



Washington State Liquor and Cannabis Board

Topic: Petition for Adoption, Amendment, or Repeal of a State Administrative Rule – (WAC 314-01-005; WAC 314-11-020; WAC 314-11-025; WAC 314-17-025; WAC 314-17-110.)

Date: July 5, 2023

Presented by: Daniel Jacobs, Policy and Rules Coordinator

Background

On May 17, 2023, Claire Mitchell of Stoel Rives LLP, submitted a petition for adoption, amendment, or repeal of a state administrative rule to the Washington State Liquor & Cannabis Board (Board). The petition requests that the agency amend five (5) different WAC sections, two of which to amend references to a phrase that is currently defined with a repealed statute, two of which to remove references to the same repealed statute and replace it with a valid provision of Title 314 WAC, and the last to make substantive changes to add a “biometric age verification system” (BAVS) as an additional valid form of identification for purposes of eligibility for alcohol purchase and consumption.

In the rule petition, Claire Mitchell referred to a detailed addendum that identified five (5) provisions of Title 314 WAC to be amended. Rather than presenting the petition text here as has been the practice of the Director’s office, it will be presented piecemeal throughout this petition response to address each of the five requests in turn.

Issues:

- (1) Whether the Board should initiate the rulemaking process to consider amending WAC 314-01-005(2) to delete the definition of the term “card of identification”?
- (2) Whether the Board should initiate the rulemaking process to consider amending WAC 314-11-020(3) to remove references to “card of identification”?
- (3) Whether the Board should initiate the rulemaking process to consider amending WAC 314-11-025 to add the Petitioner’s proposed definition of a “biometric age verification system” as a valid form of identification?
- (4) Whether the Board should initiate the rulemaking process to consider amending WAC 314-17-025(1)(b) to replace references to repealed RCW 66.16.040 with WAC 314-11-025?
- (5) Whether the Board should initiate the rulemaking process to consider amending WAC 314-17-110(2)(b) to replace references to repealed RCW 66.16.040 with WAC 314-11-025?

Authority

[Initiative 1183](#) (2012) privatized the sale of liquor in the state of Washington.

Laws

[RCW 19.375.010\(1\)](#) defines a “biometric identifier” as data generated by automatic measurements of an individual's biological characteristics, such as a fingerprint, voiceprint, eye retinas, irises, or other unique biological patterns or characteristics that is used to identify a specific individual. "Biometric identifier" does not include a physical or digital photograph, video or audio recording or data generated therefrom, or information collected, used, or stored for health care treatment, payment, or operations under the federal health insurance portability and accountability act of 1996.

[RCW 66.08.030](#) identifies the Board's rulemaking over various aspects of liquor regulation.

[RCW 66.20.170](#) states that a card of identification may for the purpose of this title and for the purpose of procuring liquor, be accepted as an identification card by any licensee and as evidence of legal age of the person presenting such card, provided the licensee complies with the conditions and procedures prescribed herein and such regulations as may be made by the board.

[RCW 66.20.180](#) states that a card of identification must be presented by the holder thereof upon request of any licensee, peace officer, or enforcement officer of the board for the purpose of aiding the licensee, peace officer, or enforcement officer of the board to determine whether or not such person is of legal age to purchase liquor when such person desires to procure liquor from a licensed establishment.

[RCW 66.20.330](#) identifies the Board's rulemaking authority to implement the provisions of RCW 66.20.300 through 66.20.350 including, but not limited to, procedures and grounds for denying, suspending, or revoking permits [for service of alcohol].

Rules

[WAC 314-01-005\(2\)](#) states that "Card of identification" means the forms of identification that are acceptable to verify a person's age per RCW **66.16.040**.

[WAC 314-02-058\(3\)\(b\)](#) states that if alcohol service is requested outside of the parameters listed [below], a special request with justification for the alcohol service area must be submitted with the operating plan for consideration by the board.

[WAC 314-11-020\(3\)](#) states that “Per RCW [66.20.180](#), at the request of any law enforcement officer, a holder of a card of identification must present his/her card of identification if the person is on a portion of a premises that is restricted to persons over twenty-one years of age, or if the person is purchasing liquor, attempting to purchase liquor, consuming liquor, or in the possession of liquor. If the person fails or refuses to present a card of identification it may be considered a violation of Title [66](#) RCW and:

- (a) The person may not remain on the licensed premises after being asked to leave by a law enforcement officer; and

(b) The person may be detained by a law enforcement officer for a reasonable period of time and in such a reasonable manner as is necessary to determine the person's true identity and date of birth.

[WAC 314-11-025](#) states that:

- (1) Acceptable forms of identification to verify a person's age for the purpose of selling, serving, or allowing a person to possess or consume alcohol must include:
 - (a) The identification holder's photo;
 - (b) The identification holder's date of birth; and
 - (c) The identification holder's signature, except on federally issued identification where a visible signature is not required.
- (2) If the identification has an expiration date, it cannot be used to verify age after the expiration date.
- (3) Acceptable forms of identification include:
 - (a) A driver's license, instruction permit, or identification card of any state, province of Canada, U.S. territory, or the District of Columbia, or an "identocard" issued by the Washington state department of licensing per RCW [46.20.117](#);
 - (b) A United States armed forces identification card issued to active duty, reserve, and retired personnel and the personnel's dependents;
 - (c) A passport, passport card, or NEXUS card;
 - (d) A Merchant Marine identification card issued by the United States Coast Guard;
or
 - (e) An enrollment card issued by the governing authority of a federally recognized Indian tribe, if the enrollment card incorporates reasonable security features sufficient to deter counterfeiting, which may include features similar to those used by the department of licensing for standard Washington driver's licenses.
 - (i) An enrollment card must be approved by the board's enforcement division prior to use as an acceptable form of identification. The tribe may request approval by submitting the following for review and inspection:
 - (A) A letter requesting approval and describing the security features of the enrollment card;

- (B) A physical sample of an enrollment card; and
 - (C) For tribes located outside of Washington, a contact phone number where enforcement officers may call at any time to verify the validity of the enrollment card.
- (ii) After review and inspection, the board's designee will send a letter approving or denying the enrollment card as an acceptable form of identification.
 - (iii) The board may rescind approval if the enrollment card no longer meets the requirements of this section.

[WAC 314-17-025\(1\)\(b\)](#) states that [a]ny time a licensee or an employee performs the duties outlined in WAC [314-17-015](#) at a retail licensed premises, a licensee or an employee must have one form of identification (see RCW [66.16.040](#) for acceptable forms of identification).

[WAC 314-17-110\(2\)\(b\)](#) identifies a permit holder having checked one of the acceptable forms of identification (see RCW 66.16.040 for acceptable forms of identification) as an example of mitigating circumstances that would allow the imposition of a less severe penalty than described in [WAC 314-17-105](#).

Analysis

#1: Whether the Board should initiate the rulemaking process to consider amending WAC 314-01-005(2) to delete the definition of the term “card of identification”?

The Petitioner identified the issue regarding WAC 314-01-005(2) as follows:

Requested Rule Amendment No. 1	
WAC Section:	WAC 314-01-005(2)
I am requesting the following change:	(2) "Card of identification" means the forms of identification that are acceptable to verify a person's age per RCW 66.16.040 Intentionally deleted.
This change is needed because:	WAC 314-01-005(2) currently provides that the forms of identification that are acceptable to verify a person's age can be found in RCW 66.16.040. However, RCW 66.16.040 was repealed by Initiative Measure No. 1183 in 2012. This change is needed because the defined term “card of identification”: <ul style="list-style-type: none"> • Is obsolete; • Contains an incorrect statutory reference; and • Is used in only one other WAC section (WAC 314-11-020(3)).
The effect of this rule change will be:	To eliminate an obsolete definition with an incorrect statutory reference.
The rule is not clearly or simply stated:	N/A

RCW 66.16.040 was repealed by c. 2 section 215 Laws of 2012 (Initiative 1183) (see subsection 10, section 215, [page 32 of 33](#)). Because the term “card of identification” was defined in RCW 66.16.040, and this statute no longer exists, the Petitioner argues that the term “card of identification” is “obsolete”, and as supporting argument, points to the fact that the only other provision of Title 314 WAC that uses the term is WAC 314-11-020(3), the subject of the next part of the petition submitted.

The cleaner solution, according to the Petitioner, is to remove the term from both instances of regulation. And if these were the only two instances of valid Washington state law where the term was used, this would be simple enough. However, this is not the case.

Both [RCW 66.20.170](#) and [66.20.180](#) use the term “card of identification”, as cited in their entirety above. Therefore, even if the Board were to remove all instances of the term “cards of identification” from Title 314 WAC, that would leave the use of the term in at least the two provisions of RCW just identified, if not more. Washington statutes related to liquor are scattered throughout over a dozen parts of Title 66 RCW, and it is entirely possible that, despite the multiple attempts at cleaning up Title 66 RCW that have been made in the 90 plus years of its existence, and that occurred after Washington state voters approved Initiative 1183, there may very well be other instances of the term “card of identification” being used.

Removing its use from Title 314 WAC would do nothing to clarify what this phrase means in Title 66 RCW. Therefore, while it is certainly more than time for WAC 314-01-005(2) to be amended to reflect a post-Initiative 1183 definition for “cards of identification,” removing its use from WAC 314-11-020(3) as proposed below would not obviate the need for the term to still be defined.

If the Petitioner wants to try and get the term “cards of identification” removed from Title 66 RCW, the Washington state legislature would be the most appropriate avenue to seek such a change.

Therefore, the Board should accept the petition regarding the request to amend WAC 314-01-005(2), but not necessarily use the exact amended language proposed by the Petitioner because some definition of the term “card of identification” needs to remain in Title 314 WAC.

#2: Whether the Board should initiate the rulemaking process to consider amending WAC 314-11-020(3) to remove references to “card of identification”?

The Petitioner’s requested amendment of WAC 314-11-020(3) gets at the same essential issue as analyzed above, that the term “card of identification” currently refers to an obsolete statute. However, the Petitioner here proposes replacing the term “card of identification” with the phrase “one of the acceptable forms of identification identified in WAC 314-11-025”, which begs the question of why the Petitioner proposed deleting the term “cards of identification” and its definition from WAC 314-01-005(2), rather than simply replacing the current definition with a similar or the exact phrase the Petitioner is

proposing here: “one of the acceptable forms of identification identified in WAC 314-11-025.”

While it is admittedly not the cleanest separate definition, doing so would prevent the need to hunt through Title 314 WAC for other instances of the phrase, and would instead allow the term to expand in meaning as forms of identification are added to WAC 314-11-025.

While the Board has the authority to engage in this requested rulemaking, it is not clear that this would be necessary if the phrase “one of the forms of valid identification identified in WAC 314-11-025” were inserted in WAC 314-01-005(2) as the definition of the term “cards of identification.” It appears the same goal can be accomplished with less regulatory change in a less burdensome manner by doing so.

A simpler solution would eliminate the need to amend WAC 314-11-020(3) and allow the Board to deny the petition regarding amending WAC 314-11-020(3) while still providing a more relevant defining framework for the phrase “cards of identification”, which will remain in Title 66 RCW regardless of how the Board decides to proceed regarding this petition.

Therefore, the Board should reject this part of the petition.

The Petitioner described the issue regarding WAC 314-11-020(3) as follows:

Requested Rule Amendment No. 2	
WAC Section:	WAC 314-11-020(3)
I am requesting the following change:	(3) Per RCW 66.20.180, at the request of any law enforcement officer, a holder of a card of identification <u>person</u> must present his/her card of identification <u>one of the acceptable forms of identification listed in WAC 314-11-025</u> if the person is on a portion of a premises that is restricted to persons over twenty-one years of age, or if the person is purchasing liquor, attempting to purchase liquor, consuming liquor, or in the possession of liquor. If the person fails or refuses to present a card of identification <u>one of the acceptable forms of identification listed in WAC 314-11-025</u> it may be considered a violation of Title 66 RCW and:
This change is needed because:	WAC 314-11-020(3) currently uses the defined term “card of identification” which is defined in WAC 314-01-005(2). The definition of “card of identification” is obsolete and contains an incorrect statutory reference. This change is needed because the defined term “card of identification”: <ul style="list-style-type: none"> • Is obsolete; • Contains an incorrect statutory reference in WAC 314-01-005(2); and • Is used in only one other WAC section (WAC 314-01-005(2)).
The effect of this rule change will be:	To eliminate the use of an obsolete defined term whose definition contains an incorrect statutory reference.
The rule is not clearly or simply stated:	N/A

#3: Whether the Board should initiate the rulemaking process to consider amending WAC 314-11-025 to add the Petitioner's proposed definition of a "biometric age verification system" as a valid form of identification?

Here the Petitioner is proposing adding an entirely new form of valid identification for purposes of WAC 314-11-025 and creating multiple new definitions to and elements to limit the scope of this new form of identification. Unlike other petitions that have proposed adding different forms of already-existing government identification as recognized to be valid under the schema of WAC 314-11-025, the Petitioner proposes that the elements of a required form of identification be shifted to being one of two permissible frameworks for valid identification, the other framework being the proposed definition of a "biometric age verification system." (hereinafter abbreviated to BAVS).

Additionally, as mentioned above, while all the other forms of valid identification identified in WAC 314-11-025(3) are issued by some government entity, whether it is state, federal, tribal or other, BAVS is not connected to any government authority of any kind. However, the proposed definition of BAVS defines the system as connecting some "biometric identifier", another term that is proposed to be defined, to an existing form of presumptively valid identification, and in identifying such a presumptively valid identification, points to the other forms of identification already in WAC 314-11-025(3).

In lay terms, BAVS takes another form of identification, such as a driver's license or a passport, and connects it to a fingerprint or retinal scan, storing the connection between the driver's license and the fingerprint in this system. Such a connection is proposed to be made electronically and authenticated in a manner that presumably, according to the Petitioner's view, would make it easier or more convenient to do this than to carry around a driver's license. But the validity of the proposed system still hinges on the user being able to present the system with one of the other forms of identification already recognized as valid in WAC 314-11-025(3), and as such, any user of BAVS would need to already have a valid form of identification identified in WAC 314-11-025(3).

The Petitioner's proposed definition uses many adjectives to describe the proposed system, including "automated", "centralized", "highly secure", and "encrypted." The system further is defined as being capable of "capturing," "processing," and "storing" a biometric identifier such as a fingerprint or retinal scan.

If this definition were in a law passed by the Washington state legislature, each of these terms may be the proper subject of Board rulemaking. While this is not a reason in and of itself to reject the proposed definition, it does highlight the complex and highly technical nature of this technology, and perhaps this topic is one better left to the legislature to determine whether they think it is in Washingtonians' best interest to have such technology recognized as presumptively valid identification.

Lastly, the proposed BAVS is so different from the other recognized forms of identification in WAC 314-11-025(3) that it is not clear that the Board has the statutory authority to add

such an innovative form of proposed identification to the others laid out in WAC 314-11-025(3).

Therefore, the Board should reject this portion of the petition which requests to add a “biometric age verification system” as a form of identification to WAC 314-11-025.

The Petitioner described the issue identified with WAC 314-11-025 as follows:

Requested Rule Amendment No. 3	
WAC Section:	WAC 314-11-025
I am requesting the following change:	<p>(1) Acceptable forms of identification to verify a person's age for the purpose of selling, serving, or allowing a person to possess or consume alcohol must include <u>either</u>:</p> <p>(a) <u>All of the following</u>:</p> <p><u>(i)</u> The identification holder's photo;</p> <p><u>(bii)</u> The identification holder's date of birth; and</p> <p><u>(ciii)</u> The identification holder's signature, except on federally issued identification where a visible signature is not required; <u>or</u></p> <p><u>(b) A biometric age verification system.</u></p> <p><u>(i) For purposes of this section, a “biometric age verification system” is an automated age verification system capable of capturing, processing, and storing a biometric identifier in a centralized, highly secured, encrypted biometric database; securely linking the biometric identifier to data from the individual’s authenticated record of identification described in sections (3)(a)-(3)(e) of this regulation; and instantly returning the identity and age indicator of the individual upon future scans of the biometric characteristic.</u></p> <p><u>(ii) A “biometric identifier” is data generated by automatic measurements of an individual's biometric characteristic, such as a fingerprint, voiceprint, eye retina, iris, or other unique biological pattern or characteristic that is used to identify a specific individual.</u></p> <p><u>(iii) Prior to linking a biometric identifier to data from a record of identification, the authenticity of the record of identification must be verified through an electronic authentication process and the identity of the record holder must be verified through an electronic authentication process or set of processes, such as a public records query or biometric liveness detection.</u></p> <p>(2) If the identification has an expiration date, it cannot be used to verify age after the expiration date.</p> <p>(3) Acceptable forms of identification include:</p> <p>(a) A driver's license, instruction permit, or identification card of any state, province of Canada, U.S. territory, or the District of Columbia, or an "identocard" issued by the Washington state department of licensing per RCW 46.20.117;</p> <p>(b) A United States armed forces identification card issued to active duty, reserve, and retired personnel and the personnel's dependents;</p> <p>(c) A passport, passport card, or NEXUS card;</p> <p>(d) A Merchant Marine identification card issued by the United States Coast Guard; or</p> <p>(e) An enrollment card issued by the governing authority of a federally recognized Indian tribe, if the enrollment card incorporates reasonable security features sufficient to deter counterfeiting, which may include</p>

	<p>features similar to those used by the department of licensing for standard Washington driver's licenses.</p> <p>(i) An enrollment card must be approved by the board's enforcement division prior to use as an acceptable form of identification. The tribe may request approval by submitting the following for review and inspection:</p> <p>(A) A letter requesting approval and describing the security features of the enrollment card;</p> <p>(B) A physical sample of an enrollment card; and</p> <p>(C) For tribes located outside of Washington, a contact phone number where enforcement officers may call at any time to verify the validity of the enrollment card.</p> <p>(ii) After review and inspection, the board's designee will send a letter approving or denying the enrollment card as an acceptable form of identification.</p> <p>(iii) The board may rescind approval if the enrollment card no longer meets the requirements of this section.</p> <p>(f) A biometric age verification system.</p> <p>(4) The licensee or the biometric age verification system or its agent, shall maintain for 30 days a record of each biometric age verification transaction, including the date and time of the transaction, the location of the transaction, and the type and number of the authenticated record of identification.</p>
This change is needed because:	Including biometric age verification as an acceptable form of identification will help reduce human error in identification checking, increase public safety, and decrease sales to minors by allowing retail licensees to efficiently and accurately establish the age of individuals attempting to purchase alcohol.
The effect of this rule change will be:	To add biometric characteristics as an acceptable form of identification and age verification.
The rule is not clearly or simply stated:	N/A

#4: Whether the Board should initiate the rulemaking process to consider amending WAC 314-17-025(1)(b) to replace references to repealed RCW 66.16.040 with WAC 314-11-025?

Similar to the analysis of Issues #1 and #2 above, this request similarly seeks to remove references to repealed RCW 66.16.040 and replace them with WAC 314-11-025. However, key differences here are twofold: First, there is no use of the term “card of identification”, and thus no link to WAC 314-01-005(2). Second, there is already rulemaking underway regarding WAC 314-17 related to alcohol servers (See [MAST 13 Permit Privilege Review Rulemaking](#)).

The proposed replacement of a repealed statute with a still-valid regulation appears uncomplicated and straightforward. It additionally is internally consistent with the overall proposed structure of the Board’s approach to this multipronged petition for rulemaking.

//
//

The Petitioner identified the issue with WAC 314-17-025(1)(b) as follows:

Requested Rule Amendment No. 4	
WAC Section:	WAC 314-17-025(1)(b)
I am requesting the following change:	(1) Any time a licensee or an employee performs the duties outlined in WAC 314-17-015 at a retail licensed premises, a licensee or an employee must have: (a) His or her class 12 or 13 permit on the retail licensed premises; and (b) One form of identification (see RCW 66.16.040 WAC 314-11-025 for acceptable forms of identification).
This change is needed because:	WAC 314-17-025(1)(b) currently provides that the forms of identification that are acceptable to verify a person's age can be found in RCW 66.16.040. However, RCW 66.16.040 was repealed by Initiative Measure No. 1183 in 2012. This change is needed to correct an error.
The effect of this rule change will be:	To correct an error in WAC 314-17-025(1)(b).
The rule is not clearly or simply stated:	N/A

#5: Whether the Board should initiate the rulemaking process to consider amending WAC 314-17-110(2)(b) to replace references to repealed RCW 66.16.040 with WAC 314-11-025?

The Petitioner identified the issue with WAC 314-17-110(2)(b) as follows:

Requested Rule Amendment No. 5	
WAC Section:	WAC 314-17-110(2)(b)
I am requesting the following change:	(2) Examples of aggravating and mitigating circumstances include, but are not limited to: (b) Examples of mitigating circumstances that may allow a less severe penalty: Permit holder checked one of the acceptable forms of identification (see RCW 66.16.040 WAC 314-11-025);
This change is needed because:	WAC 314-17-110(2)(b) currently provides that the forms of identification that are acceptable to verify a person's age can be found in RCW 66.16.040. However, RCW 66.16.040 was repealed by Initiative Measure No. 1183 in 2012. This change is needed to correct an error.
The effect of this rule change will be:	To correct an error in WAC 314-17-110(2)(b).
The rule is not clearly or simply stated:	N/A

The proposed change #5 is similar if not identical to the circumstances identified in #4 above, and the proposed change is identical in that a reference to RCW 66.16.040 would

be replaced with WAC 314-11-025. Therefore, just as with #4 above, the proposed replacement of a repealed statute with a still-valid regulation appears uncomplicated and straightforward.

Divisional, Interagency, Intergovernmental, DEIB, Social Equity and Other Impacts

Divisional

Licensing

The Licensing Division agrees with the proposed course of action. The Licensing Division also notes that pilot projects are typically addressed by requests submitted to the Licensing Division, and are processed in accordance with established procedures through the Licensing Division, and typically are not initiated in response to rules petitions.

Enforcement & Education

The Enforcement & Education Division (E&E) notes that while other states have acted on biometric age verification similar to what is being proposed by the Petitioner, those states have done so through the legislative process.¹ The Enforcement & Education Division is unclear how its enforcement officers would verify proof of identification as permitted in RCW 66.20.180 if the Petitioner's proposed definition of BAVS were adopted. Would E&E staff need to download third-party licensed software on their state-issued devices? While the proposed system is similar to [CLEAR](#) which is currently used at airports, such as Seattle-Tacoma International Airport, CLEAR is not currently free for all to use. This in turn may raise equity issues as identified below.

Additionally, RCW 19.375 already discusses biometric identification and provides definitions of "biometric identifier" that may be relevant.

Finance – no identified impact.

Information Technology/Infrastructure – no identified impact.

Public Health/Prevention

The ability to verify that a person is of legal age to purchase alcohol is of utmost importance to prevent purchases by underage persons. [RCW 66.20.180](#) requires that a customer must present "a card of identification" upon request of any licensee, peace officer, or LCB enforcement officer to determine whether the person is of legal age to purchase alcohol at a licensed location. Adding a "biometric age verification system" has no added value currently because it doesn't change this legal requirement. The purchaser still must be in possession of a valid card of identification.

¹ Arizona ([A.R.S. §4-241\(W\)](#)), Colorado ([1 CCR 203-2-47-912](#), See page 84 of 102), Georgia [Biometric ID FAQ](#), Maryland [Mobile ID FAQ](#).

Interagency

Department of Health – no identified impact.

Labor & Industries – no identified impact.

Intergovernmental

Tribes – no identified impact.

DEIB, Social Equity

While not limited to retinal scans or fingerprints, there have been numerous reported concerns regarding the potential bias that occurs with use of biometric data for identification.² Any inclusion of the use of biometric data as an acceptable form of identification would need to account for its limited access to those who have the financial means to use such services, as well as to provide safeguards against the sort of algorithmic bias that has been identified over the past few years in facial recognition technology.

Supplemental – Washington Legislative

During the 2023 legislative session, there were multiple efforts to regulate the sale and commercial use of biometric data. A bill requested by the Attorney General’s office was successfully passed, [HB 1155, chapter 191, Laws of 2023](#), This bill requires all businesses that collect “consumer health data” – explicitly including “biometric data” – publish a privacy policy and disclose what they do with the data, who they share it with, and how a consumer can exercise certain rights about that data. Consumers have the right to prevent a firm from transferring or selling the data to another business. It is unclear how this new legislation may or may not impact any action taking on the BAVS.

//
//
//
//
//
//

² Office of Inspector General, U.S. Department of Labor, March 31, 2023, Alert Memorandum: ETA and States Need to Ensure the Use of Identity Verification Service Contractors Results in Equitable Access to UI Benefits and Secure Biometric Data, Report #19-23-005-03-315, available at <https://www.oig.dol.gov/public/reports/oa/2023/19-23-005-03-315.pdf>.

COMMENTS OF THE ELECTRONIC PRIVACY INFORMATION CENTER and THE AMERICAN CIVIL LIBERTIES UNION to the National Institute of Standards and Technology on Digital Identity Guidelines: Enrollment and Identity Proofing, Initial Public Draft NIST SP 800-63A-4 ipd, April 14, 2023, available at <https://epic.org/documents/epic-and-aclu-comments-on-nists-2023-digital-identity-draft-guidelines/>.

Conclusion

The Board should accept the Petition in part, and reject it in part as follows:

- 1) The Board should accept the petition to amend WAC 314-01-005(2).
- 2) The Board should reject the petition to amend WAC 314-11-020(3).
- 3) The Board should reject the petition to amend WAC 314-11-025.
- 4) The Board should accept the petition to amend WAC 314-17-025(1)(b).
- 5) The Board should accept the petition to amend WAC 314-17-110(2)(b).

Recommendation

For the reasons described above, Director's Office staff recommend that consistent with RCW 34.05.330(1)(b), the Board accept in part and reject in part Claire Mitchell's petition for amending of rule submitted on May 17, 2023.

Board Action

After considering the recommendation of Director's Office staff, the Board accepts in part and rejects in part the petition for rulemaking received from Claire Mitchell on May 17, 2023.

Accept Deny



David Postman, Chair

7.5.2023
Date

Accept Deny



Ollie Garrett, Board Member

7.5.2023
Date

Accept Deny

Not Present

Jim Vollendroff, Board Member

7.5.2023
Date

Attachments

1. Email from Claire Mitchell received May 17, 2023, containing rule petition.
2. Laws and Rules cited under the "Authority" section above.