



Washington State Liquor and Cannabis Board

Axe Throwing at Liquor Licensed Premises

NEW SECTION WAC 314-03-060

CONCEPTUAL DRAFT RULES REVIEW

VIRTUAL LISTEN AND LEARN SESSION

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Washington State Liquor and Cannabis Board
1025 Union Avenue
Olympia WA 98502

February 3, 2022



Washington State Liquor and Cannabis Board

Overall meeting goal: To engage with our industry partners and other interested partners to review conceptual draft rules.

Today's meeting intentions:


- Share and discuss conceptual draft rules related to New Section WAC 314-03-060 Axe Throwing at Liquor Licensed Premises;
- Elicit feedback in a structured fashion; and
- Discuss next steps.



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Why are we here?

- The Washington State Liquor and Cannabis Board (LCB) is considering creating a new rule section and amending or repealing other related rules in Title 314 WAC as necessary to allow the added activity of axe throwing at liquor licensed premises.
- The LCB considers axe throwing at liquor licensed premises to be a high-risk activity with implications for public health and safety. If axe throwing is allowed as an activity at liquor licensed premises, rules are needed to mitigate safety concerns and maintain public health.
- The LCB is currently in the CR-101 preproposal statement of inquiry phase of the rulemaking process. A [Preproposal Statement of Inquiry \(CR-101\)](#) was filed on September 29, 2021, as WSR 21-20-067.
- Your feedback during today's forum will help inform and shape the rules.

| PREPROPOSAL STATEMENT OF INQUIRY | | CODE REVISER USE ONLY |
|--|--|---|
|  CR-101 (October 2017) (Implements RCW 34.05.310) Do NOT use for expedited rule making | | OFFICE OF THE CODE REVISER STATE OF WASHINGTON FILED DATE: September 29, 2021 TIME: 11:47 AM WSR 21-20-067 |
| Agency: Washington State Liquor and Cannabis Board | | |
| Subject of possible rule making: WAC 314-03-XXX. Axe throwing at liquor licensed premises. The Washington State Liquor and Cannabis Board (LCB) is considering creating a new rule section and amending or repealing other related rules in Title 314 WAC as necessary to allow the added activity of axe throwing at liquor licensed premises. | | |
| Statutes authorizing the agency to adopt rules on this subject: RCW 66.08.030. | | |
| Reasons why rules on this subject may be needed and what they might accomplish: Axe throwing has become increasingly popular as an activity that liquor licensed businesses would like to offer to their customers. Beginning in 2018, the LCB Licensing Division began receiving applications from businesses that either had axe throwing as their primary activity and wanted to add liquor service, or from established liquor licensed businesses that wanted to add axe throwing as entertainment. | | |
| More recently, an axe throwing business applied for a liquor license and appealed the LCB Licensing Division's decision to deny their application. In April 2021, the LCB approved a settlement agreement allowing that specific business to have a liquor license for one year with certain parameters in place, including a safety plan that addresses public health and safety concerns arising at the intersection of axe throwing and alcohol service. | | |
| The LCB considers axe throwing at liquor licensed premises to be a high-risk activity with implications for public health and safety. Rules are needed to mitigate safety concerns and maintain public health and safety while allowing axe throwing at liquor licensed premises. | | |
| Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: None. | | |
| Process for developing new rule (check all that apply): <input type="checkbox"/> Negotiated rule making <input type="checkbox"/> Pilot rule making <input type="checkbox"/> Agency study <input checked="" type="checkbox"/> Other (describe) Collaborative rule making. | | |
| Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting: | | |
| Name: Audrey Vasek, Policy and Rules Coordinator Address: PO Box 43080, Olympia, WA 98504 Phone: 360-664-1758 Fax: 360-704-5027 TTY: Email: rules@lcb.wa.gov Web site: lcb.wa.gov Other: | | (If necessary) Name: Address: Phone: Fax: TTY: Email: Web site: Other: |



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How will data be collected, shared, and presented to decision makers?

- The comments and feedback we receive today will be added to a table, organized by theme, and analyzed.
- The table will be presented to the Board for review and will be published on the [LCB website](#) at a later date.

