



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

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STATE OF WASHINGTON
FILED

DATE: February 28, 2024

TIME: 10:28 AM

WSR 24-06-023

Agency: Washington State Liquor and Cannabis Board

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) _ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain: .

Purpose: The Washington State Liquor and Cannabis Board (Board) has adopted amendments to the rule as described in WSR 24-02-094 to amend WAC 314-02-1071 to clarify the language regarding exceptions to trade area requirements for spirits retailers in locations that are primarily accessed by boat, and to exempt businesses on Tribal land and owned by Tribal enterprises from the 20 mile travel distance requirement in WAC 314-02-1071(1). The proposed changes include defining the terms "Tribe" and "tribal enterprise", as well as moving around some of the language of existing WAC 314-02-1071 to enable better flow and readability of the rule language overall.

Citation of rules affected by this order:

New:
 Repealed:
 Amended: WAC 314-02-1071
 Suspended: _____

Statutory authority for adoption: RCW 66.08.030

Other authority: None.

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 24-02-094 on January 3, 2024_ (date).
 Describe any changes other than editing from proposed to adopted version: No changes.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New		Amended		Repealed	

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended		Repealed	___
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The number of sections adopted on the agency's own initiative:

New	___	Amended	1	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New		Amended	1	Repealed	

Date Adopted: February 28, 2024	Signature: 
Name: David Postman	
Title: Chair	

WAC 314-02-1071 (~~(What is "trade area"?)~~) **Trade area.** (1)

"Trade area" as used in RCW 66.24.630 means an area where there is no spirits retail license within a (~~(twenty)~~) 20-mile travel distance at the time of license application.

(2) (~~The board will use the following criteria when determining to accept~~) For a spirits retail license application where the proposed premises (~~(location)~~) is less than (~~(ten thousand)~~) 10,000 square feet of fully enclosed retail space(~~+~~

~~(a) There is no spirits retail license holder or auction title holder~~), the board will determine if there is an existing spirits retailer within (~~(twenty)~~) 20 travel miles at the time of license application(~~+~~ and

~~(b) The board will determine travel distance by a publicly available mapping tool which may be accessed on the board's website. The web address of this site at the time of rule adoption is <http://wsleb.maps.aregis.com/home/>)~~).

(3) Former contract or state liquor store(~~s and title holders by those who purchased a state store at auction~~) owners are exempt from the (~~(ten thousand)~~) 10,000 square foot minimum required by law. (~~(Should)~~) If either entity chooses to locate within (~~(an establish- ed)~~) a trade area (~~(and)~~) as defined in this section, they may be is- sued a license as long as they are in compliance with (~~(board)~~) relo- cation criteria(~~(, they may be issued a license)~~) as established by the board.

(4) Spirits retailers owned and operated by a tribe or its tribal enterprise, located in Indian country as defined by 18 U.S.C. Sec. 1151, including reservation and all lands held in trust by the United States for the tribe or its members, are exempt from the 20-mile travel distance requirement.

(a) For purposes of this subsection, "tribe" means a federally recognized tribe as defined by 25 U.S.C. Sec. 4103(13)(B).

(b) For purposes of this subsection, "tribal enterprise" means a wholly owned business enterprise of the tribe.

(5) The board may make an exception to the (~~(twenty)~~) 20-mile travel distance requirement for (~~(the following+)~~) a spirits retail license application (~~(is for a location)~~) where (~~(the significant mode)~~) access to the proposed location is by means of travel (~~(is)~~) other than (~~(by)~~) automobile.