



WSLCB Topics and Trends

News and tips for the industries we regulate

David Postman Begins Board Chair Tenure

On March 2, 2021, the Liquor and Cannabis Board (LCB) announced that Gov. Jay Inslee had appointed David Postman as Chair of the LCB Board.

Prior to his appointment, Mr. Postman had served as Gov. Inslee's chief of staff from Dec. 2015 until Nov. 15, 2020. He served in the Inslee Administration since the governor took office in 2013, first serving as his executive director of communications. Before joining the administration, Postman served as a senior director at Vulcan Inc., the company headed by Microsoft co-founder Paul Allen. Mr. Postman has a 26-year career as an award-winning journalist in Oregon, Alaska and Washington, including 14 years working as a political reporter for The Seattle Times. "David has extensive experience bringing people together to work through complex and difficult issues," Gov. Jay Inslee said. "He is able to listen to divergent viewpoints and synthesize feedback to move toward resolution. He is committed to transparency and openness, and knows



state government well. I know David will make an excellent addition to the LCB Board and I am so glad that he will continue to serve the people of Washington.”

Mr. Postman succeeds former Board Chair Jane Rushford whose term expired in Feb. 2021.

“Jane served as the consummate professional. I thank her for her service to the Board, its employees and for her many contributions,” said Postman. “I am looking forward to carrying on efforts begun under her tenure, particularly the Board’s efforts to increase diversity and equity within the state’s regulated cannabis system.”

Mr. Postman began his six-year term March 15, 2021. He joins current Board Members Ollie Garrett and Russ Hauge.

LCB’s Request Legislation Extends Certain Privileges Through June 2023

The House version of LCB’s agency request legislation, [E2SHB 1480](#) (Sponsor: Drew MacEwen), was signed into law by Gov. Jay Inslee on April 14, 2021, with an immediate effective date. The new law allows specifically listed privileges for specified liquor licensees to continue until June 30, 2023.

Among the most important allowances temporarily authorized by the bill:



- Spirits, Beer and Wine restaurants may serve cocktails to go (premixed, or as a kit with ingredients for the customer to assemble at home) for takeout, curbside service or delivery;
- Alcohol products may be sold for takeout, curbside service or delivery by restaurants, taverns, domestic breweries and microbreweries, domestic wineries, distilleries, snack bars, nonprofit arts licensees and caterers;
- Licensees previously allowed to sell growlers for on premise consumption may sell them for off premise consumption through takeout, curbside service or delivery;
- Beer and Wine Specialty shops may sell prefilled growlers for off premise consumption through takeout or curbside service and delivery provided they are filled the same day they are sold;
- LCB is directed to revise rules to allow for outdoor service by on premise licensees holding specified license types: restaurants, taverns, breweries, wineries, distilleries, snack bars and private clubs; and

LCB is directed to consider revising rules to provide more flexible and more financially feasible food service requirements for licensees that currently have food service requirements.

Independent Study due December 2022

A study, conducted by an independent entity selected by LCB, will examine the impacts of the authorized activities – both the positive economic impacts for businesses, employees and communities, as well as adverse impacts from the standpoint of health and safety of youth, communities, people in recovery, and others. The study will be conducted over the course of 2022, with a report

submitted to the Legislature by December 1, 2022. This timeline permits the Legislature to consider during the 2023 session whether to extend the privileges, or allow them to expire on June 30, 2023.

Two Privileges Ending

Two privileges granted by LCB during the pandemic must expire at the end of the governor's proclamation of emergency related to COVID-19. The privileges that must end are:

1. Requirements for wineries and breweries conducting tastings at farmers' markets to provide food or be located adjacent to a vendor which has prepared food were suspended by LCB; and
2. Licensees conducting deliveries were given the option to photograph or scan customer identification instead of collecting a physical signature to document delivery of alcohol products.

Legislative Fact Sheets

LCB staff are currently drafting [Legislative Fact Sheets](#) that summarize new laws that affect licensees.

