



# Washington State Liquor and Cannabis Board

**Topic:** Petition for Adoption, Amendment, or Repeal of a State Administrative Rule – (Title 314 WAC – LIQUOR AND CANNABIS BOARD – Gender neutral language).

**Date:** May 8, 2024

**Presented by:** Jeff Kildahl, Policy and Rules Coordinator

## Background

On March 14, 2024, Skye Theriot (he/him), a member of the public, submitted a petition for adoption, amendment, or repeal of a state administrative rule to the Liquor and Cannabis Board (LCB). This petition includes requests for two types of rule updates to be made to several sections throughout the rules of the LCB that comprise [Title 314 WAC](#).

The first request of the petition is for updates to be made to the usage of pronouns in the text of the rules throughout Title 314 WAC. The second request is for rulemaking to update the former name "Liquor Control Board" where it still remains in Title 314 WAC.

An excerpt from Skye Theriot's petition request form is included below:

**2. AMEND RULE - I am requesting the agency to change an existing rule.**

List rule number (WAC), if known: Multiple WAC, Please see attached supplement

- I am requesting the following change: Updates to the use of pronouns throughout WAC 314 and updating instances of "liquor control board" to "liquor and cannabis board"
- This change is needed because: To update WAC 314 to be inclusive, using more accurate pronouns and to reflect the name change of the board.
- The effect of this rule change will be: Our WAC 314 updates will modernize rule language to reflect proper pronoun grammar and provide consistency throughout WAC 314.
- The rule is not clearly or simply stated: \_\_\_\_\_

As an addition to the completed rulemaking petition form, the letter included below clarifies the request for rule changes:

Hello, Members of the Board & Staff,

I am writing to formally submit the attached Petition for Rule Making along with its supplement, seeking the deployment of expedited rulemaking processes, citing that these changes are only clarifying the language of the rules mentioned without changing their effects.

This petition addresses amendments to a majority of WAC 314's chapters, primarily aimed at updating pronouns to reflect a more inclusive approach and ensuring grammatical correctness in the applicable rules.

Furthermore, the petition advocates for updating the references to the board within the WAC to accurately reflect its current designation as the Liquor and Cannabis Board. This adjustment is crucial for modernizing the regulatory framework and aligning it with the board's current nomenclature.

I express my sincere appreciation for the dedication and diligence demonstrated by the board in its responsibilities. I am eager to collaborate with the board throughout this process to ensure the proposed changes are implemented effectively and efficiently.

In light of the significance of these updates, I respectfully request the board's prompt attention to this matter and action toward initiating the expedited rulemaking process.

Thank you for your attention to this important matter.

Also, in a lengthy attached list with rule language included, the letter comprehensively identifies more than seventy rule sections containing the pronouns "he", "she", "him" or "her" or occurrences of "liquor control board" for amendment.

## **Issues**

Whether the LCB should initiate expedited rulemaking as specified in the petition to amend existing rule sections in Title 314 WAC to replace the pronouns "he", "she", "him" or "her" with the inclusive gender-neutral pronouns "they" or "them" as appropriate.

In addition, whether the LCB also initiate expedited rulemaking to update outdated occurrences of the name "Liquor Control Board" with "Liquor and Cannabis Board", the official name of the LCB since 2015.

## **Analysis**

When making a recommendation to the Board regarding a petition for rulemaking, the Director's Office Staff considers the following factors to the extent practicable:

- LCB's statutory authority and obligations;
- Alignment with the LCB's policy goals and priorities;
- The immediacy of the safety, environmental, or security concern raised;

- Potential impact to public health outcomes;
- The potential impact on criminal activity;
- Level of public interest;
- Whether the problems or issues are already under consideration by the LCB in other rulemaking issues;
- Merits of the petition; and
- Equity impacts.

Accepting the rule petition does not mean the LCB would begin developing rules, but rather provides an opportunity for the LCB to solicit and gather feedback from the public to assess whether and how a regulation should be revised to ensure the most favorable outcomes. If the Board accepts a petition, the collaborative rulemaking process will be initiated, consistent with the [Administrative Procedures Act \(APA\)](#).

### **Request to Amend Pronouns in LCB Rules, Title 314 WAC**

The LCB’s authority to change the gender-specific pronouns in Title 314 WAC is clearly within the LCB’s statutory authority under RCW [66.08.030](#). Additionally, these requested changes, to replace all gender-specific pronouns used in these rules, would correct and clarify the rule language and are consistent with requirements for expedited rulemaking in RCW [34.05.353\(1\)\(c\)](#).

There are many merits to this requested rulemaking. The requested changes to replace the pronouns he, she, him, or her with gender-neutral pronouns clearly align with LCB’s goals and priorities. These simple clarifying changes are appropriate and would promote the LCB’s interest to promote equality and inclusivity in regulations, and removes any appearance of discrimination or potential for bias related to inadvertent or outdated customary use of personal pronouns Title 314 WAC.

### **Request to Change “Liquor Control Board” to “Liquor and Cannabis Board” in LCB Rules, Title 314 WAC**

This ability to update the name of the LCB “Liquor Control Board” to “Liquor and Cannabis Board” is within statutory authority and obligations, and is already included as a part of a current expedited rulemaking project with an expected completion date of August 31, 2024 for permanent rules to take effect reflecting this change.

The former name “Liquor Control Board” was in fact changed to “Liquor and Cannabis Board” with passage of Second Substitute Senate Bill 5052 in 2015. Amending rule sections in Title 314 WAC update this reference is already underway and is consistent with requirements for expedited rulemaking in RCW [34.05.353\(1\)\(c\)](#), and was undertaken to remove all the remaining references in LCB rules for rule consistency.

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

#### ***Divisional***

Licensing

No identified impact.

Enforcement & Education

No identified impact.

Finance

No identified impact.

Information Technology/Infrastructure

No identified impact.

Public Health/Prevention

No identified impact.

**Interagency**

Department of Health

No identified impact.

Labor & Industries

No identified impact.

**Intergovernmental**

Tribes

No identified impact.

**DEIB, Social Equity**



The requested rule change to make the pronouns used throughout Title 314 WAC gender-neutral would promote inclusivity and removes any appearance of possible bias due to inadvertent or outdated use of gender-specific personal pronouns. The other requested rule change, to update the name of the LCB to include cannabis is part of another current rulemaking project expected to be completed with permanent rules taking effect in the summer of 2024. This change further recognizes cannabis as a regulated product.

**Recommendation**

For the reasons described above, Director’s Office staff recommend that consistent with RCW 34.05.330(1)(b), the Board accept Skye Theriot’s petition for amending of rules submitted on March 14, 2024.

**Board Action**

After considering the recommendation of Director’s Office staff, the Board accepts/denies the petition for rulemaking received from Skye Theriot on March 14, 2024.

<input checked="" type="checkbox"/> Accept <input type="checkbox"/> Deny	 David Postman, Chair	<u>5.8.2024</u> Date
<input checked="" type="checkbox"/> Accept <input type="checkbox"/> Deny	 Ollie Garrett, Board Member	<u>5.8.2024</u> Date
<input checked="" type="checkbox"/> Accept <input type="checkbox"/> Deny	 Jim Vollendroff, Board Member	<u>5.8.2024</u> Date

## **Attachments**

1. Email from Skye Theriot received March 14, 2024, containing rule petition request.
2. Rule petition form.