



CR 101 Memorandum

Regarding Implementation of Substitute Senate Bill (SSB) 5448 and Class 13 MAST Permit Privilege Review.

Date: July 19, 2023
Presented by: Daniel Jacobs, Policy and Rules Coordinator

Background

On November 9, 2022, Josh McDonald, on behalf of the Washington Wine Institute, submitted a petition for adoption, amendment, or repeal of a state administrative rule to the Washington State Liquor and Cannabis Board (Board). The petition requested that the Board amend WAC 314-17-015 to allow Class 13 permit holders to open and pour beer and wine away from the customer's table in the same manner they are permitted to do so at the table under WAC 314-17-015(6)(c).

On January 4, 2023, the Board accepted the petition. Consistent with RCW 34.05.330(1)(b), the Board agreed to initiate the rulemaking process and begin collaboratively engaging with stakeholders and any interested members of the public to explore the possibility of defining where, in areas not restricted to minors, a Class 13 permit holder may open and pour beer and wine away from the customer's table.

During the 2023 legislative session, the Washington state legislature passed [Substitute Senate Bill \(SSB\) 5448 \(chapter 279, Laws of 2023\)](#) regarding an extension of alcohol delivery and takeout privileges that were introduced by the legislature during the COVID-19 pandemic. Part of SSB 5448 makes changes and additions to the required education provided in the Mandatory Alcohol Server Training (MAST) program and by MAST course providers, while additional provisions of the bill were implemented using the exception rule process described in RCW 34.05.310(4).

Because the part of Title 314 WAC on the MAST program was already "open" because of the MAST 13 Permit Privilege Review rulemaking project already under way, and begun during the middle of the legislative session, the most efficient and expeditious use of rulemaking resources required the MAST 13 Permit Privilege Review project to be withdrawn, combined and refiled in conjunction with the standard rulemaking that will be required by SSB 5448.

Reasons Why Rulemaking Is Needed

Amending WAC 314-17-015 in addition to potentially new rule sections and amendments to, or repeals of, existing rule sections in Title 314 WAC may be necessary to allow Class 13 MAST permit holders, in areas not restricted to minors, to open and pour beer and wine from bottles or cans away from the table.

Additionally, it may be necessary to amend, repeal, or create new sections of Title 314 WAC to implement the provisions of SSB 5448 which cannot be addressed by the exception rulemaking process. Examples of such are including but not limited to aligning existing sections of Title 314 WAC with the new definition of delivery in RCW 66.04.010, such as WAC 314-03-035, 314-20-260, and 314-28-100.

Process

The rulemaking process begins by announcing the Board's intent to consider changes to existing rules, add new rule sections, or both by filing a pre-proposal statement of inquiry (CR 101) form with the Office of the Code Reviser. This allows staff, stakeholders, industry partners, and all members of the authorizing environment to begin discussing possible rule changes.

At the CR 101 stage of the rulemaking process, no proposed language is offered. Any interested person may comment on this possible rulemaking during the designated comment period. Notice will be sent to all who have indicated that they want to receive notice of rule activity related to this pre-proposal statement of inquiry. The notice will identify the public comment period and where comments can be sent.