



Washington State
Liquor and Cannabis Board

Date: October 9, 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 pre-proposal statement of inquiry (CR 101) regarding acceptable forms of identification.**

The Washington State Liquor and Cannabis Board (Board) is considering amending [WAC 314-11-025](#) and [WAC 314-55-150](#) and other sections of Title 314 WAC, as well as repealing or creating other sections of Title 314 WAC regarding acceptable forms of identification as necessary to address two petitions accepted in [April 2023](#) and accepted in part in [July 2023](#).

Process

The Policy and Rules Coordinator requests approval to file the pre-proposal statement of inquiry (CR 101) for the rule making described above. A CR 101 Memorandum was presented at the Board meeting on September 25, 2024 and is attached to this order.

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

October 9, 2024	Board is asked to approve filing pre-proposal statement of inquiry (CR 101). CR 101 is filed with the Office of the Code Reviser. Webpage is updated and notice circulated by GovDelivery distribution list. Informal comment period begins.
November 6, 2024	Notice is published in the Washington State Register under WSR 24-21.
November 20, 2024	Informal comment period ends.

Week of December 2, 2024	Virtual Tribal Engagement Session
December 9, 2024 10 AM – Noon	Virtual Public Stakeholder Engagement Sessions
December 12, 2024 1 – 3 PM	
January 15, 2025	Board is asked to approve filing proposed rules (CR 102). CR 102 is filed with the Office of the Code Reviser. Webpage is updated and notice circulated by the rules distribution list. Formal comment period begins.
February 5, 2025	Notice is published in the Washington State Register under WSR 25-03.
February 26, 2025	Public hearing is held and formal comment period ends.
March 12, 2025	Board is asked to adopt rules if no substantive changes are made (CR 103). Concise Explanatory Statement is provided to individuals offering written or oral comment at the public hearing or during the formal comment period, consistent with RCW 34.05.325. CR 103 and adopted rules are filed with the Office of the Code Reviser. Webpage is updated and notice circulated by GovDelivery distribution list.
April 2, 2025	Notice is published in the Washington State Register under WSR 25-07.
April 12, 2025	Rules are effective 31 days after filing unless otherwise specified. See RCW 34.05.380(2).

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

Attachments: CR 101 Memorandum
April 12, 2023 Response to Petition for Rulemaking
July 5, 2023 Response to Petition for Rulemaking



CR 101 Memorandum

Re: **Acceptable Forms of Identification**

Date: October 9, 2024
Presented by: Jeff Kildahl, Policy and Rules Coordinator

Background

Acceptable forms of identification that liquor licensees may use to verify a person's age for eligibility to purchase alcohol are found at [WAC 314-11-025](#). The companion rule for purchase of cannabis is at [WAC 314-55-150](#). With the passage of [Initiative 1183](#) in 2013 that provided for the privatization of liquor sales, a statute on acceptable forms of identification at RCW 66.16.040 was repealed.

In April 2023, the Washington State Liquor & Cannabis Board (Board) [accepted](#) a petition requesting to add global entry cards to the list of acceptable forms of identification in WAC 314-11-025. In July 2023, the Board [accepted](#) the parts of a petition for rulemaking requesting to remove references to RCW 66.16.040 from [WAC 314-01-005](#), [WAC 314-17-025](#) and [WAC 314-17-110](#).

While examining amending WAC 314-11-025, it makes sense to examine its cannabis companion, WAC 314-55-150, which has not been substantively examined since it was first created in 2013. This also provides an opportunity to look at how the rules around acceptable identification comply with other state law.

Reasons Why Rulemaking Is Needed

Rulemaking is needed to consider amending multiple sections of Title 314 WAC and amending, repealing, or creating new sections of Title 314 WAC as necessary to address two petitions for rulemaking accepted in 2023 regarding acceptable forms of identification. Rulemaking is also needed to make the rules on acceptable forms of identification consistent with other state law.

Process

The rulemaking process begins by announcing the Board's intent to consider changes to existing rules, adding new rule sections, or both, by filing a preproposal statement of inquiry (CR 101) form with the Office of the Code Reviser. This allows staff, stakeholders, industry partners, and all members of the authorizing environment to begin discussing proposed rule changes.

At this stage of the rulemaking process, no proposed language is offered. Any interested party may comment on this possible rulemaking during the designated comment period. Notice will be sent to all who have indicated that they want to receive notice of rule activity related to this preproposal statement of inquiry. The notice will identify the public comment period and where comments can be sent.



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017) (Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

Agency: Washington State Liquor and Cannabis Board

Subject of possible rule making: Title 314 WAC. The Washington State Liquor and Cannabis Board (LCB) is considering amending the following sections of Title 314 WAC and amending any other sections of Title 314 WAC and repealing or creating new sections of Title 314 WAC as necessary to address two petitions for rulemaking accepted in April 2023 and accepted in part in July 2023 regarding acceptable forms of identification.

WAC 314-01-005 - Definitions

WAC 314-11-025 – What are the acceptable forms of identification?

WAC 314-17-025 – Does a permit holder have to carry his or her class 12 or 13 permit?

WAC 314-17-110 – May the board impose sanctions or penalties other than those described in WAC 314-17-105?

WAC 314-55-150 – What are the acceptable forms of identification?

While the two petitions were submitted only regarding alcohol, the LCB is considering amending the section regarding acceptable forms of identification for cannabis licensees, WAC 314-55-150, alongside WAC 314-11-025.

Statutes authorizing the agency to adopt rules on this subject: RCW 66.08.030 (alcohol); RCW 66.20.330 (alcohol servers); RCW 66.98.070 (alcohol); RCW 69.50.342 (cannabis); RCW 69.50.345 (cannabis).

Reasons why rules on this subject may be needed and what they might accomplish: In April 2023, the LCB accepted a petition for rulemaking from a member of the public requesting to amend WAC 314-11-025 to add an additional form of identification issued by the U.S. government that satisfies the requirements of WAC 314-11-025 to the list of acceptable forms of identification in WAC 314-11-025(3). The petition exemplifies that WAC 314-11-025(3) does not contain an exhaustive list of forms of identification that are acceptable under WAC 314-11-025. In July 2023, the LCB accepted in part a petition for rulemaking from a member of the public to replace references to an obsolete statute in WAC 314-01-005, WAC 314-17-025, and WAC 314-17-110 with WAC 314-11-025. Because both petitions address acceptable forms of identification regarding the sale, service, possession, and consumption of alcohol, it is logical and cost-effective to combine these two petitions into a single rulemaking project.

In addition to the requested changes, it may be appropriate to examine the overall flow and structure of WAC 314-11-025, which has not been revised since 2019. Its companion in cannabis rules, WAC 314-55-150, has not been revised in content since it was first created in 2013. This rulemaking project provides the LCB an opportunity to examine the rules regarding acceptable forms of identification at large, and to make these rules more consistent with other state law.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: None.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

(If necessary)

Name: Jeff Kildahl, Policy and Rules Coordinator

Name:

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Other:

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Fax:
TTY:
Email:
Web site:
Other:

Additional comments: Interested persons can participate in the rule process through open public meetings and by submitting written comments, and are encouraged to sign up for the interested parties list (GovDelivery) at <https://public.govdelivery.com/accounts/WALCB/subscriber/new>. Rulemaking notices and stakeholder engagement opportunities will be emailed via GovDelivery and posted to the LCB website at lcb.wa.gov.

Date: October 9, 2024

Name: David Postman

Title: Chair

Signature:

Place signature here