

**AGENDA  
BOARD MEETING  
WA STATE LIQUOR CONTROL BOARD  
Wednesday, March 3, 2010  
Headquarter Building  
3000 Pacific Ave, Olympia WA 98504**

**10:00 a.m.**

**Roll Call**

- 1. Board Adoption (CR103) on proposed rules review of  
WAC 314-52 – Advertising Rules.....Karen McCall**
- 2. Approval to file CR 102 – MAST Rules.....Karen McCall**
- 3. New Employee / Years of Service Recognition.....Division Directors**
- 4. New Business.....Board Members**
- 5. Old Business.....Board Members**

**Recess/Adjourn**



**OFFICE OF THE  
WASHINGTON STATE LIQUOR CONTROL BOARD  
Board Meeting Minutes – March 3, 2010**

Board Chair Sharon Foster called the regular meeting of the Washington State Liquor Control Board to order at 10:00 a.m., on Wednesday, March 3 in the Boardroom, 3000 Pacific Avenue SE, Olympia, Washington. Board Member Ruthann Kurose was present.

**Approval of final rulemaking (CR 103) for rules review of WAC 314-52 - Advertising rules – Karen McCall**

In 2008, a comparison was conducted on the LCB's advertising rules based on a 2003 Center on Alcohol Marketing and Youth (CAMY) report. It was determined the LCB needed to update their alcohol advertising rules to reflect the agency's focus on public safety by minimizing youth access and exposure to alcohol advertising.

Karen thanked everyone that assisted in the process of reaching this day and requested that the Board approve final rulemaking on the Advertising rules review of Chapter 314-52 WAC. Sharon asked that Karen just give a brief summary of the changes. A number of stakeholders provided comment at the public hearing on February 24, 2010. A concise explanatory statement was sent to stakeholders and those who commented at the public hearing. Karen will file the rules with the Office of the Code Reviser. The effective date of the rules will be 31 days after filing (see attachment).

Ruthann Kurose motioned for approval, Sharon Foster seconded the motion and the Rules for Advertising were unanimously approved.

**Approval for filing the notice of proposed rulemaking (CR 102) for rules review of Chapter 314-17– Mandatory Alcohol Server Training - Karen McCall**

The review of rules dealing with **Mandatory Alcohol Server Training** is part of an on-going review for relevance, accuracy and clarification. Rules will be created to implement an online MAST certification program. Karen requested approval to file the proposed rules (CR 102) for the rule making described above. An issue paper on this rules review was presented at the Board meeting on March 3, 2010, and is attached to this order.

Below is the tentative timeline for the rule making process:

- March 3, 2010 Board is asked to approve filing the proposed rule making (CR 102 filing). LCB sends notice to rules distribution list.
- March 17, 2010 Code Reviser publishes notice,
- April 7, 2010 Public hearing held
- April 7, 2010 End of written comment period
- April 28, 2010 Board is asked to adopt rules
- April 28, 2010 Agency sends notice to those who commented both at the public hearing and in writing.
- April 28, 2010 Agency files adopted rules with the Code Reviser
- May 29, 2010 Rules are effective (31 days after filing)

Karen summarized the following changes:

**Amended Section WAC 314-17-005 What is the purpose of this chapter?**  
Clarified and plain talked.

**Amended Section WAC 314-17-010 Definitions.** Expanded chapter definitions to include distillery or craft distillery and domestic winery.

**Amended Section WAC 314-17-015 What are the two types of alcohol server training permits?**  
Clarified the types of permits and defined the roles of the permit holders.

**Amended Section WAC 314-17-020 How long are permits good for?**  
Clarified the permit validation period and how to obtain subsequent permits.

**Amended Section WAC 314-17-025 Does a permit holder have to carry his or her class 12 or 13 permit?**  
Clarified and plain talked.

**Amended Section WAC 314-17-030 Are employers responsible for ensuring that their employees have class 12 or 13 permits?**  
Clarified and plain talked.

**Amended Section WAC 314-17-035---How to replace a lost permit?**  
Clarified and plain talked

**Amended Section WAC 314-17-040---May an eighteen to twenty year-old student who takes and passes a class 12 training course upgrade to a class 12 permit upon turning twenty-one without retaking the training course?**  
Clarified and plain talked.

**Amended Section WAC 314-17-045---How do I get a class 12 or 13 permit in Washington if I was trained in another state?**  
Clarified and plain talked.

**Amended Section WAC 314-17-050---How do I become a provider?**  
Allowed on-line training course, required continuing education for trainers and added temporary certification requirement.

**Repealed Section WAC 314-17-055---How do I apply for a temporary certification?**  
Moved to WAC 314-17-050.

**Amended Section WAC 314-17-060 What are the course standards, course content, and other requirements for class 12 or 13 training programs?**  
Added a student evaluation requirement, online training standards, established a minimum passing score of 80% for the standardized exam and specified requirement for student workbook.

**Amended Section WAC 314-17-065 How does a provider receive certification for its trainers?**  
Added continuing education requirements for trainer certification.

**Amended Section 314-17-070 What criminal history would prevent a person from receiving certification to be a trainer?**

Amended the criminal history requirements to be consistent with liquor license applicants.

**WAC 314-17-075 How does a provider get class 12 or 13 permit forms?**

Clarified the trainers' ability to order permit forms with provider's authorization.

**WAC 314-17-080 What should a provider or a trainer do when a class 12 or 13 permit is issued in error?**

Clarified and plain talked.

**WAC 314-17-085 What records must a provider or trainer submit to the board or keep on file?**

Added the requirement for submission of the session rosters to be in the board-specified format and increased the reporting time from three days to 30 calendar days.

Removed the record retention requirements from trainers and placed it upon providers. Required records to be maintained in a secure environment.

**Amended Section WAC 314-17-090 Prohibited conduct by providers and trainers.**

Clarified and plain talked.

**WAC 314-17-095 What must a provider do when a trainer violates a liquor law or regulation?**

Clarified and plain talked.

**Amended Section WAC 314-17-100 What are the penalties when a provider or a trainer violates a liquor law or regulation?**

Clarified and plain talked.

**Amended Section WAC 314-17-105 What are the penalties when a permit holder violates a liquor law or regulation?**

Clarified and plain talked.

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

Clarified and plain talked.

**Amended Section WAC 314-17-115 Appeal Rights.**

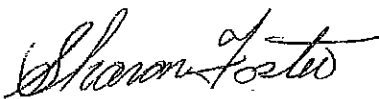
Clarified and plain talked.

Karen shared that securing the identity of the student, preventing fraud and cheating and maximizing the online MAST program are being focused on. There has some feedback received around the economic impact to smaller providers and trainers as well as time to allow these providers time to prepare.

Ruthann Kurose motioned for approval, Sharon Foster seconded the motion and the Approval for filing the notice of proposed rulemaking (CR 102) for rules review of Chapter 314-17- Mandatory Alcohol Server Training was unanimously approved.

The Division Directors introduced new employees and recognized those with Years of Service Awards from the month of February.

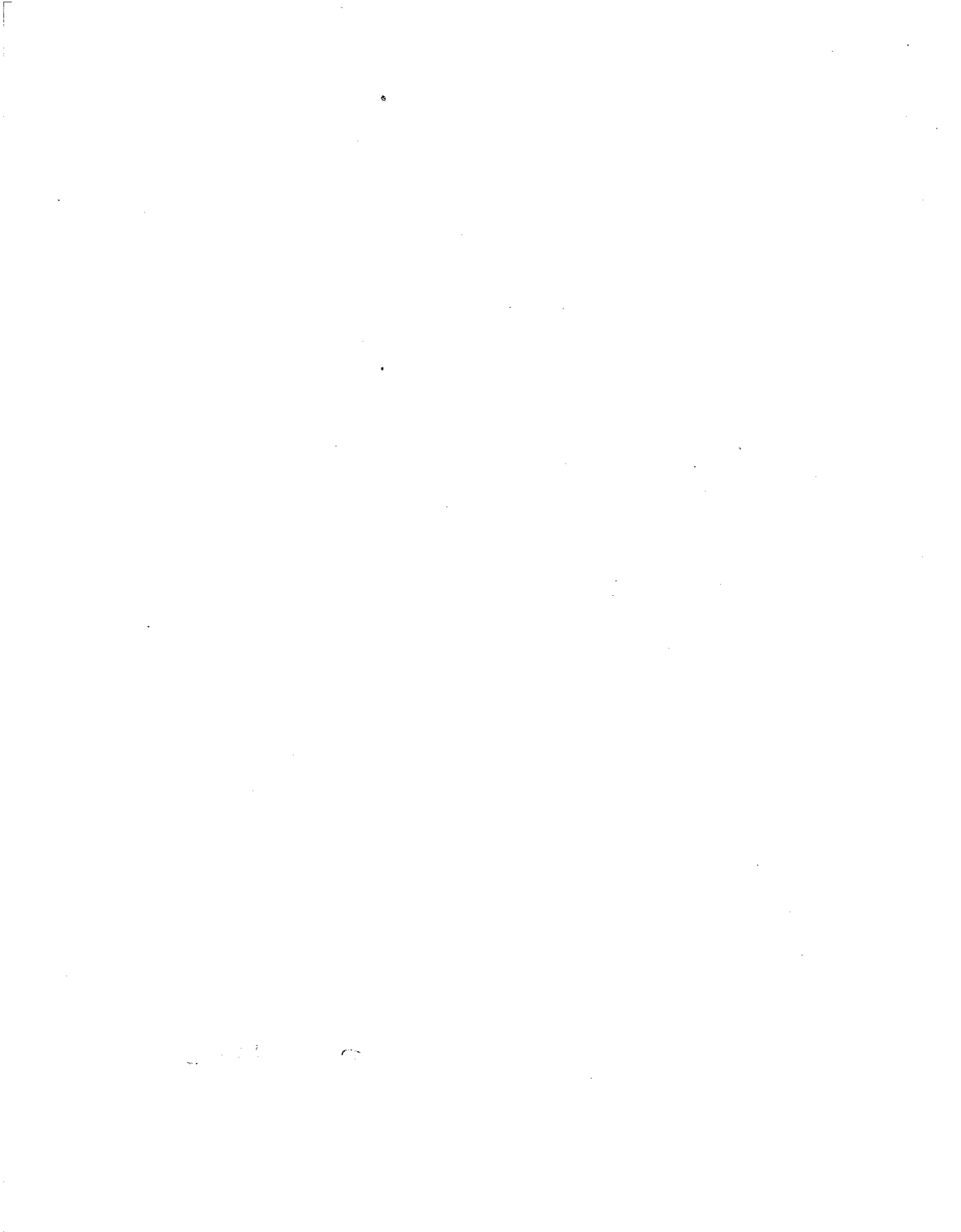
Board Meeting was adjourned at 11:00 AM.



Sharon Foster  
Board Chair



Ruthann Kurose  
Board Member





**Washington State  
Liquor Control Board**

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**Date:** March 3, 2010

**To:** Sharon Foster, Board Chair  
Ruthann Kurose, Board Member

**From:** Karen McCall, Agency Rules Coordinator

**Copy:** Pat Kohler, Administrative Director  
Rick Garza, Deputy Administrator  
Pat Parmer, Enforcement and Education Director  
Alan Rathbun, Licensing and Regulation Director

**Subject:** **Approval of final rulemaking (CR 103) for rules review of WAC 314-52 - Advertising rules.**

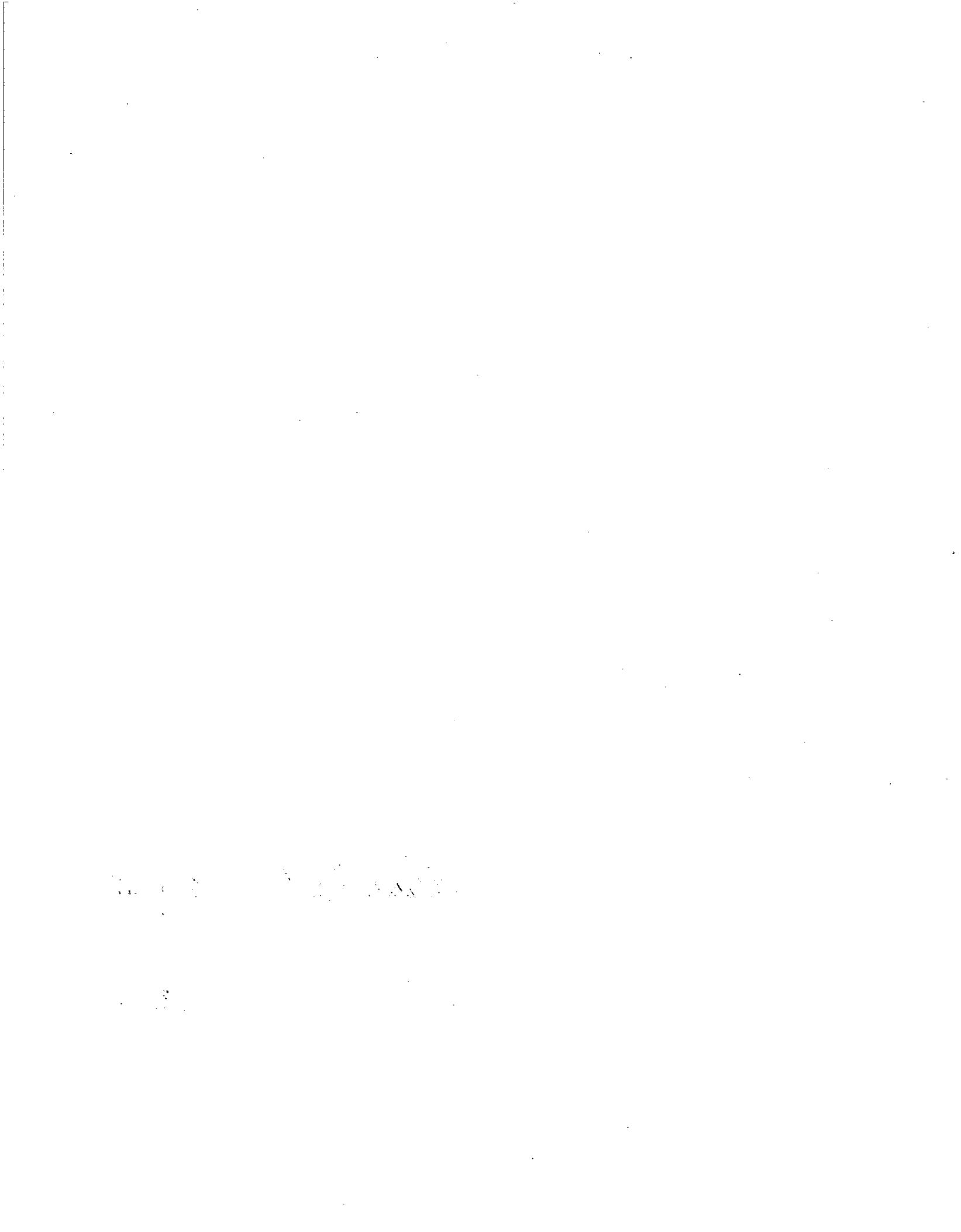
At the Board meeting on March 3, 2010, the rules coordinator requests that the Liquor Control Board approve final rulemaking on the Advertising rules review of Chapter 314-52 WAC. The Board was briefed on the rule making background, public comment, and agency response for this rule making. An issue paper and text of rule changes are attached.

If approved, the Rules Coordinator will send an explanation of the rule making to all persons who submitted comments. There were a number of stakeholders that provided comments at the public hearing held on February 24, 2010, held in the Board's meeting room in Olympia, Washington. After sending a concise explanatory statement to stakeholders and those who commented at the public hearing, the Rules Coordinator will file the rules with the Office of the Code Reviser. The effective date of the rules will be 31 days after filing.

Approve       Disapprove      Sharon Foster      3/3/2010  
Sharon Foster, Board Chair      Date

Approve       Disapprove      Ruthann Kurose      3/3/2010  
Ruthann Kurose, Board Member      Date

Attachment: Issue paper  
Proposed Rules





## **Issue Paper**

### **Rule Making on Advertising**

Date: March 3, 2010

Presented by: Karen McCall, Agency Rules Coordinator

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#### **Description of the Issue**

The purpose of this issue paper is to recommend that the Washington State Liquor Control Board (WSLCB) proceed with final rule making and adopt the rules regarding advertising WAC 314-52.

