



## NOTICE OF RULE MAKING – Proposed Rules #09-20

The Washington State Liquor Control Board would like your input on the attached proposed rules to implement **SHB 1435 regarding cigarette and tobacco licensing**.

This notice contains a summary of changes being proposed as well as the actual text of the proposed rules. You can provide input by submitting written comments or by participating in the public hearing (see below).

This rule making is filed with the Office of the Code Reviser in the Washington State Register number # 09-22-100.

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### Why is rule making necessary?

SHB 1435 passed in the 2009 legislative session, gives the Liquor Control Board the administrative authority to approve, deny, suspend, or revoke retail, wholesale, or distributor cigarette and tobacco products licenses. Rules are needed to further clarify the application process and requirements.

This notice can be found at <http://www.liq.wa.gov/laws.asp> under Proposed Rules. The text of the WAC chapter under review can be found at [http://apps.leg.wa.gov/WAC/default.aspx?cite=Cigarette and Tobacco Licensing](http://apps.leg.wa.gov/WAC/default.aspx?cite=Cigarette%20and%20Tobacco%20Licensing)

### Public Comment

You may attend the public hearing listed below, or forward your comments to the Board by mail, e-mail, or fax by **December 9, 2009**.

<b>By mail:</b>	Rules Coordinator Liquor Control Board P.O. Box 43080 Olympia, WA 98504-3080	<b>By e-mail:</b>	<a href="mailto:rules@liq.wa.gov">rules@liq.wa.gov</a>	<b>By fax:</b>	360-360-664-9689
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<b>Public Hearing:</b>	<b>December 9, 2009</b> <b>10:00 a.m.</b> Washington State Liquor Control Board – Board Room 3000 Pacific Ave. S.E, Olympia, WA
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## **QUESTIONS?**

If you have questions, please contact Karen McCall, Agency Rules Coordinator, at 360 664-1631 or by e-mail at [rules@liq.wa.gov](mailto:rules@liq.wa.gov) .

To request this notice in an alternative format or to request other accommodation to participate, please call 360-664-1600.

## **What changes are being proposed?**

### **New Chapter 314-33 Cigarette and Tobacco Products License Process**

**New Section 314-33-001 Cigarette and tobacco products license qualifications and application process.** Explains the requirement of a criminal history background check and explains the application process to obtain a cigarette or tobacco products license.

**New Section 314-33-005 Reasons the board may deny a cigarette or tobacco products license application.** Lists the reasons the board may deny the license.

**New Section 314-33-020 What criminal history might prevent an applicant from receiving or keeping a cigarette or tobacco products license?** Includes a matrix that includes a point value for different types of criminal convictions. Explains the board's scoring of criminal convictions and how a decision is made when criminal history is involved.

**New Section 314-33-025 What liquor and cigarette and tobacco products law or rule violation history might prevent an applicant from receiving a cigarette or tobacco products license?** Explains how the board uses violation history in determining licensure.

**New Section 314-33-030 What is the process if the board denies a cigarette or tobacco products license application?** Explains the options for the applicant if their application is denied.

### **New Chapter 314-34 Cigarette and Tobacco Products Violations**

**New Section 314-34-001 Purpose of chapter.** Explains what is covered in this chapter.

**New Section 314-34-003 Authority—Suspension or revocation of wholesale and retail cigarette and tobacco products licenses.** Explains the board's authority to suspend or revoke a wholesale or retail cigarette and tobacco products license.

**New Section 314-34-005 What are the procedure for notifying a licensee of an alleged violation of a cigarette or tobacco products statute or regulation?**

Explains the process the enforcement officer follows in the case of an alleged violation.

**New Section 314-34-010 What options does a licensee have once they receive a notice of administrative violation?** Explains the process the licensee follows if they want to request a settlement conference or an administrative hearing.

**New Section 314-34-015 What are the penalties if a cigarette and/or tobacco products license holder violates a cigarette or tobacco products law or rule?**

Lists the penalties for the first, second, third and consecutive offenses.

**New Section 314-34-020 Information about cigarette and/or tobacco products license suspensions.** Explains the process followed for license suspensions.

**New Section 314-23-030 Cigarette and other tobacco products violations.** Lists the violation types for cigarette and other tobacco products.