



Notice of Permanent Rules to Revise Chapter 314-03 WAC

This explanatory statement concerns the Washington State Liquor and Cannabis Board's adoption of rule revisions to Chapter 314-03 WAC (Allowed Activities)

The Administrative Procedure Act (RCW 34.05.325(6)) requires agencies to complete a concise explanatory statement before filing adopted rules with the Office of the Code Reviser. This statement must be provided to anyone who gave comment about the proposed rulemaking.

Once persons who gave comment during this rulemaking have had a chance to receive this document, the Liquor and Cannabis Board will file the amended rules with the Office of the Code Reviser. These rule changes will become effective 31 days after filing (approximately September 9, 2017).

The Liquor and Cannabis Board appreciates your involvement in this rule making process. If you have any questions, please contact Karen McCall, Rules Coordinator, at (360) 664-1631 or e-mail at rules@lcb.wa.gov.

What are the agency's reasons for adopting this rule?

As part of the Liquor and Cannabis Board's on-going rules review process, rules in this chapter have been reviewed for accuracy, clarity, and relevance. Rules were also needed to address the use of mobile applications to purchase alcohol. The board adopted an interim policy on this issue in November 2016.

Summary of all public comments received on this rule proposal.

The board received one comment at the public hearing held July 12, 2017. Three written comments were received.

Carrie Bonnington – Pillsbury Winthrop Shaw Pittman LLP

Represents a San Francisco based technology company. Would like the proposed rules amended to allow an agent of the retail licensee to accept and process orders for the retail licensee.

LCB response: After review of the mobile application process it was determined that no changes are necessary to the proposed rules. The mobile application meets the requirements of the proposed rules.



Kristen Techel – Outside counsel to Whole Foods Market

Clarify that a third party can assist with delivery. Clarify that a third party can assist with online or mobile application sales.

LCB response: The proposed rules do not prohibit third party delivery for retailers. The proposed rules allows the use of online or mobile applications for retail customers to purchase alcohol. The conditions for their use is in the proposed rules.

Johanna Ferraro – Senior Corporate Counsel, Amazon

We would like to see the rules revised to allow the contractor to process orders and payments for the licensee. Clarify the rules that permit alcohol delivery. Clarify the website requirements.

LCB response: A contractor is not a retail licensee and cannot accept payment for the retail licensee. The payment may be transmitted to the retail licensee through a third party service. The proposed rules do clarify the requirements for alcohol delivery. The proposed rules do clarify the website requirements.

WAC Changes

See attached.