#### **Why is rule making necessary?**

The Liquor Control Board (LCB) continues to review existing rules for timeliness, clarity, and necessity complying with Executive Order 06-02 issued by Governor Gregoire. As part of the Liquor Control Board's on-going rules review process, rules regarding advertising are being reviewed for relevance, clarity, and accuracy.

#### **Background**

In 2008, a comparison was conducted on the LCB's advertising rules based on a 2003 Center on Alcohol Marketing and Youth (CAMY) report. It was determined the LCB needed to update their alcohol advertising rules to reflect the agency's focus on public safety by minimizing youth access and exposure to alcohol advertising.

In addition, the following bills enacted during the 2006 and 2007 legislative sessions require the advertising rules to be revised:

- **SHB 3150 / 2006 session** – Allows joint advertising by wineries and retailers to promote tourism
- **SSB 5721 / 2007 session** – Allows financial arrangements between sports/entertainment facility licensees and liquor manufacturers or distributors
- **HB 2240 / 2007** – For wineries only, allows "personal services" to be performed by wineries, including COA holders, when these services are conducted at a licensed retail premises and are intended to inform, educate, or enhance a customer's knowledge or experience of the manufacturer's product. For wineries and breweries, retailer and manufacturer listings and links are allowed on each other's Web sites.

The following Board Policies and Guidelines were also incorporated in this rulemaking:

- Policy Number 1-02: Use of licensed sports team name and trademark;
- Policy Number 1-05: Advertising events held at sports/entertainment facilities licensed under RCW 66.24.570;

- Interim Policy dated March 1, 2000, regarding criteria for approval of alcohol advertising;
- Interim Policy on advertising vs. information for the purpose of determining the extension of money's worth;
- Board Guidelines on coupon offers.

## **Public Comment**

Comments received from stakeholders at the public hearing are attached. No changes to the proposed rules were made as a result of stakeholder comments.

## **What changes are being proposed?**

### **Amended Section WAC 314-52-005 – Purpose and application of rules.**

Replaced the preamble with more of an "intent". Plain talked.

### **Amended Section WAC 314-52-010 – Mandatory statements.**

Amended section (1)(a), (2)(a), and (3)(a) to conform with federal guidelines and label requirements. Also amended (1)(c) to conform with federal guidelines (alcoholic content of distilled spirits). Deleted section (4) (displays of beer based on alcohol content).

### **Amended Section 314-52-015 – General.**

Amended to add language to implement LCB interim policy dated March 1, 2000, added additional advertising content restrictions, plain-talked. Deleted two sub-sections that were added in proposed rules filed July 29, 2009.

### **Repealed Section WAC 314-52-020 – Use of insignia or reference to liquor control board prohibited – exception.**

Added language from this section to 314-52-015.

### **Amended Section WAC 314-52-030 – Liquor advertising prohibited in school publication.**

Amended to refer to advertising in any media. Plain-talked.

### **Amended Section WAC 314-52-040 – Contests, competitive events, premiums and coupons.**

Added language to implement Board Guidelines on coupon offers. Corrected RCW reference for gambling, and plain-talked.

### **Amended Section WAC 314-52-070 – Outdoor Advertising.**

Amended language to restrict the number of signs advertising alcohol, brand names, and/or manufacturers that are visible from the public right of way on the outside of a retail premises to a total of four. The size of the signs is limited to 1600 square inches. Amended language to restrict outdoor advertising within 500 feet of places of worship,

schools, public playgrounds, or athletic fields used primarily by children. Added back language "where the administrative body of said church, school, public playground or athletic field object to such placement". The 500 feet is measured from the property line of the place of worship, school, public playground or athletic field to the outdoor sign. Added language that gives a local jurisdiction the option to exempt liquor licenses in their jurisdiction from the outdoor advertising restrictions in this section through a local ordinance. "Tourist Oriented Designation Signs" per RCW 47.36.320 are exempt from this requirement.

**Amended Section WAC 314-52-085 – Programs and program folders.**

Specified sporting arenas are premises holding a sports entertainment facility liquor license.

**Amended Section WAC 314-52-090 – Advertising sponsored jointly by retailers and manufacturers, importers, or distributors.**

Added language to implement SHB 3150, HB 2240, Board policy 1-02, and LCB interim policy on advertising vs. information. Plain-talked.

**New Section WAC 314-52-095 – Financial arrangements between sports/entertainment facility licensees and liquor manufacturers and distributors.**

The new section was created to implement SSB 5751 and LCB policy 1-05.

**Amended Section 314-52-110 – Advertising by retail licensees.**

Moved language from 314-52-114 to this rule. Added language to clarify that alcohol can't be advertised, offered for sale, or sold by the retail licensee at less than acquisition cost except under listed exceptions. Plain-talked.

**Amended Section WAC 314-52-113 – Brand signs and point-of-sale displays on retail licensed premises.**

Removed the reference to "animal" inflatables and "animal mascot" costumed individuals. Added a restriction that inflatables and costumed individuals may not be targeted or appealing principally to children or persons under 21 years of age. Plain-talked.

**Repealed Section WAC 314-52-114 – Advertising by retail licensees, offering for sale, or selling beer, wine, or spirituous liquor at less than cost—Prohibited—Exceptions.**

Added language to 314-52-110.

**Amended Section WAC 314-52-115 – Advertising by clubs—Signs.**

Plain-talked.

**New Section – WAC 314-52-120 – Sponsorship of public and civic events.**

Created a rule to address sponsorship of public and civic events by industry members. Industry members may provide the following:

- Signage with the industry members name or brand name of their products; and
- Programs or flyers to be disseminated at the event.

Acknowledgement of the industry member is allowed in any media advertisement where the function recognizes the sponsors of the event. The size of the alcohol industry member sponsor acknowledgement may not exceed the size of the event name.

Inflatables are not allowed inside the event area.

There may be no giveaways of alcohol promotional items of any kind to persons under 21 years of age.

Industry members may not sponsor a special occasion license at public and civic events. Money may not be given directly to the special occasion licensee or employees thereof, but industry members may provide the following advertising for a special occasion licensed event:

- Signage with the industry members name or brand name of their products;
- Media coverage of the event; and
- Programs or flyers to be disseminated at the event.

Inflatables are not allowed inside special occasion license areas unless the area is completely enclosed with no view to the inside from the public right of way.

There may be no giveaways if alcohol promotional items of any kind in the special occasion license areas.

Special occasion licensed premises are limited to a total of four signs referring to alcoholic beverages, brand names, or industry members that are affixed or hanging in the windows and on the outside of the special occasion licensed premises that are visible to the general public from the public right of way.

Brand advertising is allowed inside the special occasion license event area where alcohol sales and consumption occur.

Attachments: Proposed Rules  
Stakeholder Comment Summary from Public Hearing  
Written Comment Summary from Stakeholders

## **Stakeholder Comment Summary from Public Hearing held February 24, 2010**

### **Rollin Fatland – One Reel**

WAC 314-52-130: Public and civic events. One Reel has been operating with sponsorships from manufacturers and distributors since 1995.

### **Erica Austin – Professor at WSU**

WAC 314-52-015, WAC 314-52-070, and WAC 314-52-113: Your rules are extremely important to protect youth.

### **Katie Borgess- TOGETHER! Youth Assistance Program**

WAC 314-52-070: Alcohol advertising signage restrictions - supports the proposed rule.

### **Heidi Dupree – TOGETHER! Youth Assistance Program**

WAC 314-52-070: Alcohol advertising signage restrictions - supports the proposed rule.

### **Tony Reid – Attorney for One Reel**

WAC 314-52-130: Public and civic events. Special occasion licenses and retail licenses are different and should be treated differently.

### **Chris Jury – Family Policy Council (Snohomish County)**

WAC 314-52-070: Alcohol advertising signage restrictions - supports the proposed rule.

### **Angel Lynch and Brianna Wollard – 7<sup>th</sup> grade students in Central Kitsap**

WAC 314-52-070: Alcohol advertising signage restrictions. Would like to see the size restriction on signs be 800 square inches.

### **Lance Hastings – MillerCoors**

WAC 314-52-070: Alcohol advertising signage restrictions. Would like the proposed rule changed to limit the signs to no more than one sign per brand.

WAC 314-52-040: Coupons. There is no reference to mail-in rebates.

### **Chase Foster – Naches Valley High School student and member of SADD**

WAC 314-52-070: Alcohol advertising signage restrictions - supports the proposed rule.

### **Dustin Shattack – Naches Valley School District (SPIF-SIG)**

WAC 314-52-070: Alcohol advertising signage restrictions - supports the proposed rule.

### **Michael Kissinger – Bravo! Vancouver**

WAC 314-52-130: Public and civic events. Would like to see legislation to allow industry members to give money to special occasion licensees.

**Raelynn Masters– Olympic High School student**

WAC 314-52-070: Alcohol advertising signage restrictions – supports proposed rule.

WAC 314-52-130: Public and civic events – supports proposed rule.

**Jim Cooper – WASAVP**

WAC 314-52-070: Alcohol advertising signage restrictions – would like the language removed that states “where the administrative body objects” in (5).

**Liz Wilhelm – President WASAVP**

WAC 314-52-070: Alcohol advertising signage restrictions – would like the size restriction to be 800 square inches. Support the proposed advertising rules.

**Cassandra Tuttle – RuAD**

314-52-070: Alcohol advertising signage restrictions – supports proposed rule.

**Mary Garcia – White Swan Community Coalition**

Support proposed advertising rules.

**Eric Hansen – White Swan Community Coalition**

Support proposed advertising rules.

**Michael Mitchell – Breast Cancer Research Center**

WAC 314-52-130: Public and civic events. This statute is inconsistent with the Governor’s message of “Pro-Business”. The money and money’s prohibition hasn’t been enforced up to this point.

**John Guadnola – WBWWA**

WAC 314-52-130: Public and civic events. The distributors thought that giving money to non-profit organizations holding a special event was legal for many years. John is happy to work with non-profit organizations to make their events a success. He is also willing to help work on legislation to change the law to allow an exception for industry members to give money to special occasion licensees.

**David E. Wojnar – DISCUS (letter received)**

**WAC 314-52-070 and WAC 314-52-130:** The Board should not impose any size limits for signs. There is no evidentiary basis for any size limits.

**WAC 324-52-113(1):** The Board should eliminate the prohibition against brand signs and point-of-sale material furnished to retailers from having any value to the retailer

except as brand advertising. The Board should permit a retailer's name and address to appear on brand signs and point of sale material. The Board should retail section (2) which sets forth an illustrative list of permitted POS material and should add other commonly-utilized items to the list. The Board should eliminate the prohibition against costumed individuals purchasing a customer a drink from the retailer.

**WAC 314-52-130:** We feel this proposed rule as drafted will have a detrimental impact on Washington nonprofit organizations and public and civic events. The Board should not limit the acknowledgement of a name and/or brand of a sponsor of a public or civic event in a media advertisement to a size not exceeding the event name size. We urge the Board to allow industry members to provide monetary support to special occasion licensees. We urge the Board to reject the proposal restricting brand advertising to inside the event area where alcohol sales and consumption occur.

**Michael Transue – Washington Restaurant Association (letter received)**

**WAC 314-52-015:** General. The proposed rule changes use vague and subjective terms that will result in varying interpretations and inconsistent enforcement.

**WAC 314-52-070(2):** Alcohol advertising signage restrictions. We continue to disagree that a sign limitation on restaurant is appropriate policy. Local governments should not be allowed to exempt themselves for these rules. We strongly encourage the Board to adopt performance measures that ensure the proposed rules are achieving the stated goals of reducing underage drinking.





AMENDATORY SECTION (Amending WSR 98-18-097, filed 9/2/98, effective 10/3/98)

**WAC 314-52-005 Purpose and application of rules. (1)**

~~((PREAMBLE: The purpose of this title is to))~~ The liquor control board regulates alcohol advertising to promote public safety, prevent the misuse of alcohol and reduce youth exposure to alcohol advertising and marketing. These rules provide reasonable regulations as to the kind, character, size, and location of advertising of liquor, as authorized by RCW 66.08.060.

(2) No person engaged in business as a ~~((producer,))~~ manufacturer, ~~((bottler,))~~ importer, distributor, or retailer of liquor ~~((, directly or indirectly, or through an affiliate,))~~ shall publish or disseminate ~~((or cause to be published or disseminated))~~ in any media any advertisement of liquor, unless such advertisement is in conformance with these rules ~~((: Provided, That these provisions shall not apply to the publisher of any newspaper, magazine or similar publication, nor to the operator of any radio or television station unless such publisher or operator is engaged in business as a producer, manufacturer, bottler, importer, distributor, or retailer of liquor, directly or indirectly, or through an affiliate))~~.

(3) The board holds each ~~((producer,))~~ manufacturer, ~~((bottler,))~~ importer, distributor, or retailer of liquor responsible for complying with the advertising rules of the Washington state liquor control board in any advertising material placed by them or on their behalf by their agents. If desired, advertising may be submitted prior to publication for an advisory opinion by the ~~((advertising coordinator of the))~~ Washington state liquor control board, but advisory opinions will be restricted to advertising material submitted by ~~((said producers,))~~ manufacturers, ~~((bottlers,))~~ importers, distributors, or retailers of liquor, or their agents.

(4) Liquor advertising materials, defined as institutional or educational advertising in WAC 314-52-015, intended for placement in retail outlets of the Washington state liquor control board shall be presented to the ~~((advertising coordinator of the))~~ Washington state liquor control board for prior approval before placement ~~((: Provided, however, That))~~. All other forms of advertising approved and accepted by the board ~~((advertising coordinator and which are acceptable to the board merchandising committee under the provisions of WAC 314-52-040))~~ shall not be prohibited under this rule.

AMENDATORY SECTION (Amending WSR 98-18-097, filed 9/2/98, effective 10/3/98)

**WAC 314-52-010 Mandatory statements.** (1) Brand advertising of spirituous liquor by any manufacturer shall contain the following information:

(a) The name and address of the manufacturer responsible for its publication. (Street ((number)) may be omitted.)

(b) A conspicuous statement of the class to which the product belongs and the type ((thereof)) corresponding with the statement of class and type which is required by federal regulations to appear on the label of the product.

(c) A statement of the alcoholic content ((by proof, except that for cordials and liqueurs, gin fizzes, cocktails, highballs, bitters and other specialties, the alcoholic content may)) for distilled spirits shall be stated in ((percent age by volume or by proof)) percent alcohol by volume.

(d) In the case of distilled spirits ((other than cordials, liqueurs and specialties)) produced by blending or rectification, if neutral spirits have been used in the production thereof, there shall be stated the percentage of neutral spirits so used and the name of the commodity from which such neutral spirits have been distilled.

(e) In the case of neutral spirits or of gin produced by a process of continuous distillation, there shall be stated the name of the commodity from which such neutral spirits or gin has been distilled.

(2) Brand advertising of wine by any manufacturer or distributor shall contain the following information:

(a) The name and address of the manufacturer or distributor responsible for its publication. (Street ((number)) may be omitted.)

(b) A conspicuous statement of the class, type or distinctive designation to which the product belongs, corresponding with the statement of class, type, or distinctive designation which is required by federal regulation to appear on the label of the product.

(3) Brand advertising of malt beverages by any manufacturer, importer, or distributor shall contain the following information:

(a) The name and address of the manufacturer, importer or distributor responsible for publication of the advertisement. (Street ((number)) may be omitted.)

(b) A conspicuous statement of the class to which the product belongs, corresponding to the statement of class which is required by federal regulations to appear on the label of the product.

