

Nothing About You Without You: How You Can Get Involved in WSLCB Rule Development



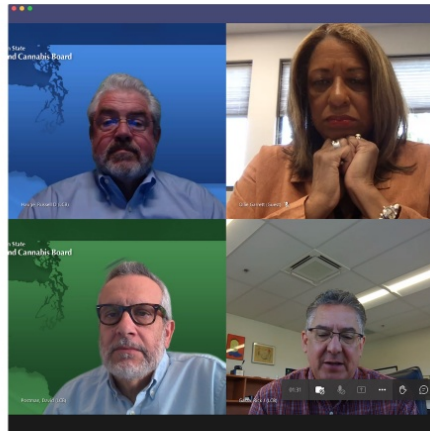
Washington State
Liquor and Cannabis Board

Who We
Are and What We Do

The Rule
Development
Process

How to Get
Involved





WSLCB is a three person board

- Holds regular public meetings and work sessions.
- The Board does **not** make or pass statutes (laws).
- The Board **does** approve rules that implement statutes (laws).

What WSLCB Staff Do

WSLCB Licensing, Education, Policy & Rules

Licensing:

- Issues licenses and permits for more than 16,500 qualified cannabis, alcohol, vapor, and tobacco businesses.
- Issues alcohol special occasion licenses, banquet permits, and other types of permits.

Education:

- Provides education to cannabis, alcohol, vapor, and tobacco licensed businesses, communities, and local law enforcement agencies.
- Conducts premise checks, technical assistance visits, classes and conducts complaint investigations.

Policy & Rules:

- Develops rules based on changes in federal or state law, changes in business practice or technology, or for other reasons.
- Develop policy and interpretive statements.



Basic Rule Development Process

The standard rule making process is described in law (chapter 34.05 RCW) called the Administrative Procedures Act.

It is divided into three stages:

Stage 1: Pre-proposal Statement of Inquiry (CR-101) – RCW 34.05.310

Stage 2: Proposed Rule Making (CR-102) - RCW 34.05.320

Stage 3: Rule-making Order (CR-103) - RCW 34.05.360

Each stage consists of specific tasks and processes.

Stage 1

Stage 2


Stage 3

Standard Rule Making - Stage 1

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

- The CR-101 talks about what rules an agency is thinking about working on.
- The agency must comply with the laws about setting timelines and working other agencies.
- The rules project must be authorized by law.
- Most rule development occurs after the CR-101 is filed.
- The agency collaborates with stakeholders to develop rules. This is considered an informal process.
- 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 .



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: February 02, 2022 TIME: 12:32 PM WSR 22-05-001
	Agency: Washington State Liquor and Cannabis Board Subject of possible rule making: The Washington State Liquor and Cannabis Board (WSLCB) is considering amending rule sections in title 314 WAC, as may be required to allow the WSLCB to serve certain notices electronically. The WSLCB is also considering amending rules in these chapters to allow the WSLCB to accept documents related to license applications and appeals through electronic submission. 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: Rules on this subject are needed to allow the WSLCB to streamline business and adjudicative processes and improve efficiency by establishing its rule the ability to serve certain notices electronically, and to allow acceptance of documents submitted electronically to the WSLCB by licensees and license applicants.		
Identify other federal and state agencies that regulate this subject and the process coordinating the rule with those agencies: The WSLCB will coordinate rulemaking and business processes as needed with the Office of Administrative Hearings.		
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: (if necessary) Name: Robert DeSpain, Policy and Rules Coordinator Name: Jeff Kibaki, Policy and Rules Coordinator Address: PO Box 43360, Olympia WA 98504 Address: PO Box 43360, Olympia WA 98504 Phone: 360-464-1758 Phone: 360-464-1751 Fax: 360-464-9699 Fax: 360-464-9699 TTY: TTY: Email: rules@icb.wa.gov Email: rules@icb.wa.gov Web site: www.icb.wa.gov Web site: www.icb.wa.gov Other: Other:		
Additional comments: Interested persons can participate in the rule process through open public meetings and by submitting written comments, and are encouraged to sign up for the interested parties list (GovDelivery) at http://public.govdelivery.com/accounts/WALCB/subscriptions . Rule-making notices and stakeholder engagement opportunities will be emailed via GovDelivery and posted to the WSLCB website at icb.wa.gov .		


