

WSR 12-22-001
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
ENTERPRISE SERVICES

[Filed October 24, 2012, 12:12 p.m.]

Subject of Possible Rule Making: To specify the grounds upon which the state may give a trespass warning, excluding a person from the capitol buildings and grounds and to put in place an administrative review process to satisfy a person's due process rights when given a trespass warning.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.19.125 and 43.19.011.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The public comes to the capitol building and grounds for many reasons, including: Participating in the legislative process; visiting legislators, executives or other state officials; engaging in free speech and assembly activities, touring the facilities; or conducting other business. To maintain the safety of all who come to the capitol buildings and grounds, to ensure the conduct of government is not disrupted, and to ensure that the grounds remain open to the public, the state may need to issue trespass warnings that exclude someone from the grounds for a finite period in the future. There must be specific bases for issuance of the trespass warnings, written notice as to when this would occur and a process for the administrative review of any trespass warning that is issued.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: This rule-making process is being coordinated with the Washington state patrol and the attorney general's office.

Process for Developing New Rule: In addition to the coordination referenced above, we will be doing extensive outreach to stakeholder groups and will provide for sufficient time for both written and verbal comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by commenting to Scott Blonien, scott.blonien@des.wa.gov, (360) 407-8568.

October 24, 2012
 Jack Zeigler
 Policy Manager

WSR 12-22-004
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Children's Administration)

[Filed October 25, 2012, 3:27 p.m.]

Subject of Possible Rule Making: WAC 388-25-0110, 388-148-0010, and other rules as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.13.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To ensure that children's administration/Washington state can access federal matching funds for extended foster care.

To clearly define the eligibility requirements for participation in the extended foster care program and criteria for continued juvenile court dependency.

To ensure that eligible youth receive placement services as outlined by RCW.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Children's administration will coordinate with any agency as necessary.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Pritchard, Program Manager, Children's Administration, P.O. Box 45710, Olympia, WA 98504, phone (360) 902-8487, fax (360) 902-7903, e-mail prji300@dshs.wa.gov.

October 22, 2012
 Katherine I. Vasquez
 Rules Coordinator

WSR 12-22-029
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed October 31, 2012, 10:14 a.m.]

Subject of Possible Rule Making: Chapter 246-337 WAC, Residential treatment facility (RTF), revise and update rules to align with current law and industry practices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71.12.670.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RTF rules were adopted in 2005. Since that time, federal and state regulatory changes have occurred and services delivery models have been evolving. The department initiated rule making in September 2010 to begin updating the RTF rules to align with these changes. In 2011, legislation passed (SHB 1170) requiring triage facilities to be licensed as RTFs. The department will also evaluate current industry practices and determine whether rule making is necessary to establish minimum health and safety standards for new service models that may be operating as RTFs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of social and health services, division of behavioral health and recovery, certifies treatment services for chemical dependency and mental health.

The Washington state patrol, state fire marshall [marshal], inspects licensed RTFs.

The department of early learning licenses childcare for RTFs providing treatment for parents accompanied by children.

The RTFs must meet board of pharmacy and Drug Enforcement Administration requirements for handling controlled substances.

The RTFs must meet board of health food services requirements.

The department will collaborate and consult extensively with these agencies during this rules process.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can participate in the updating of the rule and the decision to adopt the updated rule before publication by joining RESIDENTIAL TREATMENT@LISTSERV <http://listserv.wa.gov/cgi-bin/wa?AO=Residential> and by contacting Barbara Runyon, Nursing Consultant Advisor, Health Professions and Facilities, 111 Israel Road S.E., Tumwater, WA 98501-7852, e-mail barbara.runyon@doh.wa.gov, phone (360) 236-2937, fax (360) 236-2321. The department will notify all licensees and organizations who have expressed an interest in rule-making activities. Interested parties may also submit written comments for consideration.

October 31, 2012

Mary C. Selecky
Secretary

WSR 12-22-030

PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed October 31, 2012, 11:37 a.m.]

Subject of Possible Rule Making: WAC 314-16-230(2), authorization for sale of beer and/or wine in unopened bottles for off-premises consumption under special occasion license.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current rule allows a special occasion licensee to sell a maximum of twelve liters of wine in original bottle for off-premises consumption to any one person. Special occasion licenses are held by non-profit organizations for fundraisers. The restriction of twelve liters of wine for off-premises consumption limits the fundraising ability of these nonprofit organizations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Interested parties can participate in the discussions formulating this rule change by contacting or sending written comments to the agency staff listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen McCall, Agency Rules Coordi-

nator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1631, fax (360) 664-9689.