~~((4) Alcoholic content of beer. Retail licensees who choose to offer beer for sale at both less than four percent by weight and more than four percent by weight, alcoholic content, packaged in identical packages, shall be required to separate the two strengths of beer in their displays, and shall be required to identify by point-of-sale advertising which is the higher strength and which is the lower strength beer. Manufacturers, importers and distributors~~

~~of such beer shall supply such shelf tickets free of charge to retail licensees. Provided, however, That no promotion of the higher alcoholic content shall be included in such advertising.)~~

AMENDATORY SECTION (Amending Order 108, Resolution No. 117, filed 8/11/82)

**WAC 314-52-015 General.** (1) Institutional advertising shall mean advertising which promotes company or brand name identification, but does not directly solicit purchase or consumption of liquor. Educational advertising shall mean factual information on liquor, its manufacture, history, consumption and methods of ascertaining the quality of various types of liquors (~~(such as German wines, French cognacs, or other classifiable types of product. All liquor advertising shall be modest, dignified and in good taste and shall not contain:~~

~~(1) Any statement or illustration that)).~~ All liquor advertising on products sold in the state of Washington may not contain any statement, picture, or illustration that:

(a) Is false or misleading ((in any material particular.

~~(2) Any statement, picture, or illustration which))~~; (b) Promotes over consumption((

~~(3) Any statement, picture, illustration, design, device, or representation which is undignified, obscene, indecent, or in bad taste.~~

~~(4) Any statement, design, device, or representation of or relating to analyses, standards, or tests, irrespective of falsity, which is likely to mislead the consumer.~~

~~(5) Any statement, design, device, or representation of or relating to any guaranty, irrespective of falsity, which is likely to mislead the consumer.~~

~~Nothing in this section shall prohibit the use of any enforceable guaranty in substantially the following form: "We will refund the purchase price to the purchaser if he is in any manner dissatisfied with the contents of this package."~~

~~(6) Any statement that the product is produced, blended, made, bottled, packed or sold under, or in accordance with, any authorization, law, or regulation of any municipality, county, or state, federal or foreign government unless such statement is required or specifically authorized by the laws or regulations of such government; and if municipal, state or federal permit number is stated, such permit number shall not be accompanied by any additional statement relating thereto.~~

~~(7) Any statement, design or device representing that))~~; (c) Uses the Washington state liquor control board's seal or

refers to Washington state liquor control board, except where required by law;

(d) Represents the use of liquor has curative or therapeutic

effects, if such statement is untrue (~~in any particular,~~) or tends to create a misleading impression(~~;~~

~~(8) Any statement, picture, or illustration implying that);~~

(e) Implies the consumption of liquor enhances athletic prowess, or any statement, picture, or illustration ((referring)) that refers to any known athlete, if such statement, picture, or illustration implies, or if the reader may reasonably infer, that the use of liquor contributed to ((such)) any known athlete's athletic achievements((;

~~(9) Any depiction of));~~

(f) Depicts a child or other person under legal age to consume liquor((; any depiction of)), or includes:

(i) Objects, such as toys or characters, ((suggestive of)) suggesting the presence of a child, ((nor)) or any other depiction designed in any manner ((as)) to be especially appealing to children or other persons under legal age to consume liquor((;

~~(10) Any reference to any religious character, sign or symbol, except in relation to kosher wines or where such are a part of an approved label)); or~~

(ii) Is designed in any manner that would be especially appealing to children or other persons under twenty-one years of age.

(g) Is targeted principally to minors by implying that the consumption of alcoholic beverages is fashionable or the accepted course of behavior for persons under twenty-one years of age; or

(h) Uses subliminal or similar techniques. "Subliminal or similar techniques" as used in this section, refers to any device or technique that is used to convey, or attempts to convey, a message to a person by means of images or sounds of a very brief nature that cannot be perceived at a normal level of awareness.

(2) If advertising claims the alcohol product has a curative or therapeutic effect or enhances health or performance, the licensee must:

(a) Cite the name of the author and date of the research or study supporting the claim; and

(b) Provide a copy of this research or study to the board.

AMENDATORY SECTION (Amending Order 108, Resolution No. 117, filed 8/11/82)

**WAC 314-52-030 Liquor advertising prohibited in school publications.** No liquor advertising shall:

(1) Be carried in any publication connected or affiliated with any elementary or secondary schools; ((nor shall any liquor advertising)) or

(2) Be connected with such schools ((when broadcast over radio or television: Provided, That institutional advertising, as defined in WAC 314-52-015, may be carried, if the board advertising

~~coordinator interposes no objection))~~ in any media.

AMENDATORY SECTION (Amending WSR 98-18-097, filed 9/2/98, effective 10/3/98)

**WAC 314-52-040 Contests, competitive events, premiums and coupons.** (1) Liquor advertisements may offer consumers premiums or prizes, upon completion of any coupon, contest, or competitive event, which may or may not require proof of purchase of the advertised product((~~+~~)). Provided, ((~~however,~~)) that:

(a) No one under twenty-one years of age is allowed to participate, and no premiums, prizes, coupons, contests, or competitive events are targeted to persons under twenty-one years of age;

(b) Contests or sweepstakes that offer prizes or premiums to consumers through a game of chance or random drawing, shall not require proof of purchase, and must comply with the requirements of RCW ((~~9.46.020(14)~~)) 9.46.0356 regarding ((~~lotteries. And provided further, That no~~)) gambling.

(2) Liquor advertisements are prohibited by manufacturers, importers, or distributors ((~~may~~)) that:

(a) Offer any premium or prize redeemable through a Washington state liquor store or any retail liquor outlet licensed by the state of Washington, such as "instant" or "in-store" redeemable offers;

(b) Offer an "instant rebate" on either liquor or nonliquor items; or

(c) Offer any premium redeemable through retail outlets prohibited by the advancement of "money or money's worth" from a nonretail licensee to a retail licensee in chapter 66.28 RCW.

(3) A retailer may have its own coupon offers, provided the "after rebate" price does not put the product below cost, and provided there is no undue influence by a nonretail licensee, the coupon is at the retailer's free initiative and the retailer is covering the entire cost.

AMENDATORY SECTION (Amending WSR 98-18-097, filed 9/2/98, effective 10/3/98)

**WAC 314-52-070 Outdoor advertising.** (1) "Outdoor advertising" by manufacturers, importers, distributors, and retail licensees for these purposes shall include all signs affixed or hanging in the windows and on the outside of the premises visible to the general public((~~, whether permanent or temporary~~)) from the

public right of way, advertising the sale and/or service of liquor ~~((excluding point-of-sale brand signs, which are defined and governed as otherwise provided in WAC 314-52-113) as well as)),~~ excluding trade name and room name signs.

(2) The board limits each retail licensed premises to a total of four signs referring to alcoholic beverages, brand names, or manufacturers that are affixed or hanging in the windows and on the outside of the premises that are visible to the general public from the public right of way. The board also limits the size of a sign advertising alcohol, brand names, or manufacturers that are affixed or hanging in the windows and on the outside of the premises that are visible to the general public from the public right of way to sixteen hundred square inches.

"Sign" is defined as a board, poster, neon, or placard displayed to advertise.

A local jurisdiction has the option to exempt liquor licenses in their jurisdiction from the outdoor advertising restrictions in this section through a local ordinance.

(3) Outdoor signs shall be designed, installed, and ((used in a manner not offensive to the public, and shall comply)) in compliance with all liquor advertising rules. These rules include, but are not limited to:

(a) WAC 314-52-015((1), which:

(i) Prohibits any statement or illustration that is false or misleading in any material particular;

(ii) Prohibits any statement, picture or illustration which promotes overconsumption;

(iii) Prohibits any statement, picture, illustration, design, device, or representation which is undignified, obscene, indecent, or in bad taste.)) which contains advertising prohibitions; and

(b) WAC 314-52-110((1), which requires that every advertisement by a retail licensee shall carry the licensed trade name or the registered franchise name or the trademark name. The term "trade name" shall mean the "licensed trade name" as it appears on the issued license)) which contains advertising requirements by a retail licensee.

((3)) (4) Prior board approval is not required before installation and use of outdoor ((signs/))advertising; however, outdoor ((signs/))advertising ((excluding outdoor readerboard messages and/or interior signs visible through a window of a premises)) not in compliance with board rules will be required to be altered or removed at the licensee's expense. If prior approval is desired, the licensee, applicant or their agent may submit ((three copies)) a copy to the board ((advertising coordinator)) for approval.

((4)) (5) No outdoor advertising of liquor except in subsection (2) of this section, shall be placed ((in proximity to)) within five hundred feet of schools, ((churches)) places of worship, ((or playfields)) public playgrounds, or athletic fields used primarily by minors((7)) where the administrative body of said schools, churches, ((playfields, object to such placement, nor)) public playgrounds or athletic fields object to such placement, or

any place which the board in its discretion finds contrary to the public interest. "Tourist Oriented Directional Signs" per RCW 47.36.320, are exempt from this requirement.

The five hundred foot distance for outdoor advertising is measured from the property line of the school, place of worship, public playground or athletic field to the outdoor advertising.

AMENDATORY SECTION (Amending WSR 98-18-097, filed 9/2/98, effective 10/3/98)

**WAC 314-52-085 Programs and program folders.** Programs and program folders, for the purpose of this section, shall mean brochures for use at sporting arenas which have, as a part of their operations, whether directly or indirectly, a retail licensed premises. No manufacturer, importer, distributor, or their agent, shall provide, without cost, directly or indirectly, programs or program folders for retail licensees (~~(: Provided, however, That sporting arenas as described above, or their agents)~~), however:

(1) A premises holding a sports entertainment facility liquor license may accept bona fide liquor advertising from manufacturers, importers, distributors or their agents, for publication in the program or program folder of the ((sporting arena: Provided further, That such)) sports entertainment facility liquor licensee; and

(2) Advertising is paid for by said manufacturer, importer, distributor or their agent at the published advertising rate for all program or program folder advertisers, including nonliquor advertisers ((: And also provided, That such advertising shall carry with it no express or implied offer on the part of the manufacturer, importer, distributor or their agent, or promise on the part of the retail licensee whose operation is directly or indirectly part of the sporting arena, to stock or list any particular brand of liquor to the total or partial exclusion of any other brand)).

AMENDATORY SECTION (Amending WSR 98-18-097, filed 9/2/98, effective 10/3/98)

**WAC 314-52-090 Advertising sponsored jointly by retailers and manufacturers, importers, or distributors ((, prohibited)).** (1) The name of a retail licensee shall not appear in, or as a part of, or supplementary to, any advertising of a manufacturer, importer or distributor ((-)), except:

(a) To produce brochures and materials promoting tourism in

Washington state:

(b) A manufacturer, importer, or distributor may list on their web sites information related to retailers who sell or promote their products.

(2) The brand name of liquor may appear in or as a part of advertising by a retail licensee: Provided, ((that)) such advertising is upon the retail licensee's free initiative and no moneys or moneys' worth has been offered ((the retail licensee)) or solicited as an inducement to secure such mention ((by)) of any manufacturer, importer, or ((distributor or their agent, or solicited by the retail licensee or his agent.

(2) RCW 66.28.010 shall also apply to joint advertising insofar as it is relevant)) distributor's product.

(3) A professional sports team who holds a liquor license may accept liquor advertisements from manufacturers, importers, or distributors for use in sports entertainment facilities and may allow a manufacturer, importer, or distributor to use the name and trademark of the professional sports team in their advertising and promotions, if such advertising:

(a) Is paid for by the manufacturer, importer, or distributor at reasonable fair market value; and

(b) Carries no express or implied offer by the manufacturer, importer, or distributor on the part of the retail licensee to stock or list any particular brand of liquor to the total or partial exclusion of any other brand.

#### NEW SECTION

**WAC 314-52-097 Financial arrangements between sports entertainment facility licensees and liquor manufacturers, importers, and distributors.** A sports entertainment facility licensee and affiliated business may enter into arrangements with a manufacturer, importer, or distributor for brand advertising or promotional events at the sports entertainment facility under the following conditions:

(1) The facility has a capacity of five thousand or more;

(2) Entities required by WAC 314-12-030 placed on the sports entertainment facility license due to financial interest, may receive advertising from liquor manufacturers, importers, or distributors;

(3) The advertising agreement under the provisions of this section must be made by written agreement;

(4) The license must stock and offer for sale other competitive brands of liquor in addition to those of the advertising manufacturer, importer, or distributor;

(5) The agreement may not contain credit or money's worth to be provided by the manufacturer, importer, distributor, or sports entertainment facility licensee;



(6) There will be no exclusionary contracts between a sports entertainment facility licensee and manufacturer, importer, or distributor; and

(7) The advertising manufacturer, importer, or distributor may not exercise undue influence in any manner over the sports entertainment facility licensee's liquor purchasing and sales operations.

AMENDATORY SECTION (Amending WSR 98-18-097, filed 9/2/98, effective 10/3/98)

**WAC 314-52-110 Advertising by retail licensees.** (1) Every advertisement by a retail licensee shall carry the licensed trade name or the registered franchise name or the trademark name. The term "trade name" shall be defined as the ~~(("licensed trade))~~ name~~(("))~~ as it appears on the license issued to the licensee: ~~((Provided, however, That such))~~

(a) Words such as tavern, cafe, grocery, market, ((~~food store, food center, delicatessen,~~)) wine shop, ((~~beer parlor~~)) and other similar words used to identify the type of business licensed, and numbers used to identify chain licensees ((~~of the same trade name~~)), shall neither be required nor prohibited as part of the trade name in advertisements ((~~: And provided further, That~~)).

(b) Advertisements by ((~~public~~)) a spirit, beer and wine restaurant licensee((~~s~~)) may also refer to cocktails, bar, lounge and/or the "room name." The term "room name" shall be defined as the name of the room designated as the cocktail lounge and/or the dining room ((~~if both are in the same room~~)).

(2) No retail licensee shall offer for sale any liquor for on premises consumption under advertising slogans where the expressed or implied meaning is that a customer, in order to receive a reduced price, would be required to purchase more than one drink at a time, such as "two for the price of one," ((~~"two for one drinks,"~~)) "buy one--get one free," or "two for \$ \_\_\_\_\_ ((~~,~~" nor any similar phrase or slogan where the express or implied meaning is that a customer, in order to receive a reduced price, would be required to purchase more than one drink or quantity of liquor at one time))."

(3) Beer, wine, or spirituous liquor shall not be advertised, offered for sale, or sold by retail licensees at less than acquisition cost. The provisions of this section shall not apply to any sales made:

(a) For the purpose of discontinuing the trade of any product or disposing of seasonal goods after the season has passed;

(b) When the goods are damaged or deteriorated in quality, or to the bona fide sale of perishable goods to prevent loss to the vendor by spoilage or depreciation provided notice is given to the public;

(c) By an officer acting under the orders of any court; or  
(d) In an endeavor to meet the prices of a competitor selling the same article or product in the same locality or trade area and in the ordinary channels of trade.

(4) Specialty shops, wineries, breweries, and craft distilleries acting as a retail licensee, providing free tastings to the public, are prohibited from using any term that implies the product is free in their advertising for such events.

AMENDATORY SECTION (Amending WSR 98-18-097, filed 9/2/98, effective 10/3/98)

**WAC 314-52-113 Brand signs and point-of-sale displays on retail licensed premises.** Manufacturers, importers or distributors may furnish brand signs and point-of-sale material to retailers under the following conditions:

(1) The brand signs and point-of-sale material shall have no value to the retailer except as brand advertisement; such signs as those (~~which~~) that provide illumination for cash registers, pool tables, and other parts of the premises, have a functional value and are not authorized. The brand signs and point-of-sale material shall remain the property of, and be the responsibility of, the manufacturers, importers or distributors.

(2) (~~The term "point-of-sale material" as used herein, shall include such manufacturer, importer or distributor-supplied items as display cards, placards, table tents, recipes, display bins, decalcomanias, price cards, shelf strips, product information pamphlets, bottle hangers, matches, scorecards, calendars, and other such brand advertising material for display at the point of sale.~~

~~(3))~~ Giant inflatables, such as inflated beer cans, bottles, (~~animals~~) and banners may be provided as point-of-sale (~~by manufacturers, importers, or distributors~~) to retailers for display purposes (~~on their property~~) inside the licensed premises, provided the following conditions are met:

(a) (~~All retail licensees are afforded equal opportunity to display item;~~

~~(b))~~ Novelty items as defined in WAC 314-52-080 are not provided by manufacturers, importers, or distributors to customers in conjunction with the display;

(b) Inflatables are not targeted or appeal principally to youth; and

(c) The display shall be removed if objected to by local officials, or if the board(~~, in its discretion,~~) finds it contrary to the public interest.