Standard Rule Making - Stage 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 written comment, oral testimony, or both.


PROPOSED RULE MAKING		CODE REVIEWER USE ONLY								
 CR-102 (December 2017) (Implements RCW 34.05.320) Do NOT use for expedited rule making		OFFICE OF THE CODE REVISER STATE OF WASHINGTON FILED DATE: December 23, 2020 TIME: 10:16 AM WSR 21-01-211								
Agency: Washington State Liquor and Cannabis Board										
<input type="checkbox"/> Original Notice <input type="checkbox"/> Supplemental Notice to WSR _____ <input type="checkbox"/> Continuation of WSR _____ <input type="checkbox"/> Proposed Statement of Inquiry was filed as WSR 20-15-150 ; or <input type="checkbox"/> Expedited Rule Making-Proposed notice was filed as WSR _____; or <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4) or 34.05.320(1); or <input type="checkbox"/> Proposal is exempt under RCW _____										
Title of rule and other identifying information: (describe subject) The Washington State Liquor and Cannabis Board (Board) proposes new rule sections and amendments to existing rule sections to align existing rules with and implement the law as established by Engrossed Second Substitute Senate Bill (E2558) (S49 chapter 238, Laws of 2020). The following sections in chapter 314-28 WAC are amended: WAC 314-28-025 "Definitions"; 314-28-030 "What does a distillery license allow?"; and 314-28-050 "What does a craft distillery license allow?". The following sections in chapter 314-28 WAC are new: WAC 314-28-065 "Sampling, service, and sales requirements for distillery and craft distillery licenses"; 314-28-066 "Trading room age restrictions for distillery and craft distillery licenses"; 314-28-067 "Food offerings requirements"; 314-28-200 "On-site tasting room license"; 314-28-210 "On-site operated off-site tasting rooms"; and 314-28-220 "On-site operated consumer areas". The following section in chapter 314-28 WAC is repealed: WAC 314-28-095 "Firmen's market spirits sales". The following section in chapter 314-28 WAC is amended: WAC 314-28-035 "Group 4 licensed retailers".										
Hearing location(s): <table border="1"> <thead> <tr> <th>Date:</th> <th>Time:</th> <th>Location (be specific):</th> <th>Comment:</th> </tr> </thead> <tbody> <tr> <td>February 3, 2021</td> <td>10:00 am</td> <td>In response to the coronavirus disease 2019 (COVID-19) public health emergency, the Board will not provide a physical location for this hearing to promote social distancing and the safety of the citizens of Washington state. A virtual public hearing, without a physical meeting space, will be held instead. Board members, presenters, and staff will all participate remotely. The public may login to computer or mobile or call-in using a phone to listen to the meeting through the Webex application. The public may provide verbal comments during the specified public comment and rules hearing segments.</td> <td>For more information about Board meetings, please visit https://lcb.wa.gov/Boardmeetings/Board_meetings</td> </tr> </tbody> </table>			Date:	Time:	Location (be specific):	Comment:	February 3, 2021	10:00 am	In response to the coronavirus disease 2019 (COVID-19) public health emergency, the Board will not provide a physical location for this hearing to promote social distancing and the safety of the citizens of Washington state. A virtual public hearing, without a physical meeting space, will be held instead. Board members, presenters, and staff will all participate remotely. The public may login to computer or mobile or call-in using a phone to listen to the meeting through the Webex application. The public may provide verbal comments during the specified public comment and rules hearing segments.	For more information about Board meetings, please visit https://lcb.wa.gov/Boardmeetings/Board_meetings
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Date of intended adoption: No earlier than February 17, 2021. (Note: This is NOT the effective date)										
Submit written comments to: Name: Audrey Davis Address: 1025 Union Avenue, Olympia, WA 98501 Email: rules@lcb.wa.gov										

Standard Rule Making - Stage 3

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

Purpose: Final rule adoption

- After the public hearing and review period, the agency puts together all comments received, and makes a decision whether the proposed rules should be changed or adopted as proposed.
- If the agency makes substantive, or big changes that change the rules, 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 WSLCB rules.

