



Notice of Permanent Rules

WAC 314-11-025 – What are the acceptable Forms of Identification

This explanatory statement concerns the Washington State Liquor and Cannabis Board's (WSLCB) adoption of rules. The adopted rules allow consideration of tribal enrollment cards from federally recognized Indian tribes located outside of Washington as acceptable forms of identification to verify a person's age for alcohol sales, service, consumption, and possession. The adopted rules include language that ensures requirements are clear for all acceptable identification types.

The effective date of the adopted rules is September 21, 2019.

The Administrative Procedure Act (RCW 34.05.325(6)) requires agencies to prepare 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.

The WSLCB appreciates stakeholder involvement in the rulemaking process. For questions about the adopted rules, please contact Janette Benham, Policy and Rules Coordinator, at (360) 664-1760 or e-mail at rules@lcb.wa.gov.

Background and reasons for adopting these rules

Rulemaking was initiated as a result of legislative inquiries that began with contact from a tribal member of a federally recognized tribe located outside of Washington.

Summary of all public comments received on this rule proposal

CR 101 – filed January 23, 2019

CR 102 – filed March 20, 2019 – Withdrawn on April 17, 2019

CR 102 – June 12, 2019

Public Hearing – August 7, 2019

We received four comments from stakeholders after filing the first CR 102. We also received comments from several tribes located in Washington regarding our obligation to consult with interested tribes to revise the proposed rules. We withdrew the CR 102 and worked with the tribes to further revise rules language. Tribes involved in the consultation included Squaxin Island, Puyallup, Snoqualmie, Jamestown S'Klallum, Colville, and Kalispell. After consultation, we received two additional comments from tribal representatives before filing a second CR 102.

No one testified at the August 7, 2019 public hearing.



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Below is a summary of comments.

1. **Comment received by email (shellies4)** – Agreed with the clarification of rules to add tribal identification for all tribes.

WSLCB response: Thank you for your comments and participating in the rulemaking process.

2. **Kathryn Philbrook, Basilico Ristorante Italiano** – Written comment received in support of allowing consideration of tribal ID cards from tribes located outside of Washington as acceptable forms of identification.

WSLCB response: Thank you for your comments and participating in the rulemaking process.

3. **Kacey Nedrow** – Written comment received requesting we include whether or not a temporary identification received in the mail prior to receiving permanent ID is a valid form of identification.

WSLCB response: Thank you for your comments and participating in the rulemaking process.

The rule requires that all identification must have the identification holder's photo, date of birth, and signature, except on federally issued identification where a visible signature is not required. If a temporary form of identification meets all of the requirements in the rule and is not expired, it may be considered an acceptable identification.

4. **John Bell** – Written comment received requesting we accept expired identification because renewing an expired driver's license or obtaining an identification card is an added expense and is time consuming for individuals.

WSLCB response: Thank you for your comments and participating in the rulemaking process.

The requirement of a non-expired identification as an acceptable form of identification is not a new requirement. When revising this rule, the language regarding the expiration date was moved for clarification purposes. A valid identification is a requirement for verifying a person's age for the purpose of selling, serving, or allowing a person to possess or consume alcohol. An expired identification is not considered a valid identification.

5. **Kelly Croman, representing the Puyallup Tribe**
Nathan Schreiner, representing the Squaxin Island Tribe – Written comments received requesting the following:

- We add language in quotes to (3) (e) ...“reasonable” security features “sufficient to deter counterfeiting, which may include features similar” to those



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used by the department of licensing for standard Washington driver's licenses "or others commonly used by other governments."

- Language is added specifically stating that identification cards issued by a tribe that have been previously accepted by the WSLCB shall remain acceptable.

WSLCB response: Thank you for your comments and participating in the rulemaking process and tribal consultation.

- The suggested language was added to (3) (e) regarding security features, but "or others commonly used by other governments" was not added. "Other governments" is not a defined term and would subject the rule language to an overly-broad interpretation. The language was revised prior to filing the CR 102.
- The suggestion to add that previously accepted tribal identification would remain acceptable was not added. The WSLCB maintains a list of approved tribal identification on our webpage and will not require that tribes request reconsideration of currently approved enrollment cards. The process for requesting approval has not changed and was added to the rule for clarification purposes.

WAC Changes

WAC 314-11-025 – Amended

See attachment