(~~(4) Animal mascots and~~) (3) Costumed individuals representing beer, wine, or liquor manufacturers may be provided as point-of-sale (~~by manufacturers, importers, or distributors~~) to

retailers for display and promotion purposes on their property, provided the following conditions are met:

(a) The costumed individual is limited to the manufacturer, importer, distributor, or employee thereof and the costumed individual's activities on-premises are limited to socializing with customers and not conducting any activity that the retail licensee would otherwise have to assign employees to;

~~(b) ((All retail licensees are afforded equal opportunity for such displays,~~

~~(c))~~ Novelty items as defined in WAC 314-52-080 and ~~((including))~~ the purchase of drinks, are not to be provided to customers by the costumed individual in conjunction with such displays;

~~((d))~~ (c) The costumed individual must comply with the regulations regarding lewd and obscene conduct (WAC ~~((314-16-125))~~ 314-11-050);

(d) The costumed individual may not be targeted or appeal principally to youth; and

(e) ((If the board finds it contrary to the public interest, it may prohibit the use of the above mentioned activities.)) The board may prohibit the use of costumed individuals if the use is contrary to the public interest.

AMENDATORY SECTION (Amending WSR 98-18-097, filed 9/2/98, effective 10/3/98)

**WAC 314-52-115 Advertising by clubs--Signs.** (1) Clubs shall not engage in any form of soliciting or advertising which may be construed as implying that the club operates a ~~((public spirit, beer and wine restaurant))~~ premises ~~((, a tavern))~~ open to the public, or that social functions at which club liquor may be consumed, are open to the public ~~((: Provided, however, Circularizing membership shall not be considered advertising, and where)).~~ Clubs that provide lunch or dinner to the public ~~((, this))~~ may ~~((be advertised: Provided further, Such advertising))~~ advertise but must specify no liquor service is available.

(2) Clubs and/or their auxiliary organizations may advertise social or other club events to their membership through the public media under the following conditions: ~~((Provided, Such))~~

(a) Advertising ((is)) must be clearly directed to their membership only ~~((and));~~

(b) Advertising cannot be construed as implying that the general public is welcome to attend ~~((, this))~~

~~(3) Advertising of the club functions by means of placards placed for public viewing shall be governed by the provisions of subsection (2) of this section.~~

~~(4));~~ and

(c) Advertising club functions with placards placed for public

viewing shall be governed by (a) and (b) of this subsection.

(3) Advertising may be directed to the public generally in connection with events of special public interest (~~(such as Flag Day, Memorial Day, Veterans Day or such other occasions,)~~) under provisions set forth in WAC 314-40-080(3).

(~~(+5)~~) (4) A private club may hold a public membership function as outlined in WAC 314-40-040(6). The function must be advertised as a membership drive.

(5) Clubs shall not advertise the events held with the nonclub event endorsement per RCW 66.24.425(3).

(6) Clubs desiring to have radio or television broadcasts originating from their licensed premises may do so(~~(+)~~) provided(~~(, That)~~);

(a) Such broadcasts consist only of entertainment or other matter which is in the public interest and may not contain:

(i) Any announcement of opening or closing hours(~~(+)~~);

(ii) Any invitation to visit the club(~~(+)~~); or

(iii) Any statement which may be construed as advertising or any implication that the club is operated as a public place.

(b) The only reference to the club during such broadcasts shall be limited to a statement at the opening and closing of the program as originating from the club quarters.

#### NEW SECTION

**WAC 314-52-130 Public and civic events.** (1) Industry members may sponsor public and civic events and provide the following:

(a) Signage with the industry members name or brand name of their products; and

(b) Programs or flyers to be disseminated at the event.

(2) Acknowledgment of the sponsor, either by name, brand, or both, is allowed in any media advertisement where the function recognizes the sponsors of the event. The size of the alcohol industry sponsor acknowledgment may not exceed the size of the event name.

(3) Inflatables are not allowed inside the event areas.

(4) There may be no giveaways of alcohol promotional items of any kind to persons under twenty-one years of age at events held in public areas including, but not limited to, street fairs, parks, and government buildings.

(5) Industry members may not sponsor a special occasion license at public and civic events. Money may not be given directly to the special occasion licensee, or employees thereof, but industry members may provide the following advertising for a special occasion licensed event:

(a) Signage with the industry members name or brand name of their products;

(b) Media coverage of the event; and

(c) Programs or flyers to be disseminated at the event.

(6) Inflatables are not allowed inside special occasion license areas unless the area is completely enclosed with no view to the inside from the public right of way.

(7) There may be no giveaways of alcohol promotional items of any kind in special occasion license areas.

(8) The board limits each special occasion licensed premises to a total of four signs referring to alcoholic beverages, brand names, or manufacturers that are affixed or hanging in the windows and on the outside of the special occasion licensed premises that are visible to the general public from the public right of way. The board also limits the size of a sign advertising alcohol, brand names, or manufacturers that are affixed or hanging in the windows and on the outside of the special occasion premises that are visible to the general public from the public right of way to sixteen hundred square inches.

(9) Brand advertising is allowed inside the special occasion license event area where alcohol sales and consumption occur.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 314-52-020	Use of insignia or reference to liquor control board prohibited--Exception.
WAC 314-52-114	Advertising by retail licensees, offering for sale, or selling beer, wine or spirituous liquor at less than cost--Prohibited--Exceptions.





**Washington State  
Liquor Control Board**

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**Date:** March 3, 2010

**To:** Sharon Foster, Chairman  
Ruthann Kurose, Board Member

**From:** Karen McCall, Agency Rules Coordinator

**Copy:** Pat Kohler, Administrative Director  
Rick Garza, Deputy Administrator  
Alan Rathbun, Director, Licensing and Regulation  
Pat Parmer, Director, Enforcement and Education

**Subject:** **Approval for filing the notice of proposed rulemaking (CR 102) for rules review of Chapter 314-17 – Mandatory Alcohol Server Training**

Under Executive Order 06-02, Governor Gregoire directed state agencies to improve and simplify service to Washington citizens. Agencies must engage in on-going regulatory improvement and develop rules that talk clearly to the public. The review of rules dealing with **Mandatory Alcohol Server Training** is part of this on-going review. In addition, rules will be created to implement an online MAST certification program.

**Process**

The Rules Coordinator requests approval to file the proposed rules (CR 102) for the rule making described above. An issue paper on this rules review was presented at the Board meeting on March 3, 2010, and is attached to this order.

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

March 3, 2010	Board is asked to approve filing the proposed rule making (CR 102 filing). LCB sends notice to rules distribution list.
March 17, 2010	Code Reviser publishes notice,
April 7, 2010	Public hearing held
April 7, 2010	End of written comment period
April 28, 2010	Board is asked to adopt rules
April 28, 2010	Agency sends notice to those who commented both at the public hearing and in writing.
April 28, 2010	Agency files adopted rules with the Code Reviser
May 29, 2010	Rules are effective (31 days after filing)

Approve       Disapprove

Sharon Foster  
Sharon Foster, Chairman

3/3/2010  
Date

Approve       Disapprove

Ruthann Kurose  
Ruthann Kurose, Board Member

3/3/2010  
Date

Attachment: Issue Paper  
                  Comments from Stakeholders  
                  Proposed Rules





**Washington State  
Liquor Control Board**

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## **Issue Paper**

# **Rule Making on Mandatory Alcohol Server Training**

Date: March 3, 2010

Presented by: Kim Sauer, MAST Coordinator

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### **Description of the Issue**

The purpose of this Issue Paper is to request approval from the Board to file the proposed rules (CR 102) for **WAC 314-17 – Mandatory Alcohol Server Training**.

### **Why is rule making necessary?**

As part of the Liquor Control Board's on-going rules review process, rules regarding MAST are being reviewed for relevance, clarity, and accuracy. In addition, rules will be created to implement an online MAST certification program.

### **What changes are being proposed?**

#### **Amended Section WAC 314-17-005 What is the purpose of this chapter?**

Clarified and plain talked.

**Amended Section WAC 314-17-010 Definitions.** Expanded chapter definitions to include distillery or craft distillery and domestic winery.

**Amended Section WAC 314-17-015 What are the two types of alcohol server training permits?** Clarified the types of permits and defined the roles of the permit holders.

**Amended Section WAC 314-17-020 How long are permits good for?** Clarified the permit validation period and how to obtain subsequent permits.

**Amended Section WAC 314-17-025 Does a permit holder have to carry his or her class 12 or 13 permit?** Clarified and plain talked.

**Amended Section WAC 314-17-030 Are employers responsible for ensuring that their employees have class 12 or 13 permits?** Clarified and plain talked.

**Amended Section WAC 314-17-035---How to replace a lost permit?** Clarified and plain talked

**Amended Section WAC 314-17-040---May an eighteen to twenty year-old student who takes and passes a class 12 training course upgrade to a class 12 permit upon turning twenty-one without retaking the training course?**

Clarified and plain talked.

**Amended Section WAC 314-17-045---How do I get a class 12 or 13 permit in Washington if I was trained in another state?**

Clarified and plain talked.

**Amended Section WAC 314-17-050---How do I become a provider?**

Allowed on-line training course, required continuing education for trainers and added temporary certification requirement.

**Repealed Section WAC 314-17-055---How do I apply for a temporary certification?**

Moved to WAC 314-17-050.

**Amended Section WAC 314-17-060 What are the course standards, course content, and other requirements for class 12 or 13 training programs?**

Added a student evaluation requirement, online training standards, established a minimum passing score of 80% for the standardized exam and specified requirement for student workbook.

**Amended Section WAC 314-17-065 How does a provider receive certification for its trainers?**

Added continuing education requirements for trainer certification.

**Amended Section 314-17-070 What criminal history would prevent a person from receiving certification to be a trainer?**

Amended the criminal history requirements to be consistent with liquor license applicants.

**WAC 314-17-075 How does a provider get class 12 or 13 permit forms?**

Clarified the trainers' ability to order permit forms with provider's authorization.

**WAC 314-17-080 What should a provider or a trainer do when a class 12 or 13 permit is issued in error?**

Clarified and plain talked.

**WAC 314-17-085 What records must a provider or trainer submit to the board or keep on file?**

Added the requirement for submission of the session rosters to be in the board-specified format and increased the reporting time from three days to 30 calendar days.

Removed the record retention requirements from trainers and placed it upon providers. Required records to be maintained in a secure environment.

**Amended Section WAC 314-17-090 Prohibited conduct by providers and trainers.**

Clarified and plain talked.

**WAC 314-17-095 What must a provider do when a trainer violates a liquor law or regulation?**

Clarified and plain talked.

**Amended Section WAC 314-17-100 What are the penalties when a provider or a trainer violates a liquor law or regulation?**

Clarified and plain talked.

**Amended Section WAC 314-17-105 What are the penalties when a permit holder violates a liquor law or regulation?**

Clarified and plain talked.

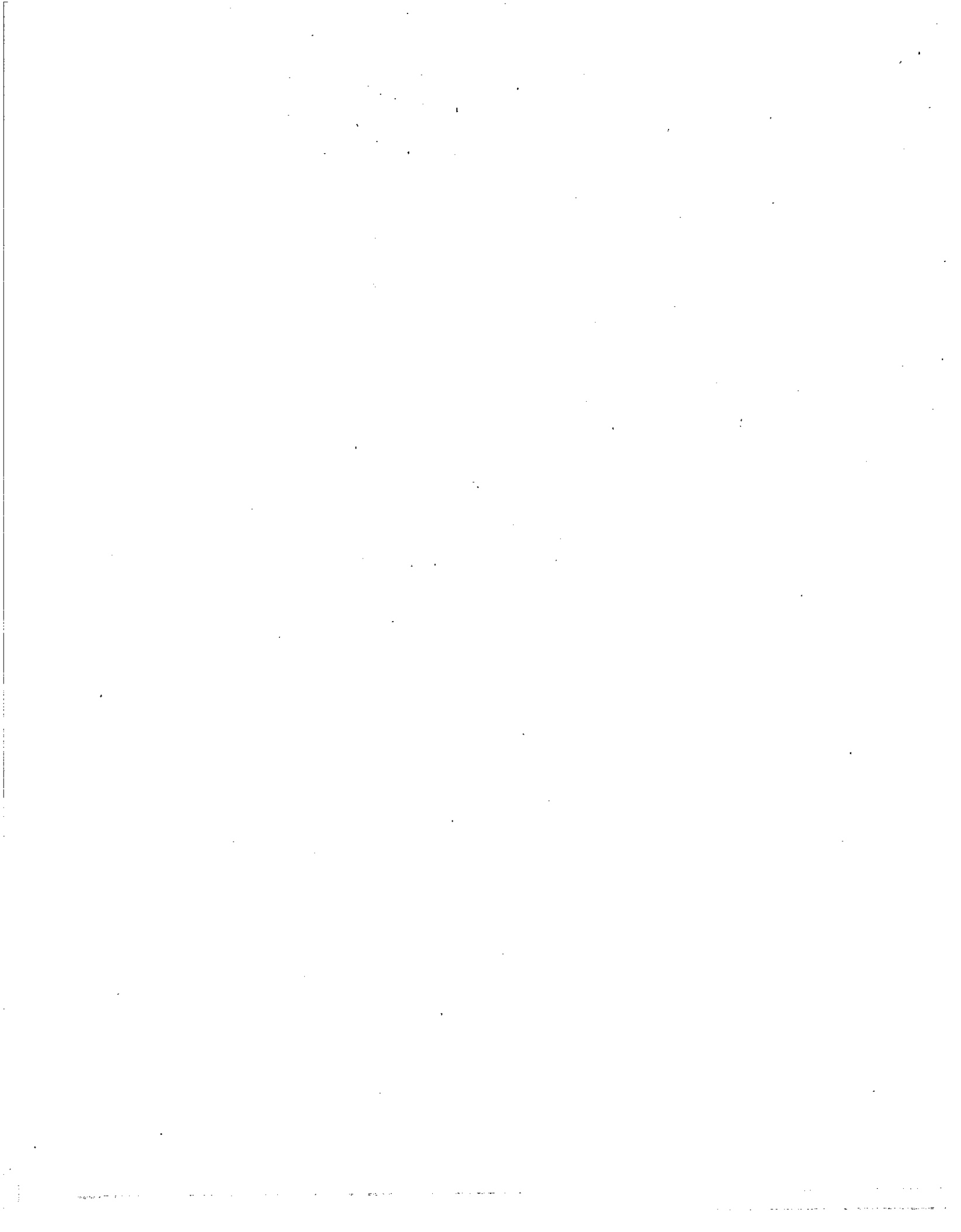
**Amended Section WAC 314-17-110 May the board impose sanctions or penalties other than those described in WAC 314-17-105?**

Clarified and plain talked.

**Amended Section WAC 314-17-115 Appeal Rights.**

Clarified and plain talked.

Attachment: Proposed Rules



Washington State Liquor Control Board  
**Rule Making for Mandatory Alcohol Server Training**  
Comment Participant List

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The following people had questions and comments regarding revision of the WAC 314-17 Mandatory Alcohol Server Training program before filing CR-102.