The screenshot shows the Washington State Liquor and Cannabis Board website. The header includes the board's name and navigation links: Home, Licensing Services, Enforcement, Education, Careers, and Business Portal. The main heading is "Alcohol Rulemaking Activity". A sidebar on the left contains a "Laws" section with links to "Current Laws and Rules", "Legislative Fact Sheets", and "Legislative Reports", and a "Rulemaking" section with links to "Overview", "Current Rulemaking Activity", "Recently Adopted Rules", and "Petition for Rulemaking". The main content area, titled "Alcohol Rulemaking Activity", lists "Open Rulemaking Projects" with a bullet point for "Axe Throwing at Liquor Licensed Premises". This project is further detailed with a sub-bullet for "CR-101", which includes links to "Notice to Stakeholders", "Memorandum", and "CR-101 Filed as WSR 21-20-067 on September 29, 2021". Below this, there is a "Listen & Learn Forum on Axe Throwing at Liquor Licensed Premises, Thursday, February 3, 2022, from 10:00 AM to 12:00 PM". The forum details include links to "Forum Agenda", "Forum Conceptual Draft Rules", "Forum Invitation", "Forum Participation Guidance", "Forum Presentation (forthcoming)", and "Forum Recording (forthcoming)".



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Meeting Protocol

Participant Roles:

- Facilitator
- LCB Staff
- Participant



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Meeting Protocol

Participation Expectations

- This is a forum to share ideas and solutions, not for debate.
- Appreciate the diversity of perspectives.
- **Please stay on topic. The topic for this forum is conceptual draft rules related to Axe Throwing at Liquor Licensed Premises. This is the only topic that will be discussed today. If you have other topics you wish to discuss, please schedule time with LCB staff.**
- Everyone is encouraged to participate. Please participate with intention.
- Maintain a respectful space. Listen to and respect other points of view.
- When you speak, please state your name, and where you are from.
- **One person speaks at a time. Please do not interrupt other participants.**
- Each person will have the opportunity to speak. Please do not donate your time to another person.
- Since this is a public forum, anything shared has the potential to become part of a public record.



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Meeting Protocol

Meeting Format

- Topic will be introduced.
- People will be asked to speak in the order that hands are raised (using a virtual hand-raise feature in Microsoft Teams).
- Speaking time will be limited based on the number of people wishing to speak to the specific topic.

Please be prepared to speak about:

- What you like, don't like, and offer alternative language for each rule section.



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Who is Here?

In the chat box, please share:

- Your name
- Who you are affiliated with or represent
- Why you are interested in this topic



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Brief Overview of the Rulemaking Process



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Phases of the Rulemaking Process

- **The Inquiry Phase (CR-101)**

- Stakeholder Engagement
- Rule Development, Drafting, and Analysis
- See RCW 34.05.310

