

**WