



NOTICE OF RULE MAKING – Proposed Rules #09-21

The Washington State Liquor Control Board would like your input on the attached proposed rules to implement **SSB 5367**, **EHB 2358**, and **portions of SSB 5834** regarding retail license regulation.

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 # 09-22-101.

Why is rule making necessary?

The following bills were passed during the 2009 legislative sessions that require changes in existing administrative rules (WAC) or the development of new rules:

- **SSB 5367** – Creates a Nightclub liquor license
- **SSB 5834** – Allows Beer/Wine Specialty Shops to sell kegs for off-premises consumption, allows spirits, beer, and wine private clubs and beer and wine private clubs to sell bottled wine for off-premises consumption, allows retail-to-retail product (wine) transfers, and changes the process of electronic fund transfers (EFT)
- **EHB 2358** – Increases most retail liquor license fees

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=Retail Licensees](http://apps.leg.wa.gov/WAC/default.aspx?cite=Retail%20Licensees)

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**.

By mail:	Rules Coordinator	By e-mail:	By fax:
	Liquor Control Board	rules@liq.wa.gov	360-360-664-9689
	P.O. Box 43080		
	Olympia, WA 98504-3080		

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.

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?

Amendatory Section WAC 314-02-005 – What is the purpose of chapter 314-02 WAC? Added nightclubs to the list of liquor licenses and permits.

Amendatory Section WAC 314-02-010 – Definitions. Added definitions for “entertainer”, “entertainment”, “minimum food service”, and “snack food”.

Amendatory Section WAC 314-02-020 – What are the fee categories for a spirits, beer, and wine restaurant license? Revised the fee matrix to implement EHB 2358.

Amendatory Section WAC 314-02-035 – What are the food service requirements for a spirits, beer, and wine restaurant license? Revised the fees listed for this license type per EHB 2358.

New Section WAC 314-02-036 – What is a spirits, beer, and wine nightclub license? Added a new section to explain what is allowed under a nightclub liquor license, and the fee for the license.

New Section WAC 314-02-037 – What are the floor space requirements for a spirits, beer, and wine nightclub license? Added a new section to explain the floor space requirements, such as barriers to separate areas where minors will be allowed, and what information is needed on a floor plan.

New Section WAC 314-02-038 – Can a spirits, beer, and wine nightclub licensee exclude persons under twenty-one years of age from the premises? Added what is required by the licensee if they want to exclude minors from the premises at all times.

New Section WAC 314-02-039 – What type of restrictions may be placed on a spirits, beer, and wine nightclub license? Added language to implement SSB 5367 regarding local governments ability to petition the board for further restrictions on a nightclub liquor license.

Amendatory Section WAC 314-02-045 – What is beer and/or wine restaurant license? Revised license fee and added a requirement for minimum food service.

Amendatory Section WAC 314-02-060 – What is a caterer’s endorsement?
Revised the license fee.

Amendatory Section WAC 314-02-065 – What is a snack bar license? Revised license fee and added the seating requirement into the rule.

Amendatory Section WAC 314-02-070 – What is a tavern license? Revised the license fee.

Amendatory Section WAC 314-02-090 – What is a nonprofit arts organization license? Revised the license fee and added the service area requirement into the rule.

Amendatory Section WAC 314-02-095 – What is a public house license?
Revised the license fee.

Amendatory Section WAC 314-02-100 – What is a grocery store license?
Revised the license fee.

Amendatory Section WAC 314-02-105 – What is a beer and/or wine specialty shop license? Revised the license fee, and revised the language regarding keg sales.

Amendatory Section WAC 314-02-125 – What types of activities on a licensed premises require notice to the board? Corrected the WAC reference in subsection (1) to 314-11-050.

Amendatory Section WAC 314-02-130 – What types of changes to a licensed premises require board approval? Added spirits, beer, and wine nightclub to subsection (1).

Amendatory Section WAC 314-16-040 – Drink menu. Changed the title of the section from “Price list” to “Drink menu”.

Amendatory Section WAC 314-16-110 – Liquor purchases by spirits, beer, and wine licensees. Changed the title of the section. Added spirits, beer, and wine nightclub license throughout the section as needed. Plain talked.

Amendatory Section WAC 314-16-160 – Purchases—Reports. Plain talked.