- **The Proposal Phase (CR-102)**

- Public Hearing/Comments
- Agency Responds to Comments
- See RCW 34.05.320

- **The Adoption Phase (CR-103)**

- Board Votes to Approve Rules
- Rules Become Effective
- See RCW 34.05.360

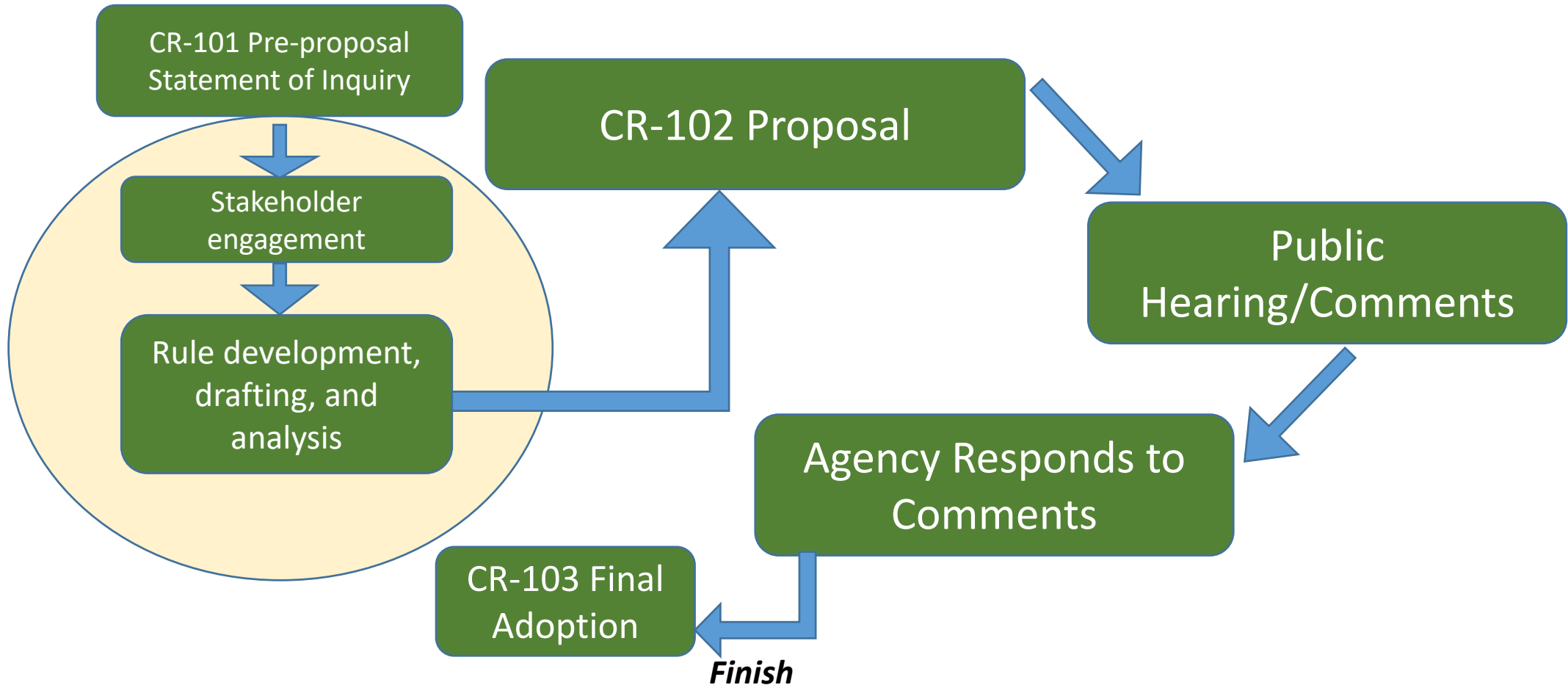
There are typically three phases in agency rulemaking: inquiry, proposal, and adoption. (See chapter 34.05 RCW, the Administrative Procedure Act)

The rule development process may take several months to a couple of years to complete, depending on LCB resources, complexity of the issue, availability of data or information to complete any required analyses, and public interest in the rule.



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Start





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The Inquiry Phase (CR-101)– Phase 1

Pre-Proposal Statement of Inquiry (CR-101) – RCW 34.05.310

Purpose: Describes the issue(s) being considered for rule development

- The CR-101 identifies the purpose and scope of rulemaking.
- The scope of the rules created through this process is controlled by statutory authority and must be compatible with existing requirements.
- Most rule development occurs after the CR-101 is filed.
- The agency collaborates with stakeholders to develop rules.
 - This includes Listen & Learn sessions, rules workshops, and other forms of inclusive stakeholder engagement.
- The agency begins internal development of required analysis as described in chapter 34.05 RCW, the Administrative Procedures Act, and chapter 19.85 RCW, the Regulatory Fairness Act.



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The Proposal Phase (CR-102)– Phase 2

Proposed Rule Making (CR-102) – RCW 34.05.320

Purpose: Describes the rule proposal and impact analysis.

- The agency drafts a *proposed* rulemaking order consistent with the requirements of RCW 34.05.320.
- Once the CR-102 is filed, a formal review period and comment process begins.
- The CR-102 provides information regarding the date, time, and location of the public hearing, how formal comment may be made before the hearing, and other details.
- At the public hearing, the public may provide oral testimony.



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The Adoption Phase (CR-103)– Phase 3

Rule Making Order (CR-103P) – RCW 34.05.360

Purpose: Final rule adoption

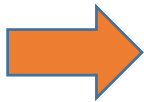
- After the public hearing and review period, the agency compiles all comments received, and makes a decision whether the proposed rules should be changed or adopted as proposed.
- If the agency makes substantive changes, a supplemental CR-102 must be filed (see RCW 34.05.340), and a second public hearing held. This substantially extends timelines.
- If the agency adopts the rule as proposed, the agency files the rulemaking order, or CR-103P, and the rules typically become effective 31 days later.
- All comments and the agency's responses are compiled into a Concise Explanatory Statement, and provided to all commenters and the public shortly after the adopted rules are filed.
- The Board is the final decision maker for all LCB rules.