October 31, 2012

Sharon Foster
Chairman

WSR 12-22-034

WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed October 31, 2012, 4:20 p.m.]

The department of health (department) would like to withdraw the following proposed rule making (CR-101):

This memo serves as notice that the department is withdrawing the CR-101 [preproposal] statement of inquiry for chapter 246-337 WAC which was filed August 18, 2010, and published in WSR 10-17-119 on September 1, 2010.

The original intent of the preproposal was to update the residential treatment facility (RTF) rules to reflect federal and state regulatory changes and current business and professional practices.

Since the filing of WSR 10-17-119, the department recognizes the additional need to consider the scope of places the RTF regulations and standards should be applied to, and address 2011 legislation establishing licensure of triage facilities.

For these reasons, the CR-101 for chapter 246-337 WAC is no longer current. The department plans to file a revised CR-101 that expands the scope of the proposed rule making.

Individuals requiring information on this rule should contact Barbara Runyon, nursing consultant advisor, hospital and residential treatment facility program manager at (360) 236-2937.

Mary C. Selecky
Secretary

WSR 12-22-047

WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Financial Services Administration)

[Filed November 5, 2012, 9:02 a.m.]

The financial services administration requests the withdrawal of the following preproposal statement of inquiry filed as WSR 12-15-075 filed on July 18, 2012.

Katherine I. Vasquez
Rules Coordinator

WSR 12-22-050
PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION

[Filed November 5, 2012, 12:08 p.m.]

Subject of Possible Rule Making: Defining officer for the purpose of RCW 2.17A.710 [42.17A.710] (1)(g).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17A.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 1991, the commission adopted Interpretative Statement 91-01 defining "officer" as it relates to the personal financial affairs statement (PDC Form F-1). The commission will convert Interpretation 91-01 to a rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Interpretative statement adopted in 1991.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lori Anderson, P.O. Box 40908, Olympia, WA 98504-0908, e-mail lori.anderson@pdc.wa.gov, phone (360) 664-2737 or toll-free 1-877-601-2828, fax (360) 753-1112.

November 5, 2012
 Lori Anderson
 Communications and
 Training Officer

WSR 12-22-053
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed November 6, 2012, 9:18 a.m.]

The department of labor and industries (L&I) is withdrawing WSR 12-04-074 filed on January 31, 2012. L&I will be filing a new proposal, which will expand the scope of the rule making.

Please call (360) 902-6805 if you have any questions.

Tamara Jones
 Assistant Director
 Legislative and
 Government Affairs

WSR 12-22-056
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed November 6, 2012, 9:57 a.m.]

Subject of Possible Rule Making: Card games.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070, 9.46.0282.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2002, the commissioners adopted a petition for rule change submitted by DigiDeal amending WAC 230-40-070 to allow electronic facsimiles of cards (EFC) in house-banked card games (filed under WSR 01-15-054). In 2004, the commissioners adopted a petition for rule change submitted by DigiDeal amending WAC 230-40-070 to allow EFC to be used in "all" card games not just "house-banked" card games, effective July 1, 2004 (filed under WSR 04-11-092). In 2004, staff proposed an amendment to WAC 230-40-070 regarding logo cards, which the commissioners adopted in August 2004 (filed under WSR 04-17-125). When staff's amendment to WAC 230-40-070 for logo cards was filed, staff inadvertently filed a version that did not incorporate DigiDeal's petition adopted under WSR 04-11-092. In 2008, staff conducted a rules simplification project (RSP) to rewrite our rules manual in plain English. During the RSP, WAC 230-40-070 was split into several rules and requirements regarding the use of EFC was moved to WAC 230-15-485. This filing is to provide notice of a proposed amendment to WAC 230-15-485 to allow EFC to be used in "all" card games, not just "house-banked" card games.

