the board shall have the same power to make regulations not inconsistent with the spirit of this act as is provided by RCW 66.08.030. [1949 c 5 § 15; No RRS. Formerly: RCW 66.24.470.]

WAC 314-11-050 What types of conduct are prohibited on a premises with a liquor license?

<p>(1) Licensees may not allow, permit, or encourage employees (including him or herself) to:</p>	<p>(a) Be unclothed or in such attire, costume, or clothing as to expose to view any portion of the breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva, or genitals.</p>
<p>(2) Licensees may not allow, permit, or encourage any person (including him or herself) on the licensed premises to:</p>	<p>(a) Perform acts of or acts which simulate, or use artificial devices or inanimate objects which depict:</p> <ul style="list-style-type: none"> • Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law; • The touching, caressing, or fondling of the breast, buttocks, anus or genitals; or • The displaying of the pubic hair, anus, vulva, or genitals. <p>(b) Show any film, still picture, electronic reproduction, or other visual reproduction that depicts pornography, or a sexual act prohibited by law.</p>
<p>(3) Notwithstanding the provisions of subsection (4) of this rule, licensees may not encourage any person on the licensed premises to:</p>	<p>(a) Expose to public view any portion of his or her genitals or anus;</p> <p>(b) Touch, caress, or fondle the breasts, buttocks, anus, or genitals of any other person; or</p> <p>(c) Wear or use any device or covering that is exposed to view which simulates the breast, genitals, anus, pubic hair, or any portion thereof.</p>
<p>(4) Licensees must ensure any entertainers on the licensed premises perform under the following guidelines:</p>	<p>(a) Entertainers may only expose their breast and/or buttocks if the performer(s) is on a stage at least eighteen inches above the immediate floor level and removed at least six feet from the nearest patron.</p> <p>(b) Performers must be at least six feet away from the nearest patron. This restriction will not be applied to performances of traditional ethnic dancing, provided that all of the following conditions are met:</p> <p>(i) The dancers are compensated by the licensee;</p> <p>(ii) At all times, the licensee must maintain and have available for inspection by any liquor enforcement officer a list of all traditional ethnic dancers employed at the licensed premises. The list must be retained for a period of thirty days after termination of employment and must contain the following information for each dancer or entertainer:</p> <ul style="list-style-type: none"> • True name and professional or stage name, if any; • Residence address and phone number; • Terms of the agreement of employment; and • Signature of both the licensee and the dancer or entertainer;

(iii) The traditional or ethnic dance performances will be those performed for the enjoyment of the general audience of the licensee and not for individual patrons.
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(5) The occurrence of any of the above acts or conduct, whether permitted by a licensee, employee, or any other person under the control or direction of the licensee or an employee, constitutes good and sufficient cause for cancellation of license privileges.

(6) Nothing in this rule is intended disallow local officials from adopting ordinances that are more restrictive than the requirements outlined in this rule.

(7) If any provision of this rule or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of the rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are severable.

[Statutory Authority: RCW 66.08.030, 66.28.100, 66.28.040, 66.28.090, 66.44.010, 66.44.070, 66.44.200, 66.44.270, 66.44.291, 66.44.292, 66.44.310, 66.44.316, 66.44.318, 66.44.340, 66.44.350, and chapter 66.44 RCW. WSR 01-06-014, § 314-11-050, filed 2/26/01, effective 3/29/01.]