RULE-MAKING ORDER PERMANENT RULE ONLY		CODE REVISION USE ONLY
 CR-103P (December 2017) (Implements RCW 34.05.360)	OFFICE OF THE CODE REVISIONS STATE OF WASHINGTON FASD	
	DATE: September 01, 2021 TIME: 10:52 AM WSR 21-18-125	
Agency: Washington State Liquor and Cannabis Board		
Effective date of rule: Permanent Rule <input type="checkbox"/> 31 days after filing <input type="checkbox"/> Other (Specify): _____ (If less than 31 days after filing, a specific finding under RCW 34.05.360(3) is required and should be stated below.)		
Any other findings required by other provisions of law as a precondition to adoption or effectiveness of rule? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes, explain: _____		
Purpose: WAC 314-05-040 - What criminal history might prevent a marijuana (or medical) license applicant from receiving or having a marijuana (or medical) license? The Washington State Liquor and Cannabis Board (Board) has adopted rule amendments that frame the standards and thresholds for criminal history checks for marijuana (or medical) licenses.		
Citation of rules affected by this order: New: _____ Revised: WAC 314-05-040 Amended: WAC 314-05-040 Superseded: _____		
Statutory authority for adoption: RCW 69.50.331; RCW 69.50.342		
Other authority: None		
PERMANENT RULE (including Expedited Rule Making) Adopted under notice filed on 2021-08-23, on 08-23-2021 (date). Describe any changes other than editing from proposed to adopted version. There were no changes from the proposed rule to the adopted rule.		
If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: Name: Jeff Kellan Address: 1025 Union Avenue SE, Olympia WA 98501 Phone: 360-656-1781 Fax: 360-656-5208 TTY: _____ Email: rule@slcb.wa.gov Web site: www.slcb.wa.gov Other: _____		

Your Voice Matters... All Voices Matter!

WSLCB engages in collaborative rule development.

What does that mean?

- We hold sessions for community to review draft conceptual rules with us, and offer feedback and thoughts on rule language
- We encourage you to help us write rules that everyone can understand
- We do better when we think together

**Listen & Learn
Sessions**



**Deliberative
Dialogue
Sessions**



**Other
Opportunities**

Listen & Learn Sessions

What are they?

- An organized way to a large group of participants to review rule language section by section
- Everyone gets a chance to speak about the rule sections being reviewed
- Your ideas about language options help us write better rules



What Do Draft Rules Look Like?

Does a Listen & Learn Session Work?

THIS IS NOT A RULE PROPOSAL
THESE ARE DRAFT, CONCEPTUAL RULES DESIGNED FOR DISCUSSION ONLY
08/06/2020
V 1.0

(b) Be conspicuously displayed on, or immediately adjacent to, the premises subject to the application and in the location that is most likely to be seen by the public;

(c) Be of a size sufficient to ensure that it will be readily seen by the public, at a minimum these signs must be eight and one-half by eleven inches;

(d) Be posted within seven business days of the date the notice is sent to the applicant by the WSLCB; and

(e) The notice must be posted for fourteen consecutive days.

(4) All marijuana license applicants must meet the qualifications required by the WSLCB before they will be granted a license.

(5) The WSLCB will verify that the proposed business meets the minimum requirements for the type of marijuana license requested.

(6) Consistent with RCW 69.50.331 (8)(e), the WSLCB will issue a Certificate of Compliance if the proposed business location meets the minimum distance requirements as of the date

Listen/Learn/Contribute Forum
Conceptual Draft Rules Regarding Cannabis Quality Control Testing
October 20, 2021 from 1:00 p.m. to 4:00 p.m.
Virtual Attendance Only

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

- Today's Meeting Intentions:**
- Share conceptual draft rules with WSLCB industry partners and other interested partners and parties;
 - Elicit feedback in a structured fashion; and
 - Discuss next steps.

Time	Topic
1:00PM	Get settled
1:05PM	Welcome! Why are we here? How will data be collected, shared, and presented to decision makers? Meeting Protocol <ul style="list-style-type: none"> • Review participant roles • Review expectations for participation • Review meeting format
1:10PM	Introductions. Who is here? (Please introduce yourself in the chat box)
1:15PM	Rulemaking Process (10 minutes)

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1:25PM	Review of conceptual draft rules – <u>focused only on sampling compliance.</u> <ul style="list-style-type: none"> • Feedback on conceptual draft section WAC 314-55-101(1) – 10 minutes <ul style="list-style-type: none"> ✓ What you like ✓ What you don't like • Suggested revisions (PLEASE PROVIDE ACTUAL RULE LANGUAGE FOR CONSIDERATION)
1:35PM	Review of conceptual draft rules – <u>focused only on sample collection.</u> <ul style="list-style-type: none"> • Feedback on conceptual draft section WAC 314-55-101(2) – 10 minutes <ul style="list-style-type: none"> ✓ What you like ✓ What you don't like • Suggested revisions (PLEASE PROVIDE ACTUAL RULE LANGUAGE FOR CONSIDERATION)
1:45PM	Review of conceptual draft rules – <u>focused only on sampling marijuana flower.</u> <ul style="list-style-type: none"> • Feedback on conceptual draft section WAC 314-55-101(3) – 10 minutes <ul style="list-style-type: none"> ✓ What you like ✓ What you don't like • Suggested revisions (PLEASE PROVIDE ACTUAL RULE LANGUAGE FOR CONSIDERATION)
1:55PM	Review of conceptual draft rules – <u>focused only on sample retrieval and transportation.</u> <ul style="list-style-type: none"> • Feedback on conceptual draft section WAC 314-55-101(4) – 10 minutes <ul style="list-style-type: none"> ✓ What you like ✓ What you don't like • Suggested revisions (PLEASE PROVIDE ACTUAL RULE LANGUAGE FOR CONSIDERATION)
2:05PM	Review of conceptual draft rules – <u>focused only on sample rejection.</u> <ul style="list-style-type: none"> • Feedback on conceptual draft section WAC 314-55-101(5) – 10 minutes <ul style="list-style-type: none"> ✓ What you like ✓ What you don't like • Suggested revisions (PLEASE PROVIDE ACTUAL RULE LANGUAGE FOR CONSIDERATION)

2

Deliberative Dialogue



- Brings together a panel of experts to help us explore an issue
- Provides a way for us to think together
- Helps the agency understand what is most important to you
- Helps the agency to consider what might need to be in law, rule, or policy

How Does Deliberative
Dialogue Work?

How is Deliberative Dialogue
Different from Debate?

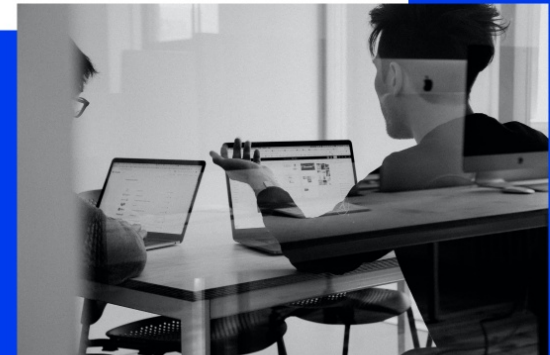
“ Deliberative dialogue differs from other forms of public discourse — such as debate, negotiation, brainstorming, consensus-building — because the objective is not so much to talk together as to think together, not so much to reach a conclusion as to discover where a conclusion might lie. Thinking together involves listening deeply to other points of view, exploring new ideas and perspectives, searching for points of agreement, and bringing unexamined assumptions into the open.”

See <http://www.resolutioncollaborative.com/deliberative-dialogue/>



Deliberative dialogue versus debate

DELIBERATIVE DIALOGUE	DEBATE
Collaborative	Oppositional
Common ground	Points of divergence
Listening to find meaning	Listening to find flaws
Listening to find agreement	Listening to find points to argue
Openness to being wrong	Determination to be right
Weighing alternatives	Winning
Assumes that others have pieces of the answer and all can find it together	Assumes there is a right answer and someone has it
Involves concern for the other person	Involves countering others



- **Future community engagement and education**
- **Board meetings**
- **Written comments**



Who Can I Contact?