Process for Developing New Rule: Interested parties can participate in the discussion of this proposed change by attending a commission meeting, or contacting the agency rules coordinator, Susan Newer, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susan.Newer@wsgc.wa.gov, fax (360) 486-3625.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. [Meetings on] January 10 or 11, 2013 (tentative), Comfort Inn, 1620 74th Avenue S.E., Tumwater, WA 98501, visit www.wsgc.wa.gov on January 1 to confirm meeting location and start time; on February 14 or 15, 2013 (tentative), Comfort Inn, 1620 74th Avenue S.E., Tumwater, WA 98501, visit www.wsgc.wa.gov on February 1 to confirm meeting location and start time; and on March 14 or 15, 2013 (tentative), Comfort Inn, 1620 74th Avenue S.E., Tumwater, WA 98501, visit www.wsgc.wa.gov on March 1 to confirm meeting location and start time.

November 6, 2012
 Susan Newer
 Rules Coordinator

WSR 12-22-058
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
 (Medicaid Program)

[Filed November 6, 2012, 11:26 a.m.]

Subject of Possible Rule Making: WAC 182-551-1200 Client eligibility for hospice care.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: During the revision of the hospice rules under WSR 12-09-079, the agency incorrectly

added "medical care services" as an eligible program under WAC 182-551-1200 [1](d). To comply with the agency's federal Transitional Bridge 1115 Waiver, the agency must remove medicare care services from the list of eligible programs for hospice services.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Centers for Medicare and Medicaid Services and DSHS aging and disability services administration.

Process for Developing New Rule: Health care authority (HCA) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, HCA will file a notice of proposed rule making (CR-102) with the office of the code reviser. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wendy L. Boedigheimer [Boedigheimer], Rules Program Manager, P.O. Box 45504, Olympia, WA 98504-5504, fax (360) 586-9727, TTY 1-800-848-5429, e-mail wendy.boedigheimer@hca.wa.gov.

November 6, 2012

Kevin M. Sullivan

Rules Coordinator

WSR 12-22-063

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF RETIREMENT SYSTEMS

[Filed November 6, 2012, 2:48 p.m.]

Subject of Possible Rule Making: Impact on the portion of retirement allowance related to purchased service credit when a retiree returns to work.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To correctly administer the impact to a member's retirement allowance when a retiree returns to work and exceeds the limits for continuing to receive an unreduced benefit.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jilene Siegel, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail Rules@drs.wa.gov, phone (360) 664-7291.

November 5, 2012

Jilene Siegel

Rules Coordinator

WSR 12-22-067

PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2012-26—Filed November 7, 2012, 7:40 a.m.]

Subject of Possible Rule Making: Travel agent licensing.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.17.005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The National Association of Insurance Commissioners (NAIC) recently revised the state licensing handbook. The commissioner will consider rules to comply with the revisions to the handbook.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Submit written comments by December 28, 2012, to Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0258, rulescoordinator@oic.wa.gov, fax (360) 586-3109.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0258, rulescoordinator@oic.wa.gov, fax (360) 586-3109.

November 7, 2012

Mike Kreidler

Insurance Commissioner

WSR 12-22-068

PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2012-27—Filed November 7, 2012, 7:42 a.m.]

Subject of Possible Rule Making: Procurement of unauthorized (surplus line) insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060 and 48.15.015.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 48.15.040 requires that any surplus line insurance must be procured through a licensed surplus line broker. The commissioner will consider rules to identify what activities constitute the "procurement" of surplus line insurance and clarify that these activities must be performed by a licensed surplus line broker.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Submit written comments by December 28, 2012, to Jim Tompkins, P.O. Box 40258, Olympia, WA 98504-0258, e-mail rulescoordinator@oic.wa.gov, fax (360) 586-3109.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before pub-

lication by contacting Jim Tompkins, P.O. Box 40258, Olympia, WA 98504-0258, e-mail rulescoordinator@oic.wa.gov, fax (360) 586-3109.

November 7, 2012
Mike Kreidler
Insurance Commissioner

WSR 12-22-069
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2012-28—Filed November 7, 2012, 7:45 a.m.]

Subject of Possible Rule Making: Carrier allocation account requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.43.715, 48.44.050, 48.46.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Section 1303 of the Affordable Care Act (Pub. L. 111-148, 2010, as amended) requires carriers to establish allocation accounts that segregate subsidy funding for a plan's abortion benefit from other premium funds received from exchange enrollees. The section also requires inclusion of notice of the fund segregation in the summary of benefits and coverage explanation. Specifically, 1303 (b)(E)(i) places the obligation to ensure compliance with the segregation requirements on state insurance commissioners. Because termination of pregnancy is an essential health benefit in Washington's benchmark plan, carriers participating in the exchange are required to comply with this section.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Health and Human Services (HHS) has rule-making authority in this area as well, and issued 45 C.F.R. 156.280 related to this topic, requiring carriers to submit their segregation plan to the state insurance commissioner, and outlining the segregation plan contents in general terms.

Process for Developing New Rule: Submit written comments by January 4, 2013.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Meg L. Jones, P.O. Box 40258, Olympia, WA 98504-0258, phone (360) 725-7170, e-mail rulescoordinator@oic.wa.gov, fax (360) 586-3109.

November 7, 2012
Mike Kreidler
Insurance Commissioner

WSR 12-22-070
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2012-29—Filed November 7, 2012, 7:55 a.m.]

Subject of Possible Rule Making: Health benefit plan mental health parity requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.43.715, 48.44.050, and 48.46.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed rules will harmonize the Affordable Care Act (Pub. Law 111-148, as amended), the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (Pub. L. 110-343), and our state requirements relating to coverage of mental health and substance use disorder treatment and services, including behavioral health. Our current regulations address the standards for chemical dependency benefits, in chapter 284-53 WAC, and are limited to services for enrollees in an approved treatment program. The existing regulations do not address the broader mental health and substance abuse parity requirements established in federal law, nor general mental health parity requirements established in state law, and as applied by state and federal courts. The proposed rules will also add clarity for carriers in implementing the essential health benefits requirements, because mental health and substance abuse disorder treatments are one of the essential health benefits.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal law is administered by the Substance Abuse and Mental Health Services Administration (SAMHSA), which is an operating division of the United States Department of Health and Human Services. The proposed rule making will reference the regulations and statute implementation by SAMHSA, and ensure that appropriate preemption standards are considered as part of the rule making.

Process for Developing New Rule: Submit written comments by December 20, 2012.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending comments to Meg L. Jones, P.O. Box 40258, Olympia, WA 98504-0258, rulescoordinator@oic.wa.gov, fax (360) 586-3109, phone (360) 725-7170.

November 7, 2012
Mike Kreidler
Insurance Commissioner

WSR 12-22-074
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
 (Medicaid Program)

[Filed November 7, 2012, 9:39 a.m.]

Subject of Possible Rule Making: Amend chapter 182-557 WAC, Chronic care management, and possibly other related WAC sections, as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, SSB 5394.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In accordance with the federal Patient Protection and Affordable Care Act (PPACA), section 2703, and Washington SSB 5394, these rules are necessary to implement adoption of health homes and within them, advance the practice of chronic care management to improve health outcomes and reduce unnecessary costs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Centers for Medicaid and Medicare Services (CMS); department of health (DOH), department of social and health services (DSHS). The agency will collaborate with CMS, DOH, and DSHS when writing the rules.

Process for Developing New Rule: The health care authority (HCA) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, HCA will file a notice of proposed rule making (CR-102) with the office of the code reviser. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wendy L. Boedigheimer, Rules and Publications Program Manager, P.O. Box 45504, Olympia, WA 98504-5504, fax (360) 586-9727, TTY 1-800-848-5429, e-mail wendy.boedigheimer@hca.wa.gov.

November 7, 2012
 Kevin M. Sullivan
 Rules Coordinator

WSR 12-22-077
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed November 7, 2012, 10:42 a.m.]

Subject of Possible Rule Making: Early retirement allowance reductions for new members beginning May 1, 2013.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To implement the provisions of 2ESB 6378 related to changing the retirement allowance reductions for members who begin membership in PERS, SERS or TRS on or after May 1, 2013, and subsequently retire after reaching age fifty-five and completing thirty or more years of service.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jilene Siegel, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail Rules@drs.wa.gov, phone (360) 664-7291.

November 5, 2012
 Jilene A. Siegel
 Rules Coordinator

WSR 12-22-081
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed November 7, 2012, 11:44 a.m.]

Subject of Possible Rule Making: Chapter 260-34 WAC, Drug and alcohol testing of licensees, WAC 260-84-065 Licensees—Drug and alcohol penalties.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington horse racing commission (WHRC) is considering amending current drug and alcohol testing and penalties to comply with the passage of I-502 legalizing marijuana.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Douglas L. Moore, Deputy Executive Secretary, WHRC, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, doug.moore@whrc.state.wa.us.

November 7, 2012
 Douglas L. Moore
 Deputy Executive Secretary