**Lyle Hildahl**, Director, Education Foundation, Washington Restaurant Association

**Penny Keener**, Risk Management & Gaming, Educational Institute American Hotel & Lodging Association

**Lance Binoniemi**, Executive Vice President, National Hospitality Institute

**David Minasyan**, Director of Business Development, National Licensing Association

**Len Riggs**, Len Riggs Alcohol Server Training

**Carol Mihalow**, Alcohol Certification Training

**Linda Hall**, Alcohol Responsibility Training

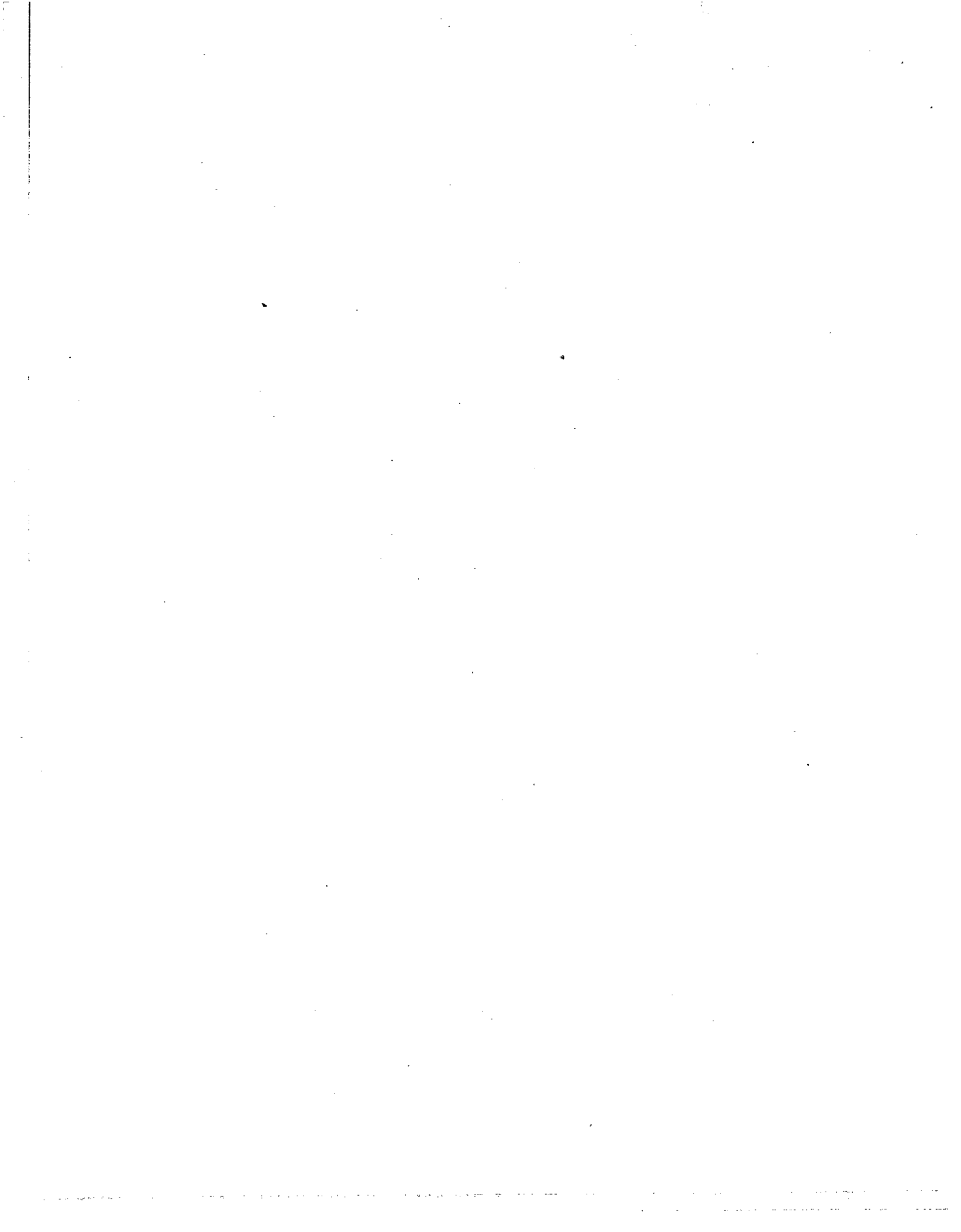
**Gary Roberson**, Manager, Government Relations Manager, Health Communications Inc

**D'Ann Davis**, Director, Alcohol Liability Education Services

**Christine MacKey**, Alcohol Training Program

**Angela Levenda**, Director Bartending Academy

**Nancy Nelson**, Alcohol Awareness Advocate





## **Rule Making for Mandatory Alcohol Server Training**

### **STAKEHOLDER SUMMARY**

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The Washington State Liquor Control Board (WSLCB) received early stakeholder comment (before the CR-102 filing) in writing and orally on MAST rules (CR-101 State Register Filing #09-11).

## **Summary of Comments**

### Quality of On-Line Programs

#### **Comment #1:**

As we continue to improve the current program, we look at ways to reach a larger market with different learning styles. Online training is one way to expand training methods and opportunities. The community college system has moved to requiring a majority of their course options to include distance education like on-line training and testing. The utilization percentage of distance education course increases every year. The new generation is learning differently than we did. (Lyle Hildahl, Director, Education Foundation, Washington Restaurant Association)

#### **Comment #2:**

Online learning enables trainees to work through the material at their own pace. They experience interactivity through the program's audio and video features, learning activities, and review questions. Because trainees have to actively participate in the training by clicking buttons, scrolling the cursor over the screen, playing video clips and responding to questions on-screen, they may be more engaged and attentive than if they were simply reading in a book or listening to a lecture. (Penny Keener, Risk Management & Gaming, Educational Institute American Hotel & Lodging Association)

The online format features review quizzes at the end of each of the seven modules, and provides trainees with immediate feedback on their knowledge and understanding of the material presented. They can review areas where they need more study and practice before moving ahead to the next module. (Penny Keener, Risk Management & Gaming, Educational Institute American Hotel & Lodging Association)

#### **Comment #3:**

We always felt very strongly that classroom training is the most effective way to teach server training. However, in these days of expanding technology we realize that it is not practical in every situation. We also realize there are some individuals that do not do well in a classroom, but do better learning online. (Lance Binoniemi, Executive Vice President, National Hospitality Institute)

#### **Comment #4:**

We at #1 ALERT absolutely believe that an online option should be available for standardization of the teaching methods used by the providers to guarantee that all members of our communities

that go through the training and become certified are receiving the same quality, engaging, and important knowledge necessary to conduct responsible alcohol service. (David Minasyan, Director of Business Development, National Licensing Association)

**Comment #5:**

Students will not be able to ask questions or participate in important discussions brought on by the current MAST program. Learning styles differ from student to student. An online program would not serve all learning styles.

**Comment #6:**

For first-time permit holders, have them attend a live class. On-line programs should be for renewals only. The reason being those who have never worked in the Alcohol Industry need to be able to hear first hand experiences about the service of alcohol and the devastation it can bring. Many of my students who are getting a permit for the first time have never tasted alcohol let alone ever been intoxicated. Many of the students have the impression that the whole intent of them serving alcohol is to get the guest intoxicated. They are not going to get the impact from an on-line course that a "Live" instruction will impart. (Len Riggs Len Riggs Alcohol Server Training)

**Comment #7:**

I am writing to voice my adamant opposition to the idea of on-line MAST training. The most redundant excuse expressed for doing this is "learning styles are different today". I won't disagree with that statement – but just look where our education is today – in the crapper!! (Carol Mihalow, Alcohol Certification Training)

The whole purpose for these classes is to reduce the number of deaths, injuries, and money spent on alcohol misuse. An on-line class will NOT be very effective in making a difference. People will go on-line and get the class over with as fast as possible without really paying attention and retaining a good portion of the information. Over the 9 years I have been teaching MAST classes, I have had thousands of students tell me this was the best and most informative class they had taken. I don't have students falling asleep as so often happens with the videos according to many of my students. (Carol Mihalow, Alcohol Certification Training)

**Comment #8:**

Everyone, including the big providers, agreed that in-person classes were better. I know that when I teach a class, I deal with all the concerns and situations that apply to those people. I make sure that they can use and apply what they are learning in their environment, as well as in general. Sometimes that means discussing, sometimes drilling what to say in difficult situations. (Linda Hall, Alcohol Responsibility Training)

**Response:**

The Board has expressed their desire to provide for an online alternative delivery for MAST training. For on-line program certification, the applicant must show that his or her program works for all styles and ages.

Online training facilitates learning for students. This will provide flexibility for the student to choose the method that is most suitable for their learning needs. Further, for those students in rural Washington communities, it will add access to this important training. This proposal requires the online program to offer everything the classroom does including student participation. Online program certification also requires that online program providers have a staff available for questions and answers during business hours.

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### Accessibility and Convenience of On-Line Programs

**Comment #9:**

The WRA is comfortable with the proposed rule changes. Moving forward with the optional on-line training is a big step in improving access and cost, leading to better safety. (Lyle Hildahl, director, Education Foundation, Washington Restaurant Association)

**Comment #10:**

Online training is made available to those that don't have easy access to a classroom. (Lance Binoniemi, Executive Vice President, National Hospitality Institute)

**Comment #11:**

We support online training as it is often more convenient to participants than attending a classroom session. In some cases, such as during inclement weather, in geographically hard-to-reach regions, and as a certification renewal, online training is the best option for a participant. (Gary Roberson, Manager, Government Relations Manager, Health Communications Inc.)

**Comment #12:**

We at #1 ALERT absolutely believe that an online option should be available for the public for convenience. The online option will help individuals from rural parts of the state to become certified without commuting long distances. This will contribute to an overall increase in participation and decrease in alcohol related problems. (David Minasyan, Director of Business Development, National Licensing Association)

**Comment #13:**

Not all people are computer literate or have access to computers.

**Comment #14:**

I really think that on-line classes serve a purpose for rural areas, where trainers are scarce, but not in places like Seattle and Spokane that have many, many options for classes. It's very easy to find a real face to face class that will have a better result. (Linda Hall, alcohol responsibility training)

**Response:**

The new rule simply adds the online training option and it does not eliminate the classroom training. Again, students will make the selection based on their needs.

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## Proctoring On-Line Tests

### **Comment #15:**

We respectfully request that you reject proctoring or having someone present during the testing phase as it will defeat the purpose of offering online training. (Gary Roberson, Manager, Government Relations Manager, Health Communications Inc.)

### **Response:**

The LCB is not proposing to have a proctor during the testing.

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## Records Retention and Security

### **Comment #16:**

Adding the requirement that records and information be secured and shifting responsibility from trainers to providers closes the door to potential liability and identity theft. (Lyle Hildahl, director, Education Foundation, Washington Restaurant Association)

### **Comment #17:**

We are very concerned about your recommendations to:

1. Require all permit information to be kept with MAST providers.
2. Require all providers to redact Social Security numbers for current records.
3. Addition of requirements to industry standards.

These requirements would impose significant burdens on providers. We believe these items should be thoroughly outlined before adoption. We therefore respectfully suggest that action on these items be postponed until their impacts upon providers are better understood. (Gary Roberson, Manager, Government Relations Manager, Health Communications Inc.)

### **Response:**

Providers are responsible for the actions of their trainers at all times. This new rule will ensure safe keeping of all records and protection of student identity. In consideration of the possible impact to providers, the proposal to redact social security numbers from the past records was removed.

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## Wants of the Public, Providers, and Trainers

### **Comment #18:**

Alcohol Liability Education Services (ALES) have every intention of putting our program online; we have actually wanted to that for some time. (D'Ann Davis, Director, Alcohol Liability Education Services)

**Comment #19:**

According to our own survey, 352 people chose online option out of 550 people. 28 out of 37 managers preferred the online option for MAST certification for their staff. Virtually every university (both public and private) in Washington State and in the US offer online degree programs, including BAS, MBAs, EMBAS, etc. (David Minasyan, Director of Business Development, National Licensing Association)

**Response:**

No response necessary.

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Economic Impacts and Fairness to Business

**Comment #20:**

It also seems important that the body that suggested putting the program online- National Restaurant Association- does not set the requirements, for then, they may be the only organization able to meet the deadlines-since they have already met those requirements. (D'Ann Davis, Director, Alcohol Liability Education Services)

**Comment #21:**

If only the Restaurant Association will be able to implement the program, it will create a monopoly, and put the majority of the small providers out of business. TIPS and other providers stated they weren't able to participate in Oregon's program because of the extreme validation and security requirements. Are you planning on the same requirements as Oregon with the same result? (Nancy Nelson, Alcohol Awareness Advocate)

**Comment #22:**

Elimination of many jobs for providers and trainers. Our economy is suffering enough without eliminating jobs.

**Comment #23:**

Before the on-line curriculum is approved and opened for Providers to submit a program, I feel that to make the playing field level, a time table should be applied of at least 9-12 months before live on-line training can begin as that will allow all providers to have a chance to put a program together. As mentioned by WRA / TIPS/ Techniques of Alcohol Management and Dr. Dresser in the meeting on July 30<sup>th</sup> it took them around 18 -24 months to develop their Programs. (Len Riggs Len Riggs Alcohol Server Training)

**Comment #24:**

Most of us cannot compete with the "big dogs" who have invested \$200,000 in their online classes (*i.e.*, the out of state folks that were at the original presentation). So, yeah, a level playing field sounds good to me. Why are we letting all these out of state people take over when

we can do a much better job face to face? (Linda Hall, alcohol responsibility training)

**Response:**

While LCB staff and the Board recognize the concerns raised by classroom programs, the LCB is also concerned with providing options to maximize the availability of the MAST program. The LCB also thinks the authorization of online MAST is consistent with the Governor's desire to make services available online wherever possible. The new rules add an online training option and do not eliminate classroom training option.

Washington liquor laws and requirements differ from other states and systems. Oregon's program is different. Unlike Washington, Oregon administers the program more directly including the issuance of permits.

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Costs and Benefits to the WSLCB

**Comment #25:**

The online option will help the state of Washington to save money and time on provider class monitoring. Instead of commuting to the trainer class location, the LCB can just log-in for free and go through the class in the convenience of the office or home. (David Minasyan, Director of Business Development, National Licensing Association)

**Comment #26:**

We support the ruling to make the MAST available as an online option. The online option will significantly assist the WSLCB to efficiently monitor and enforce quality and standard of MAST statewide as well as enable the hospitality industry to easily comply with the MAST mandate, thus increasing program participation and effectiveness in providing a more educated, aware, and prevention focused mindset that will contribute to an increase of public safety. (David Minasyan, Director of Business Development, National Licensing Association)

**Response:**

No response necessary.

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Identity Verification and Security

**Comment #27:**

Unsupervised testing can lead to cheating. (Christine MacKey, Alcohol Training Program)

**Response:**

For the Board's online program certification, providers must be able to guarantee student identity. Examples of the recommended methods would be aborting the exam session if it stays idle for 30 minutes or more and/or questions that confirm the student's identity. No system, on-line or classroom is absolutely secure from potential fraud, but reasonable security measures are included.

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## Continuing Education for Providers and Trainers

### **Comment #28:**

I agree that trainers must continue education on the laws for Washington State. However, I would ask that workshops offered be more frequent to accommodate schedules. All of the trainers at the Bartending College work multiple jobs and all cannot attend the same workshop held on the same date. Quarterly workshops would be helpful to schedule trainers around their work schedules. (Angela Levenda, Director Bartending Academy)

### **Comment #29:**

The continuing education requirement insures fresh updated information is delivered and trainers are motivated to keep informed and engaged. (Lyle Hildahl, director, Education Foundation, Washington Restaurant Association)

### **Response:**

The proposed rules offer trainers learning options which are more accommodating: provider-sponsored workshops including online or long distance training in lieu of Board provided conferences.

