



Navigating LCB Rulemaking:

Turn your passion into productive comments



Washington State Prevention Summit

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November 5, 2019



Washington State
Liquor and Cannabis Board

WELCOME!



Washington State
Liquor and Cannabis Board











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Outline

- LCB: Who we are and what we do
- Rulemaking 101
- Group activity:
Soju Rules Review and Case Study
- How to connect with LCB



Washington State Liquor and Cannabis Board

Who we are and what we do



Washington State Liquor and Cannabis Board

Vision

Safe communities for Washington State





Our Vision

Safe communities for Washington state

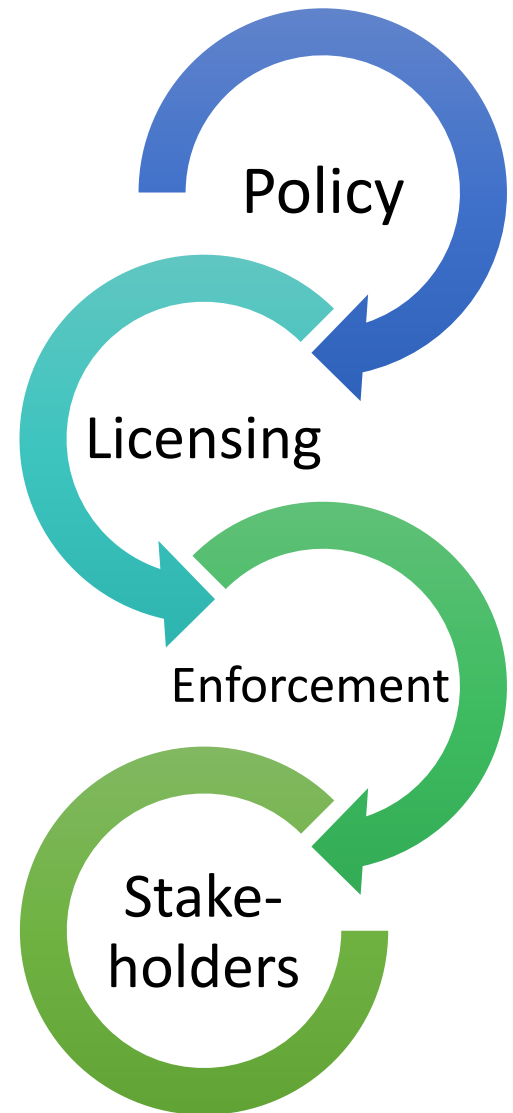




Our Mission

Promote public safety and trust through fair administration and enforcement of liquor, cannabis, tobacco, and vapor laws.

Public safety relies on the thoughtful integration of policy, licensing, enforcement and the perspectives of those we serve.





