



CR103 Memorandum

Regarding axe throwing at liquor licensed premises.

Date: June 8, 2022
Presented by: Audrey Vasek, Policy and Rules Coordinator

Background

Axe throwing has become increasingly popular as an activity that businesses would like to offer in combination with liquor service. Beginning in 2018, the 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 an on-premises activity. However, from a public health and safety perspective, axe throwing combined with alcohol consumption is considered a high-risk activity.

In April 2021, after an axe throwing business appealed the Licensing Division's decision to deny their liquor license application, the Washington State Liquor and Cannabis Board (WSLCB) approved a settlement agreement allowing that specific business to have a liquor license for one year with certain safety parameters in place.

The WSLCB filed a CR 101 (WSR# 21-20-067) on September 29, 2021 to begin considering rulemaking to provide a framework to address the public health and safety concerns that arise when alcohol service is combined with axe throwing.

Rule Development

The rule proposal and final rules were developed through a collaborative rule development process involving both internal and external stakeholders, and including input from public health and prevention groups, axe throwing businesses, liquor licensees, and other interested members of the public.

During the initial CR 101 public comment period from September 29 through November 19, 2021, four public comments were received. A fifth comment was also received after the CR 101 public comment period closed but before the CR 102 was filed. These comments (included in Attachment A to the [CR 102 memorandum](#)) were taken into consideration as the conceptual draft rules were developed through a series of internal project team meetings with WSLCB staff from the Licensing Division, Enforcement and Education Division, the Communications unit, and the Public Health and Prevention Liaison.

After the conceptual draft rules were developed, the agency held a virtual stakeholder engagement (“Listen and Learn”) session on February 3, 2022, from 10:00AM to 12:00 PM to gather public feedback and suggestions for revisions. At a peak, there were 65 individuals in attendance. The feedback received during the Listen and Learn Session (provided in Attachment B to the CR 102 memorandum) was incorporated into the proposed rule language as described in the CR 102 memorandum. The WSLCB filed the CR 102 (WSR# 22-07-058) on March 16, 2022.

During the CR 102 public comment period from March 16, 2022, through April 27, 2022, four comments were received through email. The comments received were either questions about the rulemaking project or statements in support of the rule proposal. The public hearing was held at the Board Meeting on April 27, 2022, but no oral testimony was provided on the CR 102. Two additional comments were received after the public comment period closed. The Concise Explanatory Statement contains the comments received.

Rule Necessity

The final rules are needed to provide a framework to address the public health and safety concerns that arise when alcohol service is combined with axe throwing, as well as provide consistency for licensees and applicants that seek approval to offer axe throwing at liquor licensed premises.

Description of Rule Changes

New Section WAC 314-03-060. Axe throwing at liquor licensed premises. A new rule section is created that requires licensees that offer axe throwing to create a safety operating plan and submit it to the Licensing Division for approval. The safety operating plan must include protocols for monitoring patron intoxication and consumption of alcoholic beverages, and a floor plan identifying both the designated consumption areas where alcohol is allowed and the axe throwing areas where alcohol is not allowed. The axe throwing areas must have barriers to keep them separate from the designated consumption areas and prevent axes from travelling out of the axe throwing areas. The rules do not require that businesses use specific methods or materials to comply with these requirements. The rules also outline how to request a change in safety operating plan and include a reference to penalties for noncompliance.

Amended WAC 314-29-030. Group 3 license violations. The penalty schedule for violations of a board-approved operating plan is amended to add a cross-reference to the new rule section WAC 314-03-060 related to axe throwing at liquor licensed premises. This revision is a technical amendment designed to align the references in the existing penalty schedule with the new rule section.

Variance between proposed rule (CR102) and final rule:

There were no changes from the proposed rules to the final rules as adopted.

Rule Implementation

Informing and Educating Persons Impacted by the Rule

To help inform and educate persons impacted by the rule, the WSLCB will:

- Email notice with the adoption materials to the rule making and licensee distribution lists, and the general WSLCB GovDelivery list;
- Post rule adoption materials, including final rule language, final analysis (Concise Explanatory Statement), and any other relevant documents on the rulemaking webpage for public access.
- Provide application instructions and a template for the safety operating plan on the public website.
- Provide information and training on request.

Promoting and Assisting Voluntary Compliance

WSLCB will promote and assist voluntary compliance through technical assistance.

- WSLCB staff are available to respond to phone and email inquiries about the rule.
- Agency leadership and staff have actively participated in rule development and are familiar with the final product. Internal and external education efforts to share knowledge and assure consistent application of rule will be supported.
- Rule and guidance documents will be available on the WSLCB website.
- The WSLCB will use available and customary resources to disseminate materials and information to all persons impacted by the rules.

These actions are designed to inform and educate all persons impacted by the rules.

Training and Informing WSLCB Staff

Several WSLCB staff responsible for implementing these rules work directly with impacted parties and are already familiar with the nuances of the rule changes. Internal guidance documents may be prepared as necessary. The WSLCB will also consider:

- Provision of internal and external training and education, as needed, potentially including webinars, training, pictures, and videos if appropriate.

- Coordinating and centrally locating decisions to assure consistency between agency, staff, and industry.

Rule Effectiveness Evaluation

The WSLCB will evaluate the effectiveness of these rules in the following ways, including but not limited to:

- Monitoring questions received after the effective date of these rules, and adjusting training and guidance accordingly;
- Monitoring enforcement actions, including type, resolution, and final outcome;
- Monitoring requests for rule language revisions or changes;
- Monitoring requests for rule interpretation.