Please be sure to check the LCB website soon for 2021 updates.

Verifying Customer Age

As Washington relaxes COVID-19 restrictions in many areas and warm weather brings customers outside, businesses are getting busier. The LCB reminds you to make sure all servers stay diligent in checking

identification of youthful-appearing patrons who order alcoholic beverages. Please check the LCB website for information on [checking identification](#).

Prevent Over-Serving

Another good reminder for employees is to watch for customers showing signs of intoxication.

Enforcement and Education Officers are available to you and your employees to provide education and training on this and other alcohol-related topics. Please feel free to reach out to your local officer using this [updated contact list](#).



Support for Your Small Business

Did you know Washington State has a Small Business Guidance Center? This innovative program connects business owners with people who can help businesses thrive - whether yours is an established business or just starting out.

Some of their resources include:

- Small Business Workshops aimed at providing information about the regulatory relationship between business and State Government
- COVID-19 business resources



- Other tips and guides for running a successful small business in Washington State

- Online chats, phone support and a text/SMS line

You can find lots of helpful information and resources on [their website](#).

Changes in COVID-19 Phases Impact County-by-County Dining Restrictions

As spring weather arrives, the Healthy Washington-Roadmap to Recovery is in Phase 3 for all but three counties – Pierce, Cowlitz and Whitman Counties (as of April 28). Phase 3 allows for indoor dining at 50% capacity. The Eating and Drinking Establishment Guidance calls for a six-foot clearance between tables and wearing of masks whenever customers are not eating or drinking. Bar seating is still not permitted under Phase 3.

Because there is currently an increase in new cases and hospitalizations in some areas, there may be additional counties that experience a Phase 3 to Phase 2 downgrade. Stay updated on your county's current Phase at LCB's [COVID-19 webpage](#).

Adding or Making Changes in Outdoor Seating

Warm weather opens up opportunities for outdoor service. If you are reopening an already-approved dining area that meets COVID-19 guidelines, you do not need approval from the LCB.

If you want to create new seating options, email us at



LiquorAlterations@lcb.wa.gov. If your question is about a non-retail business, such as wineries, distilleries, and breweries, please email NonRetailLiquorLicensing@lcb.wa.gov. For more information about alterations that require LCB pre-approval, please refer to [WAC 314-02-130](#).

If you have questions about alterations, [please see the Frequently Asked Questions on our website](#), or call 360-664-1600 (option 1).

Governor Signs Bill to Waive Liquor License Renewal Fees

On February 28, 2021, Governor Inslee signed Engrossed Substitute Senate Bill (ESSB) 5272 into law. This law waives annual liquor license renewal fees for most on-premises liquor licenses for one year, beginning April 2021. Check out [ESSB 5272](#) or [this page](#) to learn if your license is eligible for the waiver. If so, and you already paid your renewal fee in January, February, or March of 2021; your license renewal fee will be waived in 2022.

Please note: this law does not waive annual fees associated with alcohol endorsements. To keep those endorsements, you need to continue to pay endorsement fees. It is important to pay attention to renewal notices from Business Licensing Services or the LCB to make sure your business remains in good standing.

If you have any questions, please call LCB's customer service line at 360-664-1600.



Pre-approval Required for Adding Internet Sales or Delivery Service to a Liquor License

Many businesses are thinking about new ways to reach customers. Those considering using internet sales or delivery services must first get approval from the LCB. To start the approval process, please complete and submit an [Added Activities form](#).

Send the form to customerservicelicensing@lcb.wa.gov. Requests are processed within two weeks.

To use a third-party vendor (such as Uber Eats or Door Dash), you must have the contract with them pre-approved by LCB; please submit a copy of the contract with your application. Contracts must meet the requirements specified in: [WAC 314-02-020](#), [WAC 314-03-030](#), [WAC 314-03-035](#), and [WAC 314-03-040](#).

