



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: March 20, 2019

TIME: 11:31 AM

WSR 19-07-085

Agency: Washington State Liquor & Cannabis Board

☒ **Original Notice**

☐ **Supplemental Notice to WSR**

☐ **Continuance of WSR** _____

☒ **Preproposal Statement of Inquiry was filed as WSR 19-03-168 ; or**

☐ **Expedited Rule Making--Proposed notice was filed as WSR _____; or**

☐ **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**

☐ **Proposal is exempt under RCW _____.**

Title of rule and other identifying information: (describe subject) WAC 314-11-025 What are the forms of acceptable identification?

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
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May 1, 2019	10:00 am	3000 Pacific Ave SE, Olympia, WA 98504	
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Date of intended adoption: On or after May 15, 2019 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Janette Benham

Address: PO Box 43080, Olympia, WA 98504

Email: rules@lcb.wa.gov

Fax: 360-664-9689

Other:

By (date) May 1, 2019

Assistance for persons with disabilities:

Contact Clariss Nnanabu, ADA Coordinator, Human Resources

Phone: 360-664-1642

Fax: 360-664-9689

TTY: 7-1-1 or 1-800-833-6388

Email: Clariss.Nnanabu@lcb.wa.gov

Other:

By (date) April 12, 2019

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The revised rule will 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 the purpose of selling, serving, or allowing a person to possess or consume alcohol. Revisions to the rule add the process for consideration of tribal enrollment cards and make other clarifying and technical changes.

Reasons supporting proposal: The proposed rule changes clarify the acceptable forms of identification, what is required on the identification, update language, and provide clear guidance on requirements and processes.

Statutory authority for adoption: RCW 66.08.030 and chapter 66.44 RCW

Statute being implemented:

Is rule necessary because of a:

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Name of proponent: (person or organization) Washington State Liquor and Cannabis Board

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting: Coordinator	Janette Benham, Rules	3000 Pacific Ave SE, Olympia, WA	360-664-1760
Implementation: Director	Becky Smith, Licensing	3000 Pacific Ave SE, Olympia, WA	360-664-1615
Enforcement: Chief	Justin Nordhorn, Enforcement	3000 Pacific Ave SE, Olympia, WA	360-664-1726

Is a school district fiscal impact statement required under RCW 28A.305.135?

☐ Yes ☒ No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

☒ No: Please explain: A cost benefit analysis is not required because the subject of proposed rulemaking does not qualify as a significant legislative rule or other rule requiring a cost benefit analysis under RCW 34.05.328(5).

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

☐ RCW 34.05.310 (4)(b)
(Internal government operations)

☐ RCW 34.05.310 (4)(c)
(Incorporation by reference)

☐ RCW 34.05.310 (4)(d)
(Correct or clarify language)

☐ RCW 34.05.310 (4)(e)
(Dictated by statute)

☐ RCW 34.05.310 (4)(f)
(Set or adjust fees)

☐ RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

☐ This rule proposal, or portions of the proposal, is exempt under RCW ____.

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

☒ No Briefly summarize the agency's analysis showing how costs were calculated. There are no costs or reporting requirements associated with this rule. The proposed rule allows consideration of tribal enrollment cards from federally recognized tribes located outside of Washington as acceptable forms of identification. The proposed rule also provides clarifying and technical updates. The proposed rule does not impose any additional requirements or costs on licensees or other businesses.

☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date: March 20, 2019

Name: Jane Rushford

Title: Chair

Signature:



WAC 314-11-025 What are the ~~((forms of))~~ acceptable forms of identification? (1) ~~((Following are))~~ The acceptable forms of identification ~~((that are acceptable))~~ to verify a person's age for the purpose of selling, serving, or allowing a person to possess or consume alcohol are:

(a) A driver's license, instruction permit, or identification card of any state, ~~((or))~~ province of Canada, ~~((from a))~~ U.S. territory, or the District of Columbia, or an "identocard" issued by the Washington state department of licensing per RCW 46.20.117;

(b) A United States armed forces identification card issued to active duty, reserve, and retired personnel and the personnel's dependents ~~((, which may include an embedded, digital signature in lieu of a visible signature))~~;

(c) A passport, passport card, or NEXUS card;

(d) A Merchant Marine identification card issued by the United States Coast Guard; ~~((and))~~ or

(e) An enrollment card issued by the governing authority of a federally recognized Indian tribe ~~((located in Washington))~~, if the enrollment card incorporates security features comparable to those implemented by the department of licensing for Washington driver's licenses.

(i) An enrollment card must be approved by the board's enforcement division prior to use as an acceptable form of identification. The tribe may request approval by submitting the following for review and inspection:

(A) A letter requesting approval and describing the security features of the enrollment card;

(B) A physical sample of an enrollment card; and

(C) A contact phone number where enforcement officers may call at any time to verify the validity of the enrollment card.

(ii) After review and inspection, the board's designee will send a letter approving or denying the enrollment card as an acceptable form of identification.

(iii) The board may rescind approval if the enrollment card no longer meets the requirements of this section.

(2) All acceptable forms of identification must include:

(a) The identification holder's photo;

(b) The identification holder's date of birth; and

(c) The identification holder's signature, except on federally issued identification where a visible signature is not required.

(3) If the identification ~~((document))~~ has an expiration date, ~~((a person may not use the document))~~ it cannot be used to verify age after the expiration date ~~((to verify his or her age))~~.