



PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (October 2017)
(Implements RCW 34.05.310)**

Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: July 19, 2023

TIME: 10:18 AM

WSR 23-15-116

Agency: Washington State Liquor and Cannabis Board

Subject of possible rule making: Title 314 WAC. The Washington State Liquor and Cannabis Board (LCB) is considering amending WAC 314-17-015 and repealing, amending, and creating rule sections in Title 314 WAC or both as 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.

The LCB is also considering repealing, amending, and creating rule sections in Title 314 WAC as necessary to implement the provisions of Substitute Senate Bill (SSB) 5448 (chapter 279, Laws of 2023), enacted during the 2023 legislative session regarding an extension of alcohol delivery and takeout privileges that expired on July 1, 2023.

Statutes authorizing the agency to adopt rules on this subject: RCW 66.08.030 (liquor) and 66.20.330 (alcohol servers).

Reasons why rules on this subject may be needed and what they might accomplish: On January 4, 2023, the LCB accepted a rule petition related to Class 13 permit holders and where they may open and pour beer and wine away from the customer's table. Consistent with RCW 34.05.330(1)(b), the LCB is initiating the rulemaking process to begin collaboratively engaging with stakeholders and any interested members of the public to explore the possibility of allowing, in areas that are not minor restricted, Class 13 permit holders to open and pour beer and wine from bottles or cans.

During the 2023 legislative session, the Washington state legislature passed SSB 5448 (chapter 279, Laws of 2023), signed into law by the governor on May 4, 2023, scheduled to become effective July 1, 2023, on the topic of alcohol delivery and takeout privileges and extending those privileges beyond July 1, 2023, when they expired. While using the exception process described in RCW 34.05.310(4) to align regulations with the language of SSB 5448 is already completed, rulemaking that cannot be completed under the exception process may be necessary to address issues that may arise from SSB 5448. 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.

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):

- Negotiated rule making
- Pilot rule making
- Agency study
- 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: Daniel Jacobs, Policy and Rules Coordinator	(If necessary) Name:
Address: PO BOX 43080, Olympia, WA 98504	Address:
Phone: 360-480 1238	Phone:
Fax: 360-704-5027	Fax:
TTY:	TTY:

Email: rules@lcb.wa.gov

Web site: lcb.wa.gov

Other:

Email:

Web site:

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 <https://public.govdelivery.com/accounts/WALCB/subscriber/new>. Rulemaking notices and stakeholder engagement opportunities will be emailed via GovDelivery and posted to the WSLCB website at lcb.wa.gov.

Date: July 19, 2023

Name: David Postman

Title: Chair

Signature:

