

WSR 24-08-040
PERMANENT RULES
LIQUOR AND CANNABIS
BOARD

[Filed March 27, 2024, 11:21 a.m., effective April 27, 2024]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The Washington state liquor and cannabis board (board) has adopted amendments to the rules below to implement ESSB 5365 (chapter 398, Laws of 2023) that increases penalties the board can impose on licensed retailers who sell or give cigarette, tobacco, or vapor products to persons under 21 years of age.

Citation of Rules Affected by this Order: Amending WAC 314-35-075.

Statutory Authority for Adoption: RCW 70.155.110, 70.345.020.

Adopted under notice filed as WSR 24-03-089 on January 17, 2024.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: March 27, 2024.

Ollie Garrett
Acting Chair

OTS-5152.1

AMENDATORY SECTION (Amending WSR 20-01-074, filed 12/11/19, effective 1/1/20)

WAC 314-35-075 Category I—Violations that create a direct or immediate threat to public health, safety, or both.

Category I: Violations that create a direct or immediate threat to public health, safety, or both.

Table with 6 columns: Violation Type, 1st Violation in a three-year period, 2nd Violation in a three-year period, 3rd Violation in a three-year window, 4th Violation in a three-year window, 5th Violation in a three-year window. Row 1: Sales to persons under twenty-one. RCW 26-28-080, \$1,000 monetary penalty, \$2,500 monetary penalty, \$5,000 monetary penalty and a 6-month license suspension, \$10,000 monetary penalty and a 12-month license suspension, Cancellation of license with no possibility of reinstatement for 5 years.

Violation Type	1st Violation in a three-year period	2nd Violation in a three-year period	3rd Violation in a three-year window	4th Violation in a three-year window	5th Violation in a three-year window
<p><del>((Sales to persons under twenty-one;))</del> Allowing a person under twenty-one to frequent consumption of vapor products, or vapor product tasting.                       ((RCW 26.28.080))                      RCW 70.345.100                      WAC 314-35-040</p>	<p>\$200 monetary penalty</p>	<p>\$600 monetary penalty</p>	<p>\$2,000 monetary penalty and a 6-month license suspension</p>	<p>\$3,000 monetary penalty and a 12-month license suspension</p>	<p>Cancellation of license with no possibility of reinstatement for 5 years</p>
<p>Obstruction:                      Misrepresentation of fact; not permitting physical presence.                      RCW 70.345.030(2)</p>	<p>\$200 monetary penalty</p>	<p>\$600 monetary penalty</p>	<p>\$2,000 monetary penalty and a 6-month license suspension</p>	<p>\$3,000 monetary penalty and a 12-month license suspension</p>	<p>Cancellation of license with no possibility of reinstatement for 5 years</p>
<p>Sell, give, or permit to sell or give a product that contains any amount of any cannabinoid, synthetic cannabinoid, cathinone, or methcathinone, unless otherwise provided by law.                      RCW 70.345.030                      WAC 314-35-055</p>	<p>\$200 monetary penalty</p>	<p>\$600 monetary penalty</p>	<p>\$2,000 monetary penalty and a 6-month license suspension</p>	<p>\$3,000 monetary penalty and a 12-month license suspension</p>	<p>Cancellation of license with no possibility of reinstatement for 5 years</p>
<p>Conduct violations:                      Permitting or engaging in criminal conduct, or both.                      Title 9 RCW                      Title 9A RCW                      Chapter 69.50 RCW                      Chapter 70.155 RCW                      Chapter 70.158 RCW                      Chapter 70.345 RCW                      Chapter 82.24 RCW                      Chapter 82.26 RCW                      WAC 314-35-045</p>	<p>\$200 monetary penalty</p>	<p>\$600 monetary penalty</p>	<p>\$2,000 monetary penalty and a 6-month license suspension</p>	<p>\$3,000 monetary penalty and a 12-month license suspension</p>	<p>Cancellation of license with no possibility of reinstatement for 5 years</p>
<p>Selling, giving, or permitting to give a vapor product or products to persons under twenty-one by any person other than a licensed retailer.                      RCW 26.28.080</p>	<p>\$50 monetary penalty</p>	<p>\$100 monetary penalty</p>	<p>\$100 monetary penalty</p>	<p>\$100 monetary penalty</p>	<p>\$100 monetary penalty</p>