



## **CR 103E Memorandum**

### **Chapter 314-12 WAC – General – Applicable to all licensees to establish summary license suspension and stay provisions to enforce any Governor’s Proclamation**

Date: November 18, 2020  
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#### **Background:**

On February 29, 2020, Governor Inslee issued Proclamation 20-05 that confirmed the person-to-person spread of the novel coronavirus (COVID-19) in Washington State, and proclaimed a State of Emergency for all counties throughout the state of Washington based on the COVID-19 outbreak in the United States.

On March 16, 2020, Governor Inslee issued Proclamation 20-13 that imposed statewide limits on food and beverage services, and areas of congregation to limit opportunities for disease exposure and transmission in the state. Proclamation 20-13 was based on a number of findings, including but not limited to:

- Guidance from the United States Center for Disease Control and Prevention to reduce the size of gatherings from 250 persons to 50 persons; and
- The necessity to prohibit any number of people from congregating in public venues for the purposes of entertainment, recreation, food and beverage service, theater, bowling or other similar activities.

On March 23, 2020, Governor Inslee issued Proclamation 20-25, entitled, “Stay Home - Stay Healthy,” that among other things, imposed limits on conducting or participating in essential activities and employment in essential activities, temporarily prohibited certain public and private gatherings, and established a list of essential and non-essential businesses in Washington State. Non-essential businesses were prohibited from operation except for performing basic minimum

operations. Essential businesses were encouraged to remain open and maintain operations.

On November 15, 2020, Governor Inslee issued Proclamation 20-25.8, amending proclamations 20-05 and 20-25 et seq. entitled “Safe Start – Stay Healthy” County-by-County Phased Reopening. Proclamation 20-25.8 extends and amends the four-phase plan for opening the State of Washington, and incorporates issued amendatory proclamations, including 20-13.

Establishments licensed by the Board are subject to the restrictions of Governor’s Proclamations 20-05, 20-13, and 20-25. Although some establishments licensed by the Board are considered essential, others are not or are subject to specific limitations.

### **Reasons why rules are needed:**

The Board has the authority under RCW 66.44.010, RCW 70.155.150, and RCW 70.345.020 to enforce Governor’s Proclamations. Consistent with that authority, these emergency rules serve a two-pronged purpose. These rules:

- Allow the Board to serve an order of summary license suspension after a preliminary staff investigation indicates that a liquor, vapor, or tobacco product licensee has violated any Governor’s Proclamation issued as a result of the COVID-19 outbreak, and that immediate cessation of licensed activities are necessary for the preservation of public health and welfare; and
- Provide a framework and process for the affected WSLCB licensee to petition the Board for a stay of summary suspension consistent with the provisions of chapter 34.05 RCW.

These rules may be extended, rescinded, or considered for inclusion in adopted rules at a later date as appropriate.

### **Process:**

Consistent with RCW 34.05.350, any agency may find that the immediate adoption, amendment, or repeal of a rule is necessary for the preservation of public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest. This rule change is exempt from the filing of a CR 101, analytical, and public hearing requirements.

An emergency rule adopted under RCW 34.05.350 takes effect upon filing with the code reviser, unless a later date is specified in the order of adoption, and may not remain in effect for longer than one hundred twenty days after filing.

Notice will be sent to all who have indicated that they want to receive notice of rule activity, and posted to the Board's website.