If you are already using a third-party vendor without prior approval, to be in compliance with state rules, please submit a new request, using the [Added Activities form](#), along with a copy of your contract.

For more information about contract requirements visit LCB's [Website](#). If you have questions, please call LCB's customer service line at 360-664-1600.



Jointly Operated Off-Site Tasting Rooms

Starting in January 2021, off-site tasting rooms for distilleries, breweries, and wineries can occupy and co-operate up to two off-site locations. If you are planning a co-operated tasting room please keep the following in mind:

Combined tasting rooms must share staffing resources
All licensees participating in a combined tasting room are jointly responsible for any violation or enforcement issue unless the violation is directly associated with the action of a single licensee

Every person who participates in the sale or service of alcohol samples must obtain a MAST permit

If you have any questions on combined tasting rooms, please review the state rules, or contact Non Retail Liquor Licensing at NonRetailLiquorLicensing@lcb.wa.gov.



Has Your Address Changed?

Did you know that a change to your business address must be reported to LCB? What types of changes need to be provided to the LCB?

- Physical address
- Mailing address
- Suite number
- Updates made by the city, county or a landlord



It is important that LCB maintains accurate records of license addresses. If you already had a change or expect a change, please notify us at customerservicelicensing@lcb.wa.gov.

Updates on Rules and Rulemaking

Summary Suspension and Petition for Stay Provisions

The LCB filed a pre-proposal statement of inquiry (CR 101) to consider rulemaking to create summary license suspension and petition for stay provisions that would allow for enforcement of Governor's proclamations. This rule project would consider creating permanent rules to supersede and replace emergency rules WAC 314-12-250 and 314-12-275, filed as WSR 21-07-077 on March 17, 2021, and any successive emergency rules. This rule project applies to all licensees.

To learn more, see: [Notice to Stakeholders, CR-101 Filed as WSR 21-09-041 on April 14, 2021, Memorandum.](#)

News for Distilleries

Rule Proposal to Implement Distilleries Bill

The LCB filed a supplemental rule proposal (CR 102) to implement 2020 legislation E2SSB 5549. E2SSB 5549 modified the privileges and requirements for distillery and craft distillery licenses and established a new off-site tasting room license. In addition, the bill authorized jointly operated off-site tasting rooms, for distilleries and wineries, and jointly operated conjoined consumption areas, for distilleries, wineries, and breweries. The public hearing is scheduled for April 28, 2021.

To learn more, see: [Notice to Stakeholders, Supplemental CR-102 Filed as WSR 21-07-078 on March 17, 2021, Memorandum.](#)

Rule Proposal to Revise Distillery Reporting and Payment Rules

The LCB filed a rule proposal (CR 102) to revise the distillery reporting and payment rules. The proposed rules remove all reporting and payment requirements for distilleries and craft distilleries by repealing WAC 314-28-070 and 314-28-080 and amending several other rule sections. The proposed rule changes are consistent with the Court of Appeals decision in Blue Spirits Distilling, LLC v. LCB, issued on Dec. 22, 2020, which held that LCB rules requiring distillers to pay spirits retailer licensing fees when they acted as spirits retailers were invalid. The public hearing is scheduled for May 26, 2021.

To learn more, see: [Notice to Stakeholders, CR-102 Filed as WSR 21-09-042 on April 14, 2021, Memorandum.](#)

Keeping Up-to-Date: Are You on LCB's Email List for Rulemaking updates?

As rules get drafted, modified, and implemented, there are many chances to provide input. To sign up for email notifications regarding LCB Rulemaking, please [follow this link to join](#) our GovDelivery subscriber list. You can also view [a webpage](#) explaining the rulemaking process and rules in progress.

Questions about the rules in progress or rulemaking process? Email rules@lcb.wa.gov

Promote public safety and trust through fair administration and enforcement of liquor, cannabis, tobacco, and vapor laws.

-WSLCB Mission Statement

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