



## Notice of Rule Change – Explanatory Statement MAST

---

This explanatory statement concerns the **Washington State Liquor Control Board's adoption of changes to rules regarding MAST.**

The Administrative Procedure Act (RCW 34.05.325(6)) requires agencies to complete a concise explanatory statement before filing adopted rules with the Office of the Code Reviser. This statement must be provided to anyone who gave comment about the proposed rule making.

Once persons who gave comment during this rule making have had a chance to receive this document, the Liquor Control Board will file the amended rules with the Office of the Code Reviser. These rule changes will become effective 31 days after filing (approximately July 3, 2010).

The Liquor Control Board appreciates your involvement in this rule making process. If you have any questions, please contact Karen McCall, Rules Coordinator, at (360) 664-1631 or e-mail at [rules@liq.wa.gov](mailto:rules@liq.wa.gov).

---

### **What are the agency's reasons for revising these rules?**

These rules are being revised as part of the Rules review process and to create rules to implement an online MAST program.

### **What changes are being made?**

The Board adopted these rule changes June 2, 2010. The rules will be filed on June 2, 2010 and will be effective on July 3, 2010.

#### **Amended Section WAC 314-17-005 What is the purpose of this chapter?**

Clarified and plain talked.

**Amended Section WAC 314-17-010 Definitions.** Expanded chapter definitions to include distillery or craft distillery and domestic winery.

**Amended Section WAC 314-17-015 What are the two types of alcohol server training permits?** Clarified the types of permits and defined the roles of the permit

holders. Added "at a retail licensed premises" to clarify the permits are for persons at these premises. Added RCW references for additional information on 18, 19, and 20 year old employees. These additions were based on stakeholder input.

**Amended Section WAC 314-17-020—How long are permits good for?**

Clarified the permit validation period and how to obtain subsequent permits. Also clarified "at a retail licensed premises" per stakeholder request.

**Amended Section WAC 314-17-025—Does a permit holder have to carry his or her class 12 or 13 permit?**

Clarified and plain talked. Added "at a retail licensed premises" to clarify the permits are for persons at these premises per stakeholder request.

**Amended Section WAC 314-17-030 Are employers responsible for ensuring that their employees have class 12 or 13 permits?**

Clarified and plain talked.

**Amended Section WAC 314-17-035---How to replace a lost permit?**

Clarified and plain talked

**Amended Section WAC 314-17-040---May an eighteen to twenty year-old student who takes and passes a class 12 training course upgrade to a class 12 permit upon turning twenty-one without retaking the training course?**

Clarified and plain talked.

**Amended Section WAC 314-17-045---How do I get a class 12 or 13 permit in Washington if I was trained in another state?**

Clarified and plain talked.

**Amended Section WAC 314-17-050---How do I become a provider?**

Allowed on-line training course, required continuing education for trainers and added temporary certification requirement. Added the program shall address "current" Washington State liquor laws and regulations per stakeholder request.

**Repealed Section WAC 314-17-055---How do I apply for a temporary certification?**

Moved to WAC 314-17-050.

**Amended Section WAC 314-17-060—What are the course standards, course content, and other requirements for class 12 or 13 training programs?**

Added a student evaluation requirement, online training standards, established a minimum passing score of 80% for the standardized exam and specified requirement for student workbook. Added an effective date of December 1, 2010, per stakeholder request.

**Amended Section WAC 314-17-065 How does a provider receive certification for its trainers?**

Added continuing education requirements for trainer certification. Changed (2)(vi) from "hospitality industry" to "sale and service of alcoholic beverages" per stakeholder request.

**Amended Section WAC 314-17-070---What criminal history would prevent a person from receiving certification to be a trainer?**

Amended the criminal history requirements to be consistent with liquor license applicants.

**Amended Section WAC 314-17-075 How does a provider get class 12 or 13 permit forms?**

Clarified the trainers' ability to order permit forms with provider's authorization.

**Amended Section WAC 314-17-080 What should a provider or a trainer do when a class 12 or 13 permit is issued in error?**

Clarified and plain talked.

**Amended Section WAC 314-17-085 What records must a provider or trainer submit to the board or keep on file?**

Added the requirement for submission of the session rosters to be in the board-specified format and increased the reporting time from three days to 30 calendar days. Removed (5) and revised (6) per stakeholder request.

Removed the record retention requirements from trainers and placed it upon providers. Required records be maintained in a secure environment.

**Amended Section WAC 314-17-090 Prohibited conduct by providers and trainers.**

Clarified and plain talked.

**Amended Section WAC 314-17-095 What must a provider do when a trainer violates a liquor law or regulation?**

Clarified and plain talked.

**Amended Section WAC 314-17-100 What are the penalties when a provider or a trainer violates a liquor law or regulation?**

Clarified and plain talked.

**Amended Section WAC 314-17-105 What are the penalties when a permit holder violates a liquor law or regulation?**

Clarified and plain talked.

**Amended Section WAC 314-17-110 May the board impose sanctions or penalties other than those described in WAC 314-17-105?**

Clarified and plain talked.

