



Washington State Liquor and Cannabis Board

October 28, 2020

To: Licensees
Fr: Chief Justin Nordhorn, Enforcement and Education Division
Re: Suggestions for Addressing Special Circumstances Posed by COVID-19 Pandemic

The Liquor and Cannabis Board (LCB) is providing the below general guidance in response to industry questions about checking ID, customers wearing masks in retail stores, licensees handling customer IDs and other special circumstances brought about by social distancing recommendations in light of COVID-19. These are ideas of how to mitigate risk while maintaining compliance and potential best practices. They should not be considered legal advice from the LCB.

Checking Identification

Although checking identification can be considered a best practice, it is not mandated by law. Many businesses have developed internal policies related to checking identification. Some businesses check youthful appearing people, others tell employees to check anyone appearing under 30 years of age, while others mandate employees must check everyone's identification regardless of age. All of these policies are business decisions, and assist in mitigating the risk of selling a restricted product to a person under 21 years of age.

Expired Identification

First, please note that the [Governor extended the deadline to renew driver licenses in April 2020](#), and working with the Department of Licensing, there have been approved extensions of driver's license renewals.

If a sale is made to a person 21 years of age or older, the LCB does not take action against licensees regardless of the form of identification. In short, if an identification is expired and the person is over 21 years of age we do not approach that situation as non-compliance. On the other hand if an expired identification is presented for proof of age and the person purchasing the restricted product is under 21 years of age, there would not be grounds for mitigation and the LCB would consider the sale to the minor as non-compliant.

With the above context in mind, the question becomes: How do licensees and their employees verify proof of age in these unusual times of social distancing, limited contact, and health recommendations encouraging face coverings? The following are suggestions as to how a licensee may choose to approach mitigating the risks of sales to persons under 21 years of age, while contributing to positive health practices in their licensed business.

Assessing Age

- When selling a restricted product, assess the patron's age:
 - If the patron is obviously of age, a business may choose to bypass an identification check. Keep in mind if the person is underage, then liability for the business still remains for any sales to a person under 21 years of age. Best practice is to check identification

for anyone that looks under 30 years of age. However, it is not required by LCB rule or state law.

- If the patron is questionably young, then request identification:
 - The patron could place it face up on the counter, and step back, maintaining social distancing, and allowing the business employee to read the identification without handling it.
 - The patron could hold the identification up at arm's length, so as to not breathe towards the employee, and the employee could examine the identification for proof of age.

Expired Identification

- Issues to consider with an expired identification:
 - If the customer appears youthful, and has an expired identification, the risk of selling to a person under 21 years of age increases.
 - **Low Risk:** If the identification expired recently (February – April 2020), the customer may have been impacted by the COVID-19 situation for renewal – If all else looks well, this may be low risk to make a sale.
 - **Higher Risk:** If the identification expired prior to February, and the customer appears youthful, the risk increases for a possible sale to a person under 21 years of age, as one of the most common fake identifications used is a person under 21 using an older sibling's expired identification.

Customers Wearing Masks

- Ideas if you need to see the customer's face to match an identification:
 - You can ask the customer to remain six feet back and temporarily remove the mask.
 - You can ask the customer to hold their breath for a few seconds while the customer pulls down the face covering, so the employee can temporarily see the customers face.

Things to Consider about Increasing Your Risk

- Things to remember that increase risk of furnishing alcohol, cannabis, tobacco, and vapor products to persons under 21 years of age:
 - The customer is youthful appearing, and identification is not checked;
 - The customer has an older expired identification;
 - The customer has a vertical format identification (indicating the picture was taken and the identification was issued prior to the person turning 21 years of age – they still could be of legal age, this is just a red flag for additional scrutiny);
 - The youthful appearing customer is purchasing a variety of brands and in large quantities;
 - The youthful appearing customer is accompanied by another youthful appearing person at the counter, or was seen in the store with another youthful appearing person before going to the counter (especially with multiple products / brands);

- A store employee observes youthful appearing people exchanging money with someone purchasing multiple restricted products and brands. This applies to multiple scenarios including shoulder tapping or asking older friends/family to purchase. If the person is supplying the money, a good practice is to ask those contributing money to come in to the store to check their ID before a sale occurs.

Please remember the Governor's Proclamations do not suspend youth access laws. With in-person schools being limited in 2020, there is a risk of increased young people under age 21 who may try and attempt to purchase from your businesses. The above guidance is presented to help with ideas of how to manage youth access risk in these very challenging times of the COVID-19 pandemic.

We hope you and your employees remain healthy and safe while providing essential services to the communities of Washington State.

###