Resources

Justin Nordhorn, Policy & External Affairs Director
justin.nordhorn@lcb.wa.gov

Kathy Hoffman, Policy & Rules Manager
katherine.hoffman@lcb.wa.gov

Kaitlin Bamba, Senior Policy & Education Manager
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Nicola Reid, Compliance & Adjudication Manager
nicola.reid@lcb.wa.gov

Audrey Vasek, Policy & Rules Coordinator
audrey.vasek@lcb.wa.gov

Jeff Kildahl, Policy & Rules Coordinator
jeff.kildahl@lcb.wa.gov

Robert DeSpain, Policy & Rules Coordinator
robert.despain@lcb.wa.gov



Sign up for GovDelivery messages

- Attend a Board, Board Caucus or Executive Management meeting online
- Check out our Policy & Rules website: <https://lcb.wa.gov/laws/laws-and-rules>
- Check out our video, Keeping Up with LCB Rules at https://www.youtube.com/watch?v=nwq4hG4gIX4&list=PLzRKRxq7fo5zCVgl9iALk49KS9P_xuNXd
- Check out our Licensing website: <https://lcb.wa.gov/licensing/licensing-services>

Board Meeting Schedule	Meeting Schedule and Information
2021 December	"Please Note"
2022 January	During the COVID pandemic, the Board meeting schedules are adapting as necessary. Please see the specific monthly calendars on the left for details, and contact dustin.dickson@lcb.wa.gov with any questions.
2022 February	Thank you for your interest in the Washington State Liquor and Cannabis Board public meetings. We welcome you to our public meeting page where you will find meeting dates and times, meeting locations and meeting materials.
2022 March	Regular meetings are held in the Boardroom at the WSLCB Headquarters, at 1025 Union Avenue, Olympia, WA 98504. In observance of the restrictions placed due to the COVID pandemic, all Board activity is currently being held online using the MS Teams platform. Please contact dustin.dickson@lcb.wa.gov with any questions. Our regularly scheduled meetings for 2021 and 2022 are as follows:
2022 April	<ul style="list-style-type: none"> • Board Caucus - Every Tuesday: 10:00am to 11:00am • Regular Board Meeting - Every Other Wednesday: 10:00am to 11:00am • Executive Management Team Meeting - 2nd Wednesday of Each Month: 1:30pm to 3:30pm
2022 May	The Washington State Liquor and Cannabis Board strives to make its meetings and events accessible to all people. For questions about a reasonable accommodations for a WSLCB agency event, please contact our ADA Coordinator Antea Bingham, Human Resources, at 360.564.1729, or email antea.bingham@lcb.wa.gov . You can also contact our state TTY service, by calling the Washington Relay Service at 7-1-1 or 1-800-833-0368. For all other accommodations, please contact us 2-3 weeks prior to the event to process in a timely manner. (Examples: sign language interpreter, seal in front, etc.)
2022 June	Observing Board Activity Online – Caucus, Board Meeting, Executive Management Team
2022 July	All Board-specific activity is currently held virtually using the MS Teams platform. You may observe these meetings by clicking the link or dialing the number (and pin) provided for each meeting. Please contact dustin.dickson@lcb.wa.gov with any questions.
2022 August	Participating in a Board Meeting – Public Hearing and/or General Comments
2022 September	Board meetings specifically also provide an opportunity for you to address the Board members, either during a scheduled Public Hearing or at the conclusion of each Board meeting during General Public Comments. Instructions for this are published with the agenda and materials for each meeting. If you would like to receive these notifications by email, please register your email with our GovDelivery service . Once the agenda has been published, you may contact dustin.dickson@lcb.wa.gov to register to speak and receive further instructions on participation. Make sure you indicate in your request which hearing you wish to provide testimony for, or if your request is for the General Comments portion of the agenda. Requests to testify are appreciated by close of business the day prior to a scheduled meeting. Please note that this speaking opportunity is reserved for the Public Hearing and General Comment portions of a Board meeting agenda and, unless specifically noted, not a part of other Board activity (Caucus, Executive Management Team, etc.). Please contact dustin.dickson@lcb.wa.gov with any questions.
2022 October	Closed Captioning Available
2022 November	
2022 December	
2023 January	

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