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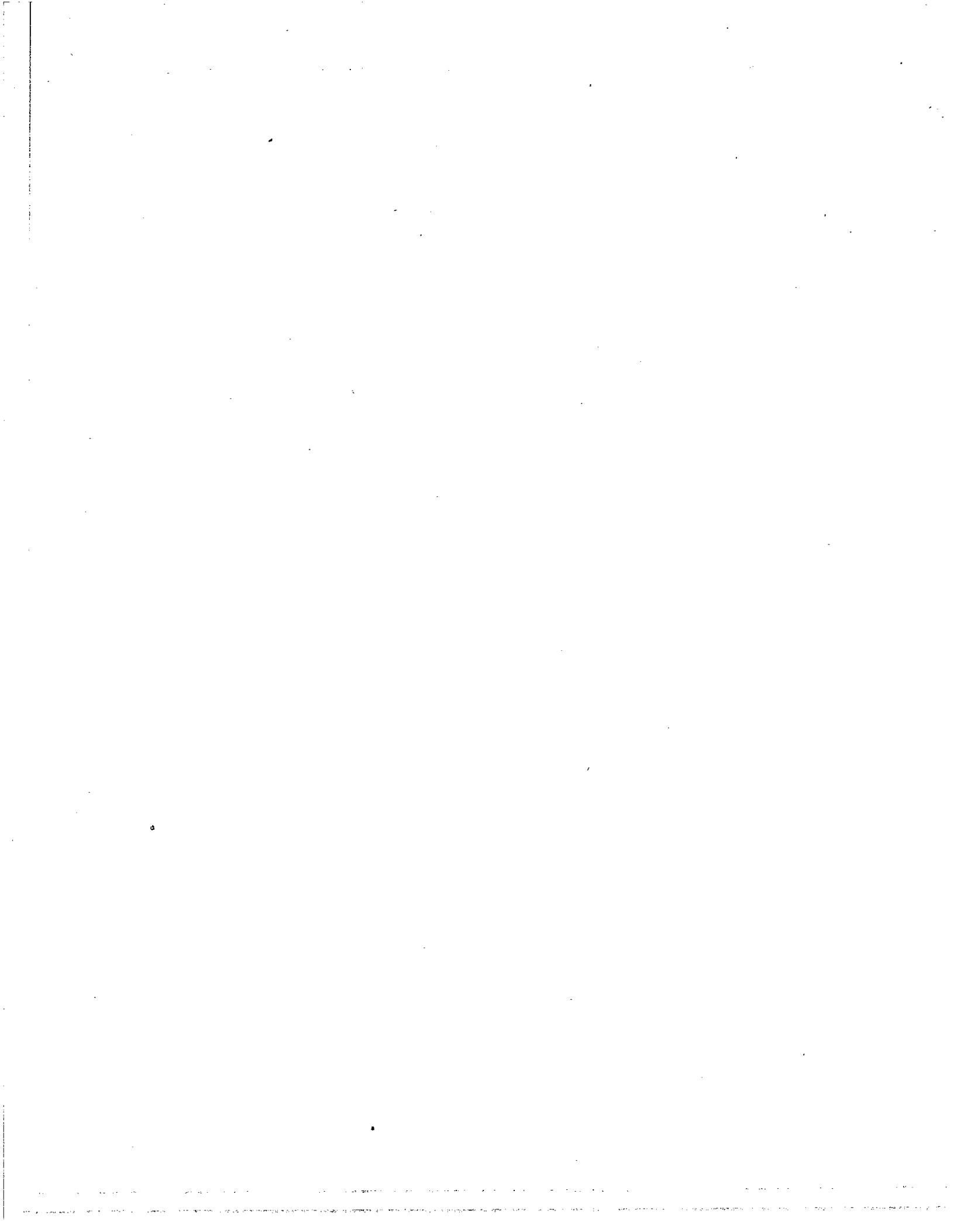
## Enforcement

### **Comment #30:**

I also propose that the WSLCB institute stronger sanctions for providers and trainers that are just starting a new program, are on probation, are in the probationary stage, or do not follow the minimum 3-hour class requirement. (Len Riggs Len Riggs Alcohol Server Training)

### **Response:**

The proposed rules added that the WSLCB, at its discretion and in consideration of public safety, may also consider criminal history (see WAC 314-17-070), administrative violations, patterns of misconduct, and other applicable occurrences or circumstances when deciding to approve, deny, suspend or revoke a trainer's certification.





AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

**WAC 314-17-005 What is the purpose of this chapter?** (1) RCW 66.20.300 through 66.20.350 set up a mandatory alcohol server training program. These laws require persons who serve, mix, sell, or supervise the service of, alcohol for on-premises consumption to hold one of two permits(~~(7)~~) as outlined in this chapter.

(2) This chapter (~~outlines how a person receives these permits, and how a person can~~) explains how a person receives a class 12 or 13 permit, and how a person may become certified to provide alcohol server training.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

**WAC 314-17-010 Definitions.** The following definitions (~~are to~~) clarify the purpose and intent of the (~~rules and~~) laws and regulations governing mandatory alcohol server training and chapter 314-17 WAC. Additional definitions are in RCW 66.04.010 and 66.20.300.

(1) (~~A "permit holder" is a person who holds either a Class 12 mixologist or a Class 13 server permit. The permit is the property of the permit holder, and can be used at any liquor licensed establishment.~~

(2) A "provider" is an individual, partnership, corporation, college, educational institute, or other bona fide legal entity that the board certifies to provide a board approved alcohol server education course (per RCW 66.20.300). The provider is a training entity.

(3) A "trainer" is an individual employed or authorized by a provider to conduct an alcohol server education course. Upon the successful completion of the course, the student will receive a Class 12 mixologist or Class 13 server permit from the trainer.)) "Alcohol server education program," "mandatory alcohol server training," or "mandatory alcohol server training program" means the set of policies and procedures developed and administered by the board to educate servers and enforce state liquor laws and regulations.

(2) "Permit holder" means a person who holds either a class 12 or 13 permit.

(3) "Provider" means a "training entity," as defined in RCW 66.20.300.

(4) "Retail licensed premises" means any:

(a) Premises licensed to sell or serve alcohol by the glass, by the drink, by samples or in original containers, primarily for consumption on the premises as authorized by RCW 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.450, 66.24.540, 66.24.570, 66.24.580, 66.24.590 or 66.24.600;

(b) Distillery or craft distillery, licensed pursuant to RCW 66.24.140 or 66.24.145, that is authorized to serve samples of its own production; or

(c) Facility established by a domestic winery for serving or selling wine pursuant to RCW 66.24.170(4).

(5) "Student" means an individual enrolled in a class 12 or 13 training course.

(6) "Trainer" means an individual employed or authorized by a provider to conduct a training course.

(7) "Training course" means a board-certified mandatory alcohol server training class.

(8) "Training program" means a provider's curriculum administered by a provider or a trainer.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

**WAC 314-17-015 What are the two types of alcohol server training permits?** There are two types of permits for persons who serve ~~((alcohol for on-premises consumption, or who supervise the sale of alcohol for on-premises consumption:))~~, mix, sell, or who supervise the sale of, alcohol for on-premises consumption.

<p><b>((1) Per RCW 66:20.310, a Class 12 mixologist permit is required for liquor licensees or their employees who:</b></p>	<p><b>—(2) Per RCW 66:20.310, a Class 13 server permit is required for persons who:</b></p>
<p>—(a) Manage a premises licensed to sell alcohol beverages for on-premises consumption;</p> <p>—(b) Act as a bartender for selling or mixing alcohol beverages which may include spirits, beer, and/or wine for on-premises consumption; and/or</p> <p>—(c) Draw beer and/or wine from a tap and/or spirits from a dispensing device at an establishment licensed to sell liquor for on-premises consumption.</p> <p>(d) A Class 12 mixologist permit holder must be at least twenty-one years of age.</p> <p>(e) A Class 12 mixologist permit includes the authority to act as a server, under the Class 13 server permit.</p> <p>(f) See RCW 66:20.310(7) for exceptions for employees of grocery stores that have an on-premises liquor license.</p>	<p>—(a) Take orders for alcohol beverages to be consumed on-premises;</p> <p>—(b) Deliver alcohol beverages to customers for consumption on-premises; and/or</p> <p>—(c) Open and/or pour beer or wine into a customer's glass at the customer's table.</p> <p>—(d) A class 13 server permit holder must be at least eighteen years of age.)</p>

<u>Class 12 permit</u>	<u>Class 13 permit</u>
(1) <u>A class 12 permit holder must be at least twenty-one years of age.</u>	(5) <u>A class 13 permit holder must be at least eighteen years of age.</u>
(2) <u>A class 12 permit is required for any person who:</u>	(6) <u>A class 13 permit is required for any person who:</u>
(a) <u>Manages a premises licensed to sell alcoholic beverages for on-premises consumption;</u>	(a) <u>Takes orders for alcoholic beverages for on-premises consumption;</u>
(b) <u>Sells, mixes or draws from a dispensing device alcoholic beverages for on-premises consumption; or</u>	(b) <u>Delivers alcoholic beverages to customers for on-premises consumption; or</u>

Class 12 permit	Class 13 permit
(c) <u>Supervises a class 13 permit holder.</u>	(c) <u>Opens or pours beer or wine into a customer's glass at a customer's table.</u>
(3) <u>A class 12 permit includes all authorities granted under a class 13 permit.</u>	(7) <u>See RCW 66.20.310 for exceptions for grocery store employees.</u>
(4) <u>See RCW 66.20.310 for exceptions for grocery store employees.</u>	

~~((3))~~ (8) Upon ~~((the))~~ a temporary absence of a ~~((Class 12 mixologist permit holder, a Class 13 server permit holder who is at least twenty-one years of age may perform the functions of a Class 12 permit holder until a Class 12 permit holder can arrive to fulfill those duties, but in no event for more than thirty consecutive days))~~ class 12 permit holder, a class 13 permit holder may perform the functions of a class 12 permit holder until a class 12 permit holder arrives to fulfill those duties provided that a class 13 permit holder:

(a) Is twenty-one years of age or older; and

(b) Functions as a class 12 permit holder for no more than thirty calendar days per year.

AMENDATORY SECTION (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

**WAC 314-17-020 How long are ~~((the))~~ class 12 and 13 permits good for~~((, and how does a permit holder renew))~~?** (1) Class 12 ~~((mixologist))~~ and ~~((Class))~~ 13 ~~((server))~~ permits are valid for five years. ~~((The permits expire))~~ A class 12 or 13 permit expires on the first day of the month, five years following the month ~~((the person successfully completed the alcohol server education course))~~ a student passes the standardized exam. For example, if a student passes the standardized exam on June 15, 2010, his or her class 12 or 13 permit will expire on July 1, 2015.

(2) ~~((In order to renew the permit, the mixologist or server must attend an alcohol server education course given by a board certified trainer or provider prior to the expiration of the permit.))~~ A permit holder must retake a class 12 or 13 training course and pass the standardized exam to obtain a subsequent class 12 or 13 permit.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

**WAC 314-17-025** ~~((Do))~~ Does a permit holder(s) have to carry ((their)) his or her class 12 or 13 permit ((with them))? (1) Any time a licensee or an employee ~~((is performing))~~ performs the duties outlined in WAC 314-17-015, ~~((the person))~~ a licensee or an employee must have:

(a) ~~((Their Class 12 mixologist or Class 13 server permit on the premises,))~~ His or her class 12 or 13 permit on a licensed premises; and

(b) One ~~((piece))~~ form of identification (see RCW 66.16.040 for acceptable forms of identification ((are outlined in RCW 66.16.040))).

(2) Both ~~((the))~~ a class 12 or 13 permit and ~~((the))~~ a form of identification must be available for inspection by any representative of the board, peace officer or law enforcement officer.

(3) ~~((It will be considered a violation of this section for any person to:~~

(a) ~~Falsify a Class 12 mixologist or a Class 13 server permit, or~~

(b) ~~Keep or possess a Class 12 mixologist permit or a Class 13 server permit contrary to the provisions of this title)~~ A person shall be in violation if he or she falsifies a class 12 or 13 permit or keeps or possesses a class 12 or 13 permit contrary to the provisions of this title.

(4) The name and personal identifying characteristics on a class 12 or 13 permit must match with those on a permit holder's form of identification.

AMENDATORY SECTION (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

**WAC 314-17-030** Are employers responsible ((to ensure that their employees hold an alcohol server permit)) for ensuring that their employees have class 12 or 13 permits? ~~((All licensees who hold))~~ Yes. Any person who holds a license to sell liquor for on-premises consumption must ensure that any person ~~((that))~~ who engages in the sale or service of liquor, or who supervises such activities, has a current and valid class 12 ((mixologist)) or ((Class)) 13 ((server)) permit within sixty calendar days of the date of hire. See RCW 66.20.310~~((+7))~~ for exceptions for grocery stores that have an on-premises liquor license.

(1) ~~((The permit must be in the same name and with the same identifying characteristics as indicated on the permit holder's identification (acceptable forms of identification are outlined in WAC 314-11-025).~~

~~(2) Per WAC 314-11-040, a person twenty one years of age or older)) A class 12 permit holder must be on ((the)) a licensed premises to supervise the sale, service, and consumption of liquor. ((3) The)) (2) A class 12 or 13 permit is the sole property of ((the)) a permit holder.~~

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

**WAC 314-17-035 How are lost class 12 and 13 permits replaced?**  
To replace a lost ~~((Class 12 mixologist or Class 13 server permit, the))~~ class 12 or 13 permit or to replace a class 12 or 13 permit because of a name change, a permit holder ((can)) must:

- (1) Contact the provider or trainer who issued the class 12 or 13 permit; or
- (2) ~~((Submit an affidavit of lost permit on a form provided by the board to the licensing and regulation division with a fee as prescribed by))~~ Complete a class 12 or 13 permit replacement form, and submit that form and the appropriate fee to the board. The board will ((cancel the lost permit and issue a replacement)) issue a new class 12 or 13 permit, which will have the same expiration date as the original class 12 or 13 permit.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

**WAC 314-17-040 ((Can Class 13 server permit holders upgrade to a Class 12 mixologist permit when they turn twenty-one?)) May an eighteen to twenty year-old student who takes and passes a class 12 training course upgrade to a class 12 permit upon turning twenty-one without retaking the training course?** ~~((Class 12 mixologist permits are only issued to persons twenty one years of age or older. Therefore, any eighteen, nineteen, or twenty year old person who successfully completes a Class 12 mixologist class will be issued a Class 13 server permit.~~

~~(1) Upon turning twenty one years of age, the server may contact the provider or trainer who issued the permit and receive an upgraded Class 12 mixologist)) Yes.~~

(1) An eighteen, nineteen or twenty year-old person may take a class 12 training course and pass the corresponding exam; however, he or she may be issued only a class 13 permit. Upon turning twenty-one years of age, such a person who obtains a class 13 permit after taking and passing a class 12 training course and exam may request that a provider or trainer upgrade his or her

class 13 permit to a class 12 permit.

(2) The expiration date of ((the permit will remain five years from the date of the original class)) an upgraded class 12 permit shall be the same expiration date as the original class 13 permit.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

**WAC 314-17-045 How do I get a class 12 ((mixologist)) or ((a Class)) 13 ((server)) permit in Washington if I was trained in another state? ((1) Per RCW 66.20.320(10), if you have completed an alcohol server education course in another state since July 1, 1993, and the course is also certified in Washington state, you may receive a Class 12 mixologist or a Class 13 server permit in Washington by completing the provider's Washington state supplement to the program. This supplement will cover Washington state liquor laws and regulations. (You can contact the board's licensing and regulation division to find out if the course you completed is certified in Washington.)**

~~(2) The provider will issue you a Washington state permit, which will expire five years from the first day of the month following the date the original class was taken. (For example, if you completed the program in another state on June 15, 1996, the Washington permit will expire on July 1, 2001.)~~ (1) If a person completes an alcohol server training course in another state and a training course is also certified in the state of Washington, he or she may receive a class 12 or 13 permit in Washington by completing the provider's board-certified Washington state supplement to the program and passing the standardized exam.

(2) A trainer or provider shall issue a class 12 or 13 permit, which will expire five years from the first day of the month following the date an original training course was taken. For example, if you complete a training course on June 15, 2010, your class 12 or 13 permit will expire on July 1, 2015.