Axe Throwing at Liquor Licensed Premises – Estimated Rulemaking Timeline

The Inquiry Phase (CR-101)

**Stakeholder
Engagement, Rule
Development,
Drafting, and
Analysis**



| | |
|--------------------|--|
| September 29, 2021 | CR 101 approved by the LCB and filed with the Office of the Code Reviser as WSR 21-20-067. |
| October 20, 2021 | Notice published in the Washington State Register under WSR 21-20. |
| November 19, 2021 | Initial comment period ended. |
| February 3, 2022 | Listen & Learn Session: Axe Throwing at Liquor Licensed Premises. |

Following this Listen & Learn Sessions, the LCB will review public feedback and consider whether to revise the conceptual draft rules before filing a CR 102 rule proposal.



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The Proposal Phase (CR-102)

| | |
|-------------------------------|---|
| March 2, 2022 (Tentative) | LCB Staff will ask the Board for approval to file proposed rules (CR 102). If approved, the LCB webpage will be updated and notice will be circulated to the rules distribution list through GovDelivery. Formal comment period will begin. |
| March 16, 2022 (Tentative) | Notice published in the Washington State Register under WSR 22-06. |
| April 13, 2022 (Tentative) | Public hearing held and formal comment period ends. |

The Adoption Phase (CR-103)

| | |
|-------------------------------|--|
| April 27, 2022 (Tentative) | LCB Staff will ask the Board to adopt final rules (CR 103), if no substantive changes need to be made to the rule proposal. A concise explanatory statement will be provided to individuals offering comment during the formal comment period under RCW 34.05.325. The CR 103 and adopted rules will be filed with the Office of the Code Reviser. The LCB webpage will be updated and notice will be circulated to the rules distribution list through GovDelivery. |
| May 28, 2022 (Tentative) | The rules are effective 31 days after filing unless otherwise specified. See RCW 34.05.380(2). |



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Review of Conceptual Draft Rules



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LISTEN/LEARN/CONTRIBUTE

NEW WAC 314-03-060(1) – Approval

- ✓ What you like
- ✓ What you don't like
- ✓ Suggested revisions **(PLEASE PROVIDE ACTUAL LANGUAGE FOR CONSIDERATION)**



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LISTEN/LEARN/CONTRIBUTE

NEW WAC 314-03-060(2) and (2)(a)– Safety Operating Plan Overview and Alcohol Service Hours Component

- ✓ What you like
- ✓ What you don't like
- ✓ Suggested revisions (**PLEASE PROVIDE ACTUAL LANGUAGE FOR CONSIDERATION**)



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LISTEN/LEARN/CONTRIBUTE

NEW WAC 314-03-060(2)(b)(i-iv) – Safety Operating Plan: Alcohol Consumption Monitoring Component

- ✓ What you like
- ✓ What you don't like
- ✓ Suggested revisions (**PLEASE PROVIDE ACTUAL LANGUAGE FOR CONSIDERATION**)



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LISTEN/LEARN/CONTRIBUTE

NEW WAC 314-03-060(2)(c)(i-ii) – Safety Operating Plan: Floor Plan Component

- ✓ What you like
- ✓ What you don't like
- ✓ Suggested revisions **(PLEASE PROVIDE ACTUAL LANGUAGE FOR CONSIDERATION)**



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LISTEN/LEARN/CONTRIBUTE

NEW WAC 314-03-060(3) – Safety Operating Plan Change Request Procedures

- ✓ What you like
- ✓ What you don't like
- ✓ Suggested revisions **(PLEASE PROVIDE ACTUAL LANGUAGE FOR CONSIDERATION)**



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LISTEN/LEARN/CONTRIBUTE

NEW WAC 314-03-060(4) – Safety Operating Plan Penalty Structure

- ✓ What you like
- ✓ What you don't like
- ✓ Suggested revisions **(PLEASE PROVIDE ACTUAL LANGUAGE FOR CONSIDERATION)**



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Wrap up

Next steps



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Resources

LCB Rulemaking Resources

- **Current Rulemaking Activity:** <https://lcb.wa.gov/laws/current-rulemaking-activity>
- **Rulemaking Process—Phases:** <https://lcb.wa.gov/laws/rulemaking-process-phases>
- **Rulemaking FAQs:** <https://lcb.wa.gov/laws/rulemaking-faqs>



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Thank you!

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