



**Washington State
Liquor and Cannabis Board**

Date: August 28, 2024

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

From: Jeff Kildahl, Policy and Rules Coordinator

Copy: Will Lukela, Agency Director
Toni Hood, Agency Deputy Director
Chandra Wax, Director of Enforcement and Education
Becky Smith, Licensing Director
Justin Nordhorn, Policy and External Affairs Director
Cassidy West, Policy & Rules Manager

Subject: **Approval to file a notice of expedited rulemaking (CR 105) regarding gender neutral terminology in Title 314 WAC rules.**

The Washington State Liquor and Cannabis Board (Board) is proposing amendments to several sections of Title 314 WAC, replacing gender-specific language with gender-neutral terms. The changes are purely linguistic and aim to enhance inclusivity and clarity, with no impact on the substance or intent of the regulations. The process will be expedited, as it does not introduce new requirements or alter existing rules.

Process

The Policy and Rules Coordinator requests approval to file the notice of expedited rulemaking (CR 105) for the rule making described above. A CR 105 Memorandum was presented at the Board meeting on August 28, 2024 and is attached to this order.

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

August 28, 2024	Board is asked to approve filing notice of expedited rulemaking (CR 105). CR 105 is filed with the Office of the Code Reviser. Webpage is updated and notice circulated by GovDelivery distribution list. 45 day expedited rulemaking public comment period begins.
September 18, 2024	Notice published in the Washington State Register.
November 4, 2024	Formal comment period ends.
November 6, 2024	Board is asked to permanent adopt rules if no substantive changes are made (CR 103).

	CR 103 and adopted rules are filed with the Office of the Code Reviser. LCB webpage updated and notice circulated to all WSLCB GovDelivery subscribers.
December 7, 2024	Rules are effective 31 days after filing (unless otherwise specified).

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

Attachments: CR 105 Memorandum



CR 105 Memorandum

Regarding Updates to Title 314 WAC to Replace Gender-Specific Pronouns with Gender-Neutral language.

Date: August 28, 2024
Presented by: Jeff Kildahl, Policy and Rules Coordinator

Background

The Washington State Liquor & Cannabis Board (LCB) is proposing updates Title 314 of the Washington Administrative Code (WAC) through an expedited rulemaking process for the purpose of replacing all gender-specific pronouns with gender-neutral language. This rulemaking modernizes the language to reflect contemporary standards of inclusivity and ensure that the language used in regulatory documents is non-discriminatory and equitable for all individuals, regardless of gender. The expedited process under RCW 34.05.353 is appropriate as the amendments are technical in nature, with no substantive effect on the rules.

On May 8, 2024, the Board accepted a petition requesting amendments to Title 314 WAC to replace gender-specific pronouns with gender-neutral language. In response, the LCB is committed to making these technical updates to promote equality and reduce bias in the regulations. This rulemaking will make technical amendments to outdated gender-specific pronouns to gender-neutral alternatives, aligning with modern standards of inclusivity.

Stakeholder Engagement

The proposed changes are expected to have no adverse impact on stakeholders. The amendments are purely technical and will not affect the operations or obligations of regulated entities, instead, they will enhance clarity and inclusiveness of LCB's regulation.

Consistent with the Administrative Procedure Act (APA) requirements for expedited rulemaking, stakeholder engagement will be limited. The public is invited to comment on the proposed amendments. However, written comments will be accepted for 45 days following the filing, providing an opportunity for interested parties to express any concerns or suggestions regarding the proposed amendments.

Description of Rule Changes

Amended Title 314 WAC —The proposed expedited rulemaking updates the following WAC sections:

314-02-030, 314-02-038, 314-02-0415, 314-02-108, 314-03-020, 314-03-030, 314-03-035, 314-03-040, 314-09-005, 314-10-110, 314-11-020, 314-11-030, 314-11-040, 314-11-105, 314-12-040, 314-12-210, 314-12-215, 314-16-110, 314-16-150, 314-17-020, 314-17-025, 314-17-045, 314-17-065, 314-18-030, 314-18-040, 314-20-100, 314-21-025, 314-24-115, 314-24-190, 314-25-040, 314-28-100, 314-29-007, 314-29-040, 314-34-020, 314-35-060, 314-42-120, 314-44-005, 314-55-010, 314-60-080, 314-60-085

Conclusion

The Director's Office Staff is requesting approval from the Board to file the CR-105 to update Title 314 WAC with gender-neutral language.



EXPEDITED RULE MAKING

CR-105 (December 2017) (Implements RCW 34.05.353)

Agency: Washington State Liquor and Cannabis Board

Title of rule and other identifying information: (describe subject) Revisions to Title 314 WAC to adopt gender-neutral language. Revisions are being proposed to the following sections:

314-02-030
 314-02-038
 314-02-0415
 314-02-108
 314-03-020
 314-03-030
 314-03-035
 314-03-040
 314-09-005
 314-10-110
 314-11-020
 314-11-030
 314-11-040
 314-11-105
 314-12-040
 314-12-210
 314-12-215
 314-16-110
 314-16-150
 314-17-020
 314-17-025
 314-17-040
 314-17-045
 314-17-065
 314-18-030
 314-18-040
 314-20-100
 314-21-025
 314-24-115
 314-24-190
 314-25-040
 314-28-100
 314-29-007
 314-29-040
 314-34-020
 314-35-060
 314-42-120
 314-44-005
 314-55-010
 314-60-080
 314-60-085

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposed modifies various sections throughout Title 314 WAC, replacing gender-specific pronouns and terms with gender-neutral language. The changes are intended to promote a regulatory framework that is inclusive, clear, and accessible. These changes do not alter the meaning or substance of the rules.

Reasons supporting proposal: This rulemaking is necessary to align with modern standards of inclusivity and to ensure that the Board's regulations are non-discriminatory and accessible to all members of the public. The proposed amendments are technical corrections that will not change the substantive meaning of the rules but will make them more inclusive.

The proposal to update Title 314 WAC to include gender-neutral language is supported by the need to promote inclusivity, align with modern drafting standards, and improve clarity. These updates ensure the language used is respectful and accessible to all individuals. This rulemaking is initiated in response to a petition for rulemaking that was previously accepted by the Board, highlighting public interest in modernizing the language.

Statutory authority for adoption: RCW 66.08.030, RCW 69.50.342, RCW 34.05.353

Statute being implemented: RCW 66.08.030

Is rule necessary because of a:

- | | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

Name of proponent: (person or organization) Washington State Liquor and Cannabis Board

<input type="checkbox"/> Private
<input type="checkbox"/> Public
<input checked="" type="checkbox"/> Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Jeff Kildahl	PO Box 43080, Olympia, WA 98504	360-480-7960
Implementation:	Chandra Wax	PO Box 43080, Olympia, WA 98504	360-664-9878
Enforcement:	Chandra Wax	PO Box 43080, Olympia, WA 98504	360-664-9878

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

- Relates only to internal governmental operations that are not subject to violation by a person;
- Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4): The proposed revisions are purely linguistic, with no impact on the substance of the rules. Therefore, expedited rulemaking is appropriate.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

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AND RECEIVED BY (date) November 4, 2024

Date: August 28, 2028	Signature: Place signature here
Name: David Postman	
Title: Chair	