



# RULE-MAKING ORDER EMERGENCY RULE ONLY

## CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: March 27, 2020

TIME: 1:39 PM

WSR 20-08-085

**Agency:** Washington State Liquor and Cannabis Board

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) \_\_\_\_\_

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes
  - No
- If Yes, explain:

**Purpose:** WAC 314-23-022 – What if a distributor licensee fails to report or pay, or reports or pays late? The Washington State Liquor and Cannabis Board (Board) has adopted an emergency rule to amend WAC 314-23-022 that provides a retroactive waiver of penalties for fees that become due under RCW 66.24.055 while Proclamation 20-13 is in effect.

**Citation of rules affected by this order:**

- New:
- Repealed:
- Amended: WAC 314-23-022
- Suspended:

**Statutory authority for adoption:** RCW 66.24.055; RCW 66.08.0501

**Other authority:**

**EMERGENCY RULE**

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

**Reasons for this finding:**

On February 29, 2020, Governor Inslee issued Proclamation 20-05 that confirmed the person-to-person spread of the novel coronavirus (COVID-19) in Washington State, and proclaimed a State of Emergency for all counties throughout the state of Washington based on the COVID-19 outbreak in the United States.

On March 16, 2020, Governor Inslee issued Proclamation 20-13 that imposed statewide limits on food and beverage services, and areas of congregation to limit opportunities for disease exposure and transmission in the State. Proclamation 20-13 was based on both guidance from the United States Center for Disease Control and Prevention to reduce the size of gatherings from 250 persons to 50 persons, and the necessity to prohibit any number of people from congregating in public venues for the purposes of entertainment, recreation, food or beverage service, theater, bowling or other similar activities.

The Board administers licensing, enforcement and education services for establishments that sell alcohol for on and off premises consumption. Consistent with statute, regulation and administrative provisions, licensees under the administration of the Board are subject to various taxes and fees dependent on product and license type. Licensees are required to timely report and remit those taxes and fees to the Board. If the Board determines that a licensee is delinquent in reporting or remitting any of the required taxes and fees, including any penalties on required taxes, the Board may suspend, or deny renewal or issuance of a license.

All entities and license types under the authority of the Board have been adversely impacted by the COVID-19 pandemic, and enforcing statutes and rules related to these entities and license types affects the ability of these entities to maintain and sustain operations while effectively participating in combating the spread of COVID-19.

The Board has the authority under RCW 66.24.055 to assess penalties by rule for spirits distributor licensees. This emergency rule:

- Provides a waiver, retroactive to February 29, 2020 of penalties for fees that become due while Governor's Proclamation 20-13 is in effect;
- Supports the ability of businesses to adjust to the COVID-19 outbreak; and
- Reduces economic hardships suffered by businesses during the temporary suspension of business consistent with Governor's Proclamation 20-13.

This rule does **not** relieve any WSLCB licensee from its statutory obligation to remit taxes to the WSLCB.

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

**The number of sections adopted at the request of a nongovernmental entity:**

New	___	Amended	___	Repealed	___
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**The number of sections adopted on the agency's own initiative:**

New	___	Amended	<u>1</u>	Repealed	___
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	___	Amended	___	Repealed	___
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**The number of sections adopted using:**

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	<u>1</u>	Repealed	___

**Date Adopted:** March 27, 2020

**Name:** Jane Rushford

**Title:** Board Chair

**Signature:**



AMENDATORY SECTION (Amending WSR 19-21-002, filed 10/2/19, effective 1/1/20)

**WAC 314-23-022 What if a distributor licensee fails to report or pay, or reports or pays late?** (1) Failure of a spirits distributor licensee to submit monthly reports and payment to the board as required in WAC 314-23-021(1) will be sufficient grounds for the board to suspend or revoke the liquor license.

(2) A penalty of two percent per month will be assessed on any payments postmarked or posted in the WSLCB receiving account if paying electronically after the twentieth day of the month following the month of sale. When the twentieth day of the month falls on a Saturday, Sunday, or a legal holiday, the report and payment must be postmarked or posted in the WSLCB receiving account if paying electronically no later than the next postal business day.

Absent a postmark, and if not paying electronically, the date received at the WSLCB will be used to determine if penalties are to be assessed.

(3) Electronic payments will be considered received on the date they post in the WSLCB receiving account.

(4) Subsections (1) and (2) of this section are waived, retroactive to February 29, 2020, while Governor's Proclamation 20-13 is in effect.