**Amended Section WAC 314-17-115 Appeal Rights.**

Clarified and plain talked.

---

## **Summary of all public comments received on this rule proposal.**

### **Questions from Ken Brown, Cheryl's LAST CALL:**

1. I understand an evaluation is required – I do not understand what “ A trainer shall provide a separate course evaluation form to each student enrolled in an in-person training course, and the form shall include the board's contact information” means – can you explain?

**Response:**

In the course evaluation sheet, also provide the board contact information. You are also required to do the same in the enrollment agreement.

2. There are numerous changes in the laws which are going to require changes to course material ad / or training manuals. How does this work – we are required to “revise a manual within thirty calendar days” and yet we need “approval from the board before making any changes”. We have not made many changes in the past so we are just curious as to how this all works. Do we revise the manual within the thirty calendar days as required above, and then submit it to you? Or, are you even required to approve these kinds of changes?

**Response:**

As a Mandatory Alcohol Server Training program provider, it is critical that you are up-to-date with the latest laws, rules and procedures and keep your trainers informed. Upon receiving the new information from the Board, update the course materials and send it to the Board for certification. We will let you know whether the content is ready for printing.

3. What does the meaning of “science and industry advances” Is there a translation for this?

**Response:**

We are referring to new findings and information in alcohol related research. When such information is available and forwarded to you from the Board, you are expected to relate that message to your trainers.

### **Comment from Ron Brown from Ron Reid Alcohol Server Training:**

The sentence "If a person completes an alcohol server training course in another state and a training course is also certified in the state of Washington" is grammatically incorrect.

#### **Response:**

Thank you for catching that. We missed it but we will correct it.

### **Question from Angela Levenda , Bartending College:**

Will the State provide a workshop for continuing education for trainers, or can I have an in-house workshop for all my trainers and provide a letter that they attended?

#### **Response:**

Trainers can attend board provided conferences or workshops. Also, as a provider, you can propose a train-the-trainer program to cover the new laws and regulations. Your program has to be certified by the board in order to meet the continued education requirement.

### **Questions from Matt Anthony, 360training .com**

- 1 **WAC 314-17-020** stipulates that a Class 12 or 13 permits will last 5 years. Most other Liquor Control Boards and Alcohol Beverage Commissions have a shorter period of permit validation, lasting 2 or 3 years. 5 years is a long time to forget and not get refreshed on how to serve alcohol responsibly.

**Response:** Currently RCW 66.20.310 (3) determines permit validation period for five years. At this time, Board does not have sufficient evidence to propose the change in legislation to shorten the permit validation period.

- 2 **WAC 314-17-060(9)** references a Student Workbook. Is such a workbook required to accompany an online training course? What information is required to be in the Student Workbook? Can we attach the workbook as a PDF to our online training course and allow students to download/print it?

**Response:** Yes, the workbook maybe provided in a PDF and should be available for printing after the course. The required topics for the student workbook are listed under WAC 314-17-060 (1)

- 3 **WAC 314-17-050 (8)** stipulates that a trainer must be qualified to teach a training course in the state of Washington. Can you please clarify what specific qualifications are necessary for trainers who wish to seek approval in Washington State? Also in section (a) it is required that "a trainer must attend a board-

provided conference or a provider-sponsored education workshop..." How long is such a program required to be?

**Response:**

The trainer qualifications are specified in WAC 314-17-065 and WAC 314-17-070. A provider-sponsored trainer workshop should be long enough to cover information on current Washington State liquor laws, regulations and science and industry advances pertaining to alcohol services at a minimum.

- 4 **WAC 314-17-050 (8) (e)** says that "A provider must supply a trainer with a trainer's manual." What is required to be in the Trainer's Manual?

**Response:**

A trainer manual should provide the instructor on what and how to teach the program. It needs to provide the step by step course outline indicating time allotment for each topic, detailed information, additional explanations, references, resources and teaching techniques and methods.

- 5 **WAC 314-17-060 (4)** states that "A student evaluation for each in-person or on-line training course is required." What specific questions are required to be asked on the student evaluation? Do completed evaluations need to be sent back to the Board, or just kept on record at our office?

**Response:**

The goal is to improve the effectiveness of the training by incorporating comments and suggestions provided by the course participants. Providers can create their own surveys in the area of their interest. However, we believe the following factors may provide useful information for course improvements:

- Trainer's competency of the course subjects,
- Adequate course materials,
- Methods of presentation, and
- Assessment of the student knowledge to follow the liquor laws while working.

Providers should keep the survey results and make them available for inspection upon request.

**Testimony at Public Hearing – May 26, 2010 Olympia, WA**

**Question from Jean Leonard, Washington Wine Institute**

**WAC 314-17-010(4)(c)** states "facility established by a domestic winery for serving or selling wine pursuant to RCW 66.24.170(4). I want to make sure that this only includes additional location wineries.

**Response:**

RCW 66.24.170(4) only refers to locations separate from any of its production or manufacturing sites.