AMENDATORY SECTION (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

**WAC 314-17-050 How ~~((can a person receive certification as a Class 12 mixologist or Class 13 server permit))~~ do I become a provider? ((An individual, partnership, corporation, college, educational institute, or other bona fide legal entity may apply to be certified by the board to become a Class 12 mixologist and/or a Class 13 server permit provider.**

~~(1) In order to get a course certified, the proposed provider must submit the following information to the board's licensing and regulation division:))~~ (1) Application process, application materials, and briefing. To become a provider, you must submit an application to the board and brief board staff on the proposed training program. Application materials shall include:

- ~~(a) A completed application form provided by the board;~~
- ~~(b) A copy of the proposed curriculum for the training program (see WAC 314-17-060);~~
- ~~(c) A copy of all audio, video, on-line, and instructional materials that will be used in the ((course)) training program;~~
- ~~(d) A copy of all printed ((materials that will be provided to participants as part of the course; and)) or printable (as in the case of an on-line training course) materials that will be provided to a student;~~
- ~~(e) An explanation of the examination procedures necessary to pass ((the)) a training course;~~
- ~~(f) An explanation of how a student's identity shall be ensured for an on-line training course;~~
- ~~(g) A plan describing how a provider shall assess a trainer's work performance;~~
- ~~(h) A trainer's manual; and~~
- ~~(i) Documentation demonstrating a trainer's qualifications and education to teach a training course in the state of Washington.~~

~~(2) ((The board's licensing and regulation division will respond to the request for certification within forty five days of receipt of the material.))~~ The board will respond within forty-five calendar days of receipt of the application materials, at which point the board will either:

- ~~(a) Issue ((a letter of certification which will be valid for five years, or~~
- ~~(b) Provide a letter outlining what additions or changes need to be made to the course to meet the requirements outlined in this title. If the additions or changes are not received by the licensing and regulation division within thirty days, the application for course certification will be withdrawn.~~

~~(3) (a) Upon certification of the program, the board will provide the standardized exam to be used for all training conducted. Trainers may use existing, board-approved exams until January 1, 2005.~~

~~(b) With board approval, trainers may provide an additional exam or add questions to the standardized exam, as long as the questions on the standardized exam are not altered and are left in the same order.~~

~~(4) The board or its designee may attend any class provided by certified providers and their trainers at no charge, in order to evaluate the course for conformance with this title.~~

~~(5) The provider must receive prior approval from the board's licensing and regulation division before making any changes to the course content or method of presentation that has been certified by the board.~~

~~(6) Providers who wish to renew their program must submit a~~



~~complete program to the board's mandatory alcohol server training program manager at least forty-five days prior to expiration of their certification, as outlined in subsection (2) of this rule.~~

~~(7) The board may consider any information pertaining to a provider or trainer's certification in any state, including any certification suspensions or revocations in the past five years)) certification; or~~

~~(b) Specify what additions or changes to make to a training program. If additions or changes are not received by the board within thirty calendar days, an application will be withdrawn.~~

~~(3) **Temporary certification.** The board may issue temporary certification once an applicant submits an application and briefs board staff.~~

~~(a) Temporary certification is valid for up to six months. During this time period, an applicant may adjust a training course outline or method of presentation without prior board approval provided that a training course continues to meet the standards set in WAC 314-17-060.~~

~~(b) The board may immediately revoke temporary certification if, in the board's opinion, an applicant fails to comply with a lesson plan as submitted and approved or with any of the requirements of this title.~~

~~(c) An applicant who fails to obtain permanent certification during the six-month temporary certification period shall be subject to the discontinuance of business requirements specified in subsection (10) of this section.~~

~~(4) The board may consider any information pertaining to a provider's certification in any state, including any certification suspensions or revocations in the past five years. The board, at its discretion and in consideration of public safety, may also consider criminal history, administrative violations, patterns of misconduct, and other applicable occurrences or circumstances when deciding to approve, deny, suspend or revoke a provider's certification.~~

~~(5) **Appeal rights.** See WAC 314-17-115.~~

~~(6) **Standardized exam.**~~

~~(a) Upon certification of a training program, the board will provide a standardized exam to be used for all training courses.~~

~~(b) With board approval, a provider or trainer may provide an additional exam or add questions to the standardized exam.~~

~~(c) The board or its designee may attend any in-person training course or take any on-line training course at no charge for evaluation purposes.~~

~~(7) A provider must receive approval from the board before making any changes to training course content or method of presentation.~~

~~(8) **Qualifying and continuing education.**~~

~~(a) A provider must ensure that its trainers are qualified to teach a training course in the state of Washington, and that its trainers are current of new Washington state laws and regulations and science and industry advances pertaining to alcohol service. As part of this effort, a trainer must attend a board-provided~~

conference or a provider-sponsored education workshop, or complete an equivalent professional on-line or long distance program, before receiving certification and then at least once every five years thereafter.

(b) At a minimum, an education or continuing-education conference, workshop or program shall address Washington state liquor laws and regulations, mandatory alcohol server training rules and procedures, and legal liabilities for servers.

(c) The board may conduct at least one seminar in each provider-sponsored education workshop performed in the state of Washington.

(d) A provider must obtain documentation that verifies a trainer's completion of an education or continuing-education conference, workshop or program, as well as documentation showing the subjects covered at such conference, workshop or program (see WAC 314-17-085).

(e) A provider must supply a trainer with a trainer's manual. A provider must also revise a manual within thirty calendar days following:

(i) The effective date of a new applicable state law or regulation; or

(ii) Receipt of new or updated information from the board.

(9) **Certificate expiration and recertification.** Each certification is valid for up to five years. A provider may be recertified by reapplying at least forty-five days prior to expiration and in accordance with subsections (1) and (2) of this section.

(10) **Discontinuance of business.** When a provider discontinues its training program, a provider must reconcile class 12 and 13 permit form records to the board's satisfaction and return all unused class 12 and 13 permit forms to the board.

AMENDATORY SECTION (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

**WAC 314-17-060 What are the course standards (~~for Class 12 mixologist and Class 13 server permits~~), course content, and other requirements for class 12 or 13 training programs?**

~~((1) Requirements for a Class 12 mixologist permit course~~

~~— (a) The course of instruction must be at least three hours in length. The course may be by video or audio-visual presentation together with facilitation by an authorized provider or trainer.~~

~~— (b) In addition to meeting the requirements of RCW 66.20.320 (1)(d), the course must contain a standard workbook that covers the specifics of Washington liquor laws and regulations as they relate to:~~

	<ul style="list-style-type: none"> <li>— (i) Recognizing and dealing with intoxicated persons;</li> <li>— (ii) How to check identification;</li> <li>— (iii) Employment of persons under twenty-one years of age;</li> <li>— (iv) Legal hours of liquor sale and service;</li> <li>— (v) Prohibited conduct by patrons and employees;</li> <li>— (vi) Required signs in liquor licensed establishments;</li> <li>— (vii) Minimum lighting requirements; and</li> <li>— (viii) Administrative and criminal sanctions against liquor licensees and Class 12 and Class 13 permit holders.</li> </ul>
(2) Requirements for a Class 13 server permit course	<ul style="list-style-type: none"> <li>— (a) The course of instruction must be at least one hour in length. The course may be by video or audio-visual presentation of not less than thirty minutes together with facilitation by an authorized provider or trainer, or a sixty-minute self-teaching video.</li> <li>— (b) In addition to meeting the requirements of RCW 66.20.320 (1)(d), the course must contain a standard workbook that covers the specifics of Washington liquor laws and regulations as they relate to: <ul style="list-style-type: none"> <li>— (i) Recognizing and dealing with intoxicated persons;</li> <li>— (ii) How to check identification;</li> <li>— (iii) Employment of persons under twenty-one years of age;</li> <li>— (iv) Legal hours of liquor sale and service;</li> <li>— (v) Prohibited conduct by patrons and employees; and</li> <li>— (vi) Administrative and criminal sanctions against licensees and Class 13 server permit holders.</li> </ul> </li> </ul>
(3) Requirements and guidelines for both Class 12 mixologist and Class 13 server permit courses	<ul style="list-style-type: none"> <li>— (a) At the beginning of each class, the trainer must give each student: <ul style="list-style-type: none"> <li>— (i) An enrollment agreement that clearly states the obligations of the trainer and student, refund policies, and procedures to terminate enrollment;</li> <li>— (ii) A statement that says, "If you have questions, comments, or complaints about the program, please call the liquor control board" and includes the appropriate board telephone numbers; and</li> <li>— (iii) A notice that students must complete the course in order to take the exam.</li> </ul> </li> </ul>

~~(b) Students must complete [a] [the] written examination in the presence of the certified trainer that demonstrates the student is familiar with the liquor laws and rules outlined in subsections (1) and (2) of this rule. During the examination, trainees may not refer to any written or video material or have a discussion with another person during the exam (unless the instructor authorizes the student to use an interpreter).~~

~~(c) Providers or trainers may not suggest that the state of Washington, the board, or any state agency endorses or recommends the provider's program to the exclusion of any other program.)~~

Class 12 and 13 training courses shall have the standards and requirements as stipulated in RCW 66.20.320 and in this section.

(1) **Subjects.** Each class 12 or 13 training course and accompanying workbook shall include:

- (a) Those subjects listed in RCW 66.20.320;
- (b) Washington state liquor laws and regulations;
- (c) Employment of persons under twenty-one years of age;
- (d) Legal hours of liquor sale and service;
- (e) Prohibited conduct by patrons and employees;
- (f) Required signs in liquor-licensed establishments;
- (g) Minimum lighting requirements; and
- (h) Administrative and criminal sanctions against liquor licensees and permit holders, including permit suspension for delinquent child support payment.

(2) **Administrative materials.** Before beginning a class 12 or 13 training course, each student shall receive:

- (a) An enrollment agreement that clearly states the obligations of a trainer and a student, refund policies, and procedures to terminate enrollment;
- (b) A statement that says, "If you have questions, comments or complaints about the program, please contact the Liquor Control Board," and includes the appropriate board contact information; and
- (c) A notice that students must complete the entire training course before taking the standardized exam.

(3) A provider or trainer is prohibited from stating or implying that the state of Washington, the board or any other state agency endorses or recommends one provider's program over another's program.

(4) **Student evaluation of training course.** A student evaluation for each in-person or on-line training course is required. A trainer shall provide a separate course evaluation form to each student enrolled in an in-person training course, and a form shall include the board's contact information.

(5) **Exams.** Exams shall be administered following each class 12 or 13 training course.

(a) An exam must demonstrate a student's familiarity with all of the subjects listed in subsection (1) of this section.

(b) A student may not refer to any written, video or on-line material, or have an in-person or on-line discussion with another

person, during an exam. However, a trainer may allow a student to use an interpreter.

(c) The standardized exam shall have a minimum passing grade of eighty percent unless otherwise stipulated from the board.

(6) On-line training courses. The board allows class 12 and 13 on-line training courses subject to additional requirements.

(a) A provider must take extra measures to ensure the identity of each student. Mandatory extra measures include obtaining the log-in and log-off times (see WAC 314-17-085). Other ways to prevent fraudulent test taking may include, but are not limited to:

(i) Allowing a student to access an examination only once per training course;

(ii) Discontinuing an examination if it stays idle for thirty minutes or more or if another program is accessed; or

(iii) Asking each student personal identifying questions.

(b) A trainer shall be available to answer questions during standard business hours via the internet, telephone or some other method.

(7) Length of class. Excluding exam time, a class 12 training course shall be at least three hours in length, and a class 13 training course shall be at least one hour in length.

(8) Presentation method. The presentation method may be an in-class or on-line video.

(9) Student workbook.

(a) A student workbook must contain accurate, current, and complete information.

(b) A provider must update student workbooks and other training course material within thirty calendar days following:

(i) The effective date of a new applicable state law or regulation; or

(ii) Receipt of new or updated information from the board.

(c) The board may establish additional workbook standards or requirements as the board deems necessary.

AMENDATORY SECTION (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

**WAC 314-17-065 How does a provider receive certification for its trainers?** (1) To ~~((receive board certification for trainers to teach a course approved by the board, the provider must submit a form provided by the board to the board's licensing and regulation division.~~

~~(2) The provider will only contract with trainers who:~~

~~(a) Have a minimum of two years of post-secondary education in one or more of the following fields or a combination of the following fields, or equivalent years of experience)) certify one of its trainers, a provider must complete a form provided by and returned to the board.~~

(2) A provider will contract only with a trainer who:

(a) Has a minimum of two years of post-secondary education in, or equivalent years of work experience in, one or more of the following fields:

- (i) Training;
- (ii) Education;
- (iii) Law;
- (iv) Law enforcement;
- (v) Substance abuse rehabilitation; ((and/or
- ~~(vi) Hospitality industry.~~

~~(b) Hold a Class 12 mixologist permit; and~~

~~(c) Meet the criminal history requirements outlined in WAC 314-17-070.~~

~~(3) The board may consider any information pertaining to a provider or trainer's certification in any state, including any certification suspensions or revocations in the past five years.~~

~~(4) Prior to receiving certification, the applicant trainer must attend either:~~

~~(a) A board-approved train-the-trainer course provided by the MAST provider; or~~

~~(b) A briefing conducted by a liquor control board enforcement officer. Proof of the training must be submitted with the trainer registration form.~~

~~(5) The board's licensing and regulation division will respond to the request for trainer certification within thirty days of receipt of the request. The board will either:~~

~~(a) Issue a letter to the provider and each trainer that authorizes the trainer(s) to teach the approved course (the trainer's authorization expires on the date the provider's certification expires); or~~

~~(b) Send a letter to the provider outlining why an applicant trainer does not meet the qualifications outlined in this title.~~

~~(c) Trainers may not begin training certified alcohol server education courses until they receive their authorization letter from the board.~~

~~(d) Trainers must teach the provider's program as approved and may not change the method of presentation or course content without approval from the provider and the liquor control board's mandatory alcohol server training program manager.~~

~~(6) It is the responsibility of the approved provider to keep the board's licensing and regulation division informed of all current trainers.~~

~~(a) The provider must notify the board's licensing and regulation division within seventy-two hours of the termination of a trainer, or within seventy-two hours of when the provider is notified that a trainer has terminated his/her employment.~~

~~(b) For the hiring of new trainers, the provider can either:~~

~~(i) Notify the board's licensing and regulation division in writing of any new trainers within thirty days of the date of hire; or~~

~~(ii) Provide a list of all current trainers to the board's licensing and regulation division monthly.)) or~~

(vi) Hospitality industry;  
(b) Holds a class 12 permit;  
(c) Meets the criminal history requirements (see WAC 314-17-070); and

(d) Meets the continuing education requirements (see WAC 314-17-050).

(3) The board may consider any information pertaining to a trainer's certification in any state, including any certification suspensions or revocations in the past five years. The board, at its discretion and in consideration of public safety, may also consider criminal history (see WAC 314-17-070), administrative violations, patterns of misconduct, and other applicable occurrences or circumstances when deciding to approve, deny, suspend or revoke a trainer's certification.

(4) The board will respond to a request for trainer certification within thirty calendar days of receipt of a request, and then will either certify an applicant trainer or explain why an applicant trainer fails to meet the qualifications.

(5) A trainer may not begin to teach a training course until a trainer receives his or her certification from the board.

(6) A trainer must teach a provider's training program in its entirety as approved, and may not change the method of presentation or course content without approval from a provider and the board.

(7) It is the responsibility of a provider to keep the board informed of its current trainers. In this effort, a provider must notify the board within seventy-two hours of the termination of a trainer, or within seventy-two hours of when a provider is notified that a trainer has terminated his or her employment.

AMENDATORY SECTION (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

**WAC 314-17-070 What criminal history would prevent a person from receiving certification to be a trainer?** (1) ~~The ((board's licensing and regulation division may conduct a criminal history check on a person applying to be an alcohol server education trainer, using the point system below. The application may be denied if the applicant's criminal history totals eight or more points))~~ board may investigate the criminal history of a person applying for trainer certification. The board may also use a point system and deny an application if an applicant's criminal history totals eight or more points. Points are set as follows:

<b>Description</b>	<b>Time period during which points will be assigned</b>	<b>Points the board will assign</b>
<del>((Gross misdemeanor))</del> <u>Felony conviction</u>	<del>((Three))</del> <u>10</u> years	<del>((5))</del> <u>12</u> points

Description	Time period during which points will be assigned	Points the board will assign
<del>((Misdemeanor conviction involving alcohol))</del> <u>Currently under federal or state supervision for a felony conviction</u>	<del>((Three years))</del> <u>n/a</u>	<del>((4))</del> <u>3 points</u>
<del>((Misdemeanor conviction not involving alcohol))</del> <u>Gross misdemeanor conviction</u>	<del>((Three))</del> <u>3 years</u>	<del>((3))</del> <u>2 points</u>
Driving under the influence conviction	<del>((Three))</del> <u>3 years</u>	5 points
<del>((Reckless and/or negligent driving conviction - alcohol related))</del> <u>Misdemeanor conviction</u>	<del>((Three))</del> <u>3 years</u>	<del>((5))</del> <u>4 points</u>
<del>((Reckless and/or negligent driving conviction - not alcohol related))</del> <u>Nondisclosure of any of the above</u>	<del>((Three years))</del> <u>n/a</u>	4 points
<del>((Hit and run, attended conviction</del>	<del>Three years</del>	<del>5 points</del>
<del>Two to five failures to appear for court conviction</del>	<del>Three years</del>	<del>4 points</del>
<del>Six or more failures to appear for court conviction</del>	<del>Three years</del>	<del>8 points</del>
<del>Felony conviction</del>	<del>Five years</del>	<del>12 points</del>
<del>On parole from a felony</del>	<del>n/a</del>	<del>8 points</del>
<del>Nondisclosure of information requested by the board</del>	<del>n/a</del>	<del>4 points each, PLUS the points of the fact which was not disclosed</del>
<del>Misrepresentation of fact to the board</del>	<del>n/a</del>	<del>8 points, PLUS the points of the fact which was not disclosed))</del>

(2) For pending criminal charges that would score eight or more points in the event of conviction, the ~~((board's licensing and regulation division will hold the trainer's application pending disposition of the matter. If the matter is not resolved within ninety days, the board will withdraw the application.~~

~~(3) A person whose application to become an alcohol server education trainer is denied by the licensing and regulation division due to a criminal history may request an adjudicative hearing under the provisions of the Administrative Procedure Act (chapter 34.05 RCW). At the board's discretion it may elect to conduct the adjudicative hearing itself or it may assign the matter to the office of administrative hearings)) board shall postpone its approval or denial decision pending disposition of the matter. If the matter remains unresolved after ninety calendar days, the board will withdraw an application.~~

(3) Appeal rights. See WAC 314-17-115.



AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

**WAC 314-17-075 How does a provider ((or trainer)) get class 12 ((mixologist and Class 13 server permits to issue to course participants)) or 13 permit forms?** ((1) Authorized providers and trainers of certified programs may order Class 12 mixologist and Class 13 server training permits from the board's licensing and regulation division, to issue to students who successfully complete an approved course (see WAC 314-17-080(3) regarding eighteen, nineteen, and twenty year old students who complete a Class 12 mixologist course).

(2) ~~The permits must be ordered on a form provided by the board. The board will charge a nominal fee in order to cover its costs to produce the permits.)~~ A provider (or a trainer with authorization from a provider) may purchase class 12 or 13 permit forms by submitting an order form to the board.

AMENDATORY SECTION (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

**WAC 314-17-080 What ((are the age requirements for trainees to receive, and trainers to issue, Class 12 mixologist and Class 13 server permits)) should a provider or a trainer do when a class 12 or 13 permit is issued in error?** (1) ((Class 12 mixologist permits are only issued to persons twenty one years of age or older. Therefore, any person who is eighteen, nineteen, or twenty years of age who successfully completes a Class 12 mixologist course will be issued a Class 13 server permit.

(2) ~~Class 13 server permits may only be issued to persons eighteen years of age and older.~~

(3) ~~Upon turning twenty one years of age, a Class 13 server permit holder may receive an upgraded Class 12 mixologist permit from the provider or trainer who issued the permit. The expiration date of the permit will remain five years from the date of the class.~~

(4)) If a provider or trainer issues a class 12 ((mixologist)) permit in error to a ((person)) student under twenty-one years of age, ((the)) a provider or trainer must ((take the following steps:)) initiate corrective actions within one business day of discovery of an error.

(a) Contact ((the permit holder)) a student and notify ((him/her)) him or her that ((the)) a permit was issued in error((7)).

(b) Retrieve the original class 12 ((mixologist)) permit from ((the permit holder, and)) a student.

(c) Issue ((the correct)) a class 13 ((server)) permit ((only after receiving the original Class 12 mixologist permit that was

issued in error)) provided that a student is at least eighteen years of age.

~~(d) ((Within thirty days of the date the permit was issued in error, or of being notified by the board of the error, the provider or trainer must.~~

~~(i)) Provide the tear-off portion of ((the)) a corrected class 13 ((server)) permit to the ((board's licensing and regulation division; or)) board.~~

~~((ii)) If unable to contact ((the permit holder)) a student and issue a corrected permit, ((the)) a provider or trainer ((can provide the board's licensing and regulation division)) must provide the board with proof that a certified letter was sent to ((the trainee)) a student who received ((the)) a class 12 ((mixologist)) permit in error.~~

~~((5)) (2) If a provider or trainer issues a class 13 ((servers)) permit in error to a ((person)) student under eighteen years of age, ((the)) a provider or trainer must ((take the following steps:)) initiate corrective actions within one business day of discovery of the error.~~

~~(a) Contact ((the permit holder)) a student and notify ((him/her)) him or her that ((the)) a class 13 permit was issued in error.~~

~~(b) Retrieve ((the original)) a class 13 ((server)) permit from ((the permit holder)) a student.~~

~~((i)) If unable to contact ((the permit holder)) a student and retrieve ((the)) an invalid class 13 permit, ((the)) a provider or trainer must provide the ((board's licensing and regulation division)) board with proof that a certified letter was sent to ((the trainee informing the trainee the)) a student informing him or her that a class 13 permit was issued in error and that serving liquor with ((the)) an unauthorized permit may be cause for a criminal citation.~~

AMENDATORY SECTION (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

**WAC 314-17-085 What records ((does the)) must a provider or trainer ((need to provide)) submit to the board or keep on file?**

~~(1) A ((list of the individuals receiving the class 12 or class 13 permits must be forwarded to the board's licensing and regulation division within three calendar days of the completion of the class.~~

~~(2) Within thirty days of all training classes, the provider or trainer must give all class participants who successfully pass the exam their permit and submit the tear-off portion of the permit form, completed in full, for all Class 12 and/or Class 13 permits issued to the board's licensing and regulation division.~~

~~(3) The following information must be kept at the trainer's place of business, available for inspection and copying by board~~

employees, for a period of five years:

~~(a) Copies of all Class 12 and/or Class 13 permits issued by the provider or authorized trainers (electronic records may be kept in lieu of hard copies of the permit forms for those programs using an automatic upload process); and~~

~~(b) All course presentation information, including the location, date, and time of every class given, together with the names of the trainer and names of students that attended each class.~~

~~(4) The provider or trainer must provide the following information to the board or its designee upon request:~~

~~(a) Advance notice of any classes that have been prescheduled; and~~

~~(b) Copies of program publications, brochures, pamphlets, scripts, or any other advertising materials related to the alcohol server training course) provider (or a trainer on a provider's behalf) shall submit a list of students receiving class 12 or 13 permits, along with additional training course information, to the board within thirty calendar days of completion of each training course. Training course information shall be submitted using a format supplied or stipulated by the board.~~

(2) Within thirty calendar days of a student completing a class 12 or 13 training course and passing the standardized exam, a provider (or a trainer on a provider's behalf) must:

(a) Issue a class 12 or 13 permit to a student; and

(b) Submit a session roster showing each student's name and assigned permit number in a format supplied by the board; and

(c) Submit the tear-off portion of a fully completed class 12 or 13 permit form to the board.

(3) A provider must keep certain records and information at its place of business for a period of five years. Records and information must be available for board inspection, and they shall include:

(a) A session roster showing the student information and assigned permit number of each student who successfully completes an on-line or in-person training course, and the date and time of completion;

(b) The permit number for any voided permit;

(c) All presentation information for each training course;

(d) Each student's examination answers; and

(e) The log-in and log-off times.

(4) A provider (or a trainer on a provider's behalf) must provide the following information to the board upon request:

(a) Advance notice of any prescheduled training courses;

(b) Copies of program publications, brochures, pamphlets, scripts or any other advertising materials related to a training course; and

(c) Documentation that verifies a trainer's attendance at a continuing education conference or workshop (see WAC 314-17-050).

(5) The board may stipulate which format or program a provider may use for recordkeeping.

(6) **Securing records and information.**

All training course records that contain information about a student must be secured and maintained in accordance with industry standards at a minimum.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

**WAC 314-17-090 Prohibited conduct by providers and trainers.**

No provider or trainer (~~will:~~

~~(1) Make any material false or misleading statement to induce or prevent board actions;~~

~~(2) Falsify, alter, or tamper with alcohol server training permits or records;~~

~~(3) Prohibit or interfere with on-site observations by the board or its staff, or fail to assist the board or its staff)) shall:~~

(1) Make any false material statement or misleading statement to induce or prevent board action;

(2) Falsify, alter or tamper with any material or records associated with a training program, training course or class 12 or 13 permit; or

(3) Prohibit or interfere with on-site observation by the board or fail to assist the board in scheduling ((these)) an observation((s)).

AMENDATORY SECTION (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

**WAC 314-17-095 ((Is the provider responsible for the acts of its trainers?)) What must a provider do when a trainer violates a liquor law or regulation?** (1) The board may hold a provider responsible ((for any act or omission of the provider's program personnel, authorized trainers, or representatives that violates any law or rule affecting provider privileges.

~~(1) If a provider discovers a trainer has not complied with a provision of the alcohol server training requirements, the provider must contact the board's mandatory alcohol server training manager within five calendar days.~~

~~(2) The provider must submit an action plan to the board's mandatory alcohol server training program manager within ten calendar days. The action plan must include corrective action that will be taken to ensure compliance with liquor control board laws and rules)) when any of its trainers, authorized personnel or representatives violate any state liquor law or regulation~~

affecting provider privileges whether through a specific action or through an act of omission.

(2) When a trainer fails to comply with a provision of the alcohol server education program requirements, a provider must:

(a) Correct a violation immediately;

(b) Notify the board of discovery as soon as possible, but no later than five calendar days following discovery; and

(c) Create an action plan to prevent further violations and submit that plan to the board within ten calendar days of discovery.

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

**WAC 314-17-100 What are the penalties ((if)) when a provider or a trainer violates a liquor law or regulation?** ~~((Following are the penalties for a provider or trainer that violates any of the provisions of RCW 66.20.300 through 66.20.350 or any of the requirements of chapter 314-17 WAC (except for providers with temporary certification, see WAC 314-17-055(4)):-))~~ The board may suspend or revoke a provider or trainer certification if a provider or a trainer violates any of the provisions of RCW 66.20.300 through 66.20.350 or of chapter 314-17 WAC or if the board determines that immediate suspension or revocation is in the public interest. The board may also penalize a provider or trainer as follows:

(1) First violation	<p>(a) <del>((The provider or trainer will receive a notice of intended suspension/revocation))</del> <u>A provider or a trainer will receive a notice of intended suspension or revocation of the board's certification or authorization.</u></p> <p>(b) <del>((This notice will give the provider and/or trainer thirty days to correct any violations:-))</del> <u>A provider or a trainer will correct any violation as soon as possible, but no later than thirty calendar days following receipt of a notice of intended suspension or revocation.</u></p> <p>(c) <del>((the))</del> <u>a violation or problem is rectified, no further action will be taken.</u></p>
(2) First violation <del>((not resolved and/or))</del> <u>unresolved or second violation occurs within a three-year period</u>	<p>(a) The board will suspend <del>((its approval and certification of the provider and/or trainer))</del> <u>a provider's or a trainer's certification</u> for up to six months.</p> <p>(b) A monetary penalty of up to five hundred dollars may be imposed in lieu of suspension.</p> <p>(c) Prior to lifting <del>((the))</del> <u>a suspension or accepting a monetary penalty, ((the)) a provider ((and/)) or a trainer must correct the problem(s) ((which)) that caused ((the)) a proposed suspension.</u></p>
(3) Successive violations within a <del>((two-year))</del> <u>three-year period</u>	<p>The board may cancel or suspend the approval <del>((and)),</del> <u>certification or both, of ((the)) a provider ((and/)) or a trainer for up to five years.</u></p>

AMENDATORY SECTION (Amending WSR 04-18-038, filed 8/25/04, effective 9/25/04)

**WAC 314-17-105 What are the penalties ((if)) when a permit holder violates a liquor law or ((rule)) regulation? ((+))**  
 Penalties assessed for violations within a three-year period will normally be as follows:

Violation Type	1st Violation	2nd Violation	3rd Violation	4th Violation
AFTER HOURS: Selling, serving((;)) or allowing alcohol to be consumed between 2 a.m. and 6 a.m. See WAC 314-11-070.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit ((permit))
DISORDERLY CONDUCT: Disorderly conduct by ((the)) a licensee or employee, or allowing patrons to engage in disorderly conduct. See WAC 314-11-050.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
FALSIFICATION OF PERMIT: Falsifying a class 12 or ((class)) 13 permit or possessing a class 12 or ((class)) 13 permit contrary to this title. See RCW 66.20.310((;)) and WAC 314-17-025.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
INTOXICATED PERSONS: Selling or serving to an apparently intoxicated person or allowing such a person to possess or consume alcohol. See RCW 66.44.200 and WAC 314-11-035.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
LEWD CONDUCT: Allowing lewd conduct on the licensed premises. See WAC 314-11-050.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
MISCELLANEOUS: Violation of other retail liquor laws or ((rules)) regulations.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
MINORS: Selling or serving alcohol to a person under twenty-one years of age. See RCW 66.44.310 and WAC 314-11-020((;)).	5-day permit suspension OR \$200 monetary option	10-day permit suspension OR \$400 monetary option	30-day permit suspension OR \$((600)) 500 monetary option	Revocation of permit
MINORS: Allowing a person((s)) under twenty-one years of age to frequent a restricted premises or area. See RCW 66.44.310 and WAC 314-11-020((;)).	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit

Violation Type	1st Violation	2nd Violation	3rd Violation	4th Violation
OBSTRUCTING AN OFFICER: Obstructing a law enforcement officer, or failure to allow an inspection. See RCW 66.28.090.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
OTHER VIOLATION OF LAWS: Conviction of liquor laws, ( <del>DFH</del> ) <u>driving under the influence</u> or felony.	5-day permit suspension OR \$100 monetary option	Revocation of permit		
PERMIT: Failure to produce permit ( <del>and/or ID</del> ) or <u>identification</u> upon request. See RCW 66.20.310( <del>(2)</del> ) and 66.20.180.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
PRIVATE CLUBS: Prohibitions involving club liquor and use by the general public. See WAC 314-40-010.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

**WAC 314-17-110 ((Can)) May the board impose sanctions or penalties other than those ((indicated)) described in WAC 314-17-105?** (1) Based on aggravating or mitigating circumstances, the board may impose a different penalty or suspension than the standard penalties and suspensions (~~outlined~~) described in WAC 314-17-105.

(2) Examples of aggravating and mitigating circumstances include, but are not limited to:

(a) Examples of aggravating circumstances that may cause a more severe penalty:	(b) Examples of mitigating circumstances that may allow a less severe penalty:
<ul style="list-style-type: none"> <li>Patron's identification not checked;</li> <li>Noncooperation with or (<del>obstructing</del>) <u>obstruction</u> of any law enforcement officer;</li> <li>Permit holder did not call law enforcement officer when requested by a customer or a board employee.</li> </ul>	<ul style="list-style-type: none"> <li>Permit holder checked one of the acceptable forms of identification (<del>per</del>) <u>see RCW 66.16.040</u>;</li> <li>Cooperation with law enforcement officer(s);</li> <li>Permit holder used a licensee certification card (see RCW 66.20.190).</li> </ul>

AMENDATORY SECTION (Amending WSR 01-03-085, filed 1/17/01, effective 2/17/01)

~~WAC 314-17-115 ((Can a Class 12 or Class 13 permit holder work on a licensed premises while his/her permit is suspended?))~~  
Appeal rights. ~~((1) During a suspension period, permit holders may work on a liquor licensed premises provided they are not involved in any way in the sale or service of alcohol.~~

~~(2) No permit is required to be a cashier, receptionist, cook, or custodian.))~~ Any person whose class 12 or 13 permit, trainer certification or provider certification is denied, revoked or suspended may request an adjudicative hearing under the provisions of the Administrative Procedure Act (chapter 34.05 RCW). The board may conduct an adjudicative hearing itself or refer the matter to the office of administrative hearings.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 314-17-055

Temporary certification as a provider.