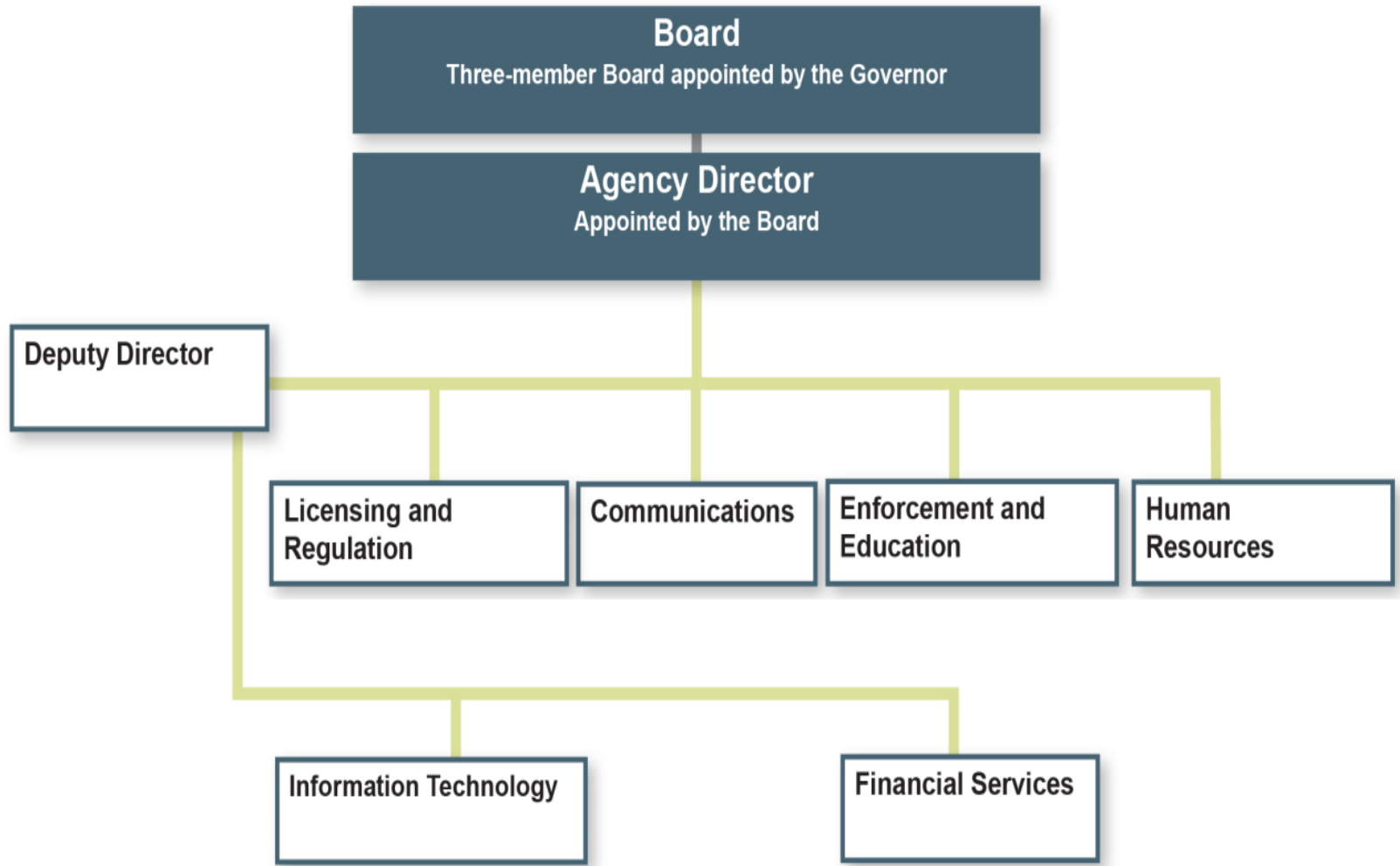
Commitments

- Maintain transparency, integrity and best practices
- Strive for balance by engaging staff, stakeholders, general public and authorizing environment in decision process
 - Work groups
 - Research
 - Direct communication



Washington State Liquor and Cannabis Board

Structure





Board Office



Board Chair
Jane Rushford



Member
Ollie Garrett



Member
Russ Hauge

- Administrative oversight
- Approval of policies and rules
- Final approval of budgets
- Revocation of suspension of a license or permit
- Administrative violations
- Legislative engagement and approval of proposals
- Public and stakeholder engagement
- Maintain alcohol, cannabis and tribal advisory councils



Enforcement and Education

- Liquor/Marijuana/Tobacco/Vapor Compliance
- Violation Hearings
- Criminal History Records Information

Licensing and Regulation

- Liquor/Marijuana/Tobacco/Vapor Products
- Mandatory Alcohol Server Training
- Responsible Vendor Program





Rulemaking 101





What's the difference between laws and rules?

- Laws (statute): The legislature changes or adds to the Revised Code of Washington (RCW) through the legislative process.
- Rules: State agencies change, remove, or add sections to the Washington Administrative Code (WAC) through the rulemaking process. Rules further define and explain what is mandated in statute.



Rules Coordinators



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Standard Rulemaking – 3 Step Process

1

CR 101

- Rulemaking is opened with the Office of the Code Reviser
- Notice is sent to stakeholders
- Rules are drafted and/or revised
- Stakeholder engagement and feedback - informal comment period





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CR 101

- Rulemaking is opened with the Office of the Code Reviser
- Notice is sent to stakeholders
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2

CR 102

- Proposed rules are filed with the Office of the Code Reviser
- Notice is sent to stakeholders
- The public hearing is set
- Formal comment period
- Comments and testimony reviewed
- Rules are revised if necessary (new public hearing)





Standard Rulemaking – 3 Step Process

1

CR 101

- Rulemaking is opened with the Office of the Code Reviser
- Notice is sent to stakeholders
- Rules are drafted and/or revised
- Stakeholder engagement and feedback - informal comment period



2

CR 102

- Proposed rules are filed with the Office of the Code Reviser
- Notice is sent to stakeholders
- The public hearing is set
- Formal comment period
- Comments and testimony reviewed
- Rules are revised if necessary (new public hearing)



3

CR 103

- Final rules are filed with the Office of the Code Reviser
- Notice is sent to stakeholders
- Effective 31 days after filing, unless effective date is delayed





Examples of Rules: Marijuana

Marijuana Packing and Labeling: WAC 314-55-105

- Reduces packaging thickness from 4 mil to not less than 2 mil
- Allows licensees to provide a measuring cup or hash marks on marijuana infused edibles
- Standardizes language regarding child, youth and minor to “especially appealing to persons under 21”



Examples of Rules: Alcohol

WAC 314-11-060(2):

“Signs provided by the board warning of the possible danger of birth defects which may be caused as a result of the consumption of alcohol during pregnancy, must be posted as follows...”



AAP-8 10/17



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WAC 314-11-025

What are the acceptable forms of identification?

Rulemaking was initiated January 23, 2019.
The rule revisions were effective September 21, 2019

What did we change?

- We now allow consideration of tribal enrollment cards from federally recognized Indian tribes located outside of Washington as acceptable forms of identification to verify a person's age for alcohol sales, service, consumption, and possession;
- We added the process for tribes to request consideration of enrollment cards as acceptable forms of identification;
- We made technical changes and clarified the rule language to ensure requirements are clear for all acceptable identification types.
- Clarifications included requirements that all identification has the identification holder's photo, date of birth, and signature (except on federally issued identification where a visible signature is not required).





Listen and Learn Forum Preparation

- Need to do your homework
 - Crosswalk Agenda for Listen and Learn with draft rules → search and find
 - Listen and Learn Forum Guidance
 - Know which WAC sections you want to comment on
- Remote participation options





Prevention Voices

Marijuana Packaging
and Labeling
Listen & Learn
October 11, 2019





Attributes of a productive comment

- Reference the specific WAC section or subsection to which your comment pertains
- Specific and substantive
- Focus on the solution, not feelings
- Suggest actual substitute rule language rather than general concern
- Possibly draws upon research (with citation)
- Respond to draft rule: what do you like, don't like, what would you change and WHY





*Group activity:
Soja rules review and case study*





Soju Rules Review and Case Study

At the end of your rows you'll find:

- House Bill 1034
- Proposed rules (red-line version)
- Soju Training Curriculum
(developed by the LCB licensing division)
- Attributes of a Productive Comment handout



Washington State Liquor and Cannabis Board



360 ml = 12 ounces



Soju Rules Review and Case Study

- The legislature passed House Bill (HB) 1034 during the 2019 legislative session.
- What does the bill do?
 - On page 2, it corrects the reference to the LCB
 - On page 8, it adds the definition of soju
 - On page 9, it directs the board to create a soju endorsement to the spirits, beer, and wine restaurant license and outlines requirements for the endorsement



The public hearing is tomorrow! How did we get here?

- The CR 101 was filed to open rulemaking
 - Stakeholder engagement, Listen & Learn Forums, drafting rule revisions or additions, informal comment period
- The CR 102 was filed with proposed rules and a public hearing was set
- **Your assignment is to take 10 minutes to review the materials and write a couple of comments as a group.**
- Designate someone from your table who will deliver the comment in under 3 minutes.





What happens next?

- All of your comments will be considered.
- If the proposed rules are changed, a supplemental CR 102 will be filed and a new hearing will be set.
- If no changes are made, a CR 103 will be filed and the rules will be effective 31 days after filing (unless a delayed effective date is implemented).
- After adoption, a Concise Explanatory Statement will be prepared and posted on our website



How to Connect

- On <http://lcb.wa.gov>
 - [Sign up for listservs](#) ←
 - [Check Board agendas](#)
 - [Report a violation](#)
- Ask questions
 - Email or call Sara Cooley Broschart
at sara.broschart@lcb.wa.gov/ 360.522.0421
- Request meetings
- For [rules and legislation:](#)
 - Be a presence at Listen and Learn Forums and/or public hearings
 - Comment in person or via email – both are valid
 - Rules@lcb.wa.gov





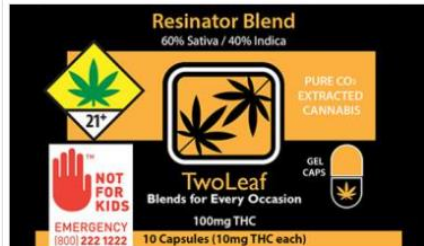
- About Us —
- Annual Report
- Board Information
- Contact Us
- Mission / Strategic Plan
- Report a Violation
- Speaking Request
- News and Communications** —
- Education Webinar Archive
- Newsletters
- Press Releases
- Public Records** —
- Frequently Requested Lists
- Marijuana Non-Retail Map
- Marijuana Retail Map
- Public Records
- Resources** —
- Agency Publications
- Email Notification Archive
- Get Email Notifications
- Laws and Rules
- New License Actions
- Tribal Resources



Order Banquet Permits Online

Applying for a Banquet Permit Online A banquet permit is a permit you apply for that allows the service and consumption of liquor at a private, invitation-only banquet or gathering held in a public...

[Read More](#)



Cannabis Packaging and Labeling Resources

The Board adopted interim packaging and labeling policies on January 9, 2019. These policies will remain in place until January 1, 2020, when the rules become effective. Licensees now have...

[Read More](#)



Start Talking Now

Underage consumption of alcohol and marijuana is a top health concern in Washington. The WSLCB Education section features information about what parents, the community and schools can do to reduce...

[Read More](#)



Alcohol Sales Training

The training courses are intended to increase your understanding of the rules, regulations and training requirements of Washington State's alcohol laws. Mandatory Alcohol Server Training (MAST)...

[Read More](#)

[Printer-friendly version](#)



Questions and Answers



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Thank you!

Stay in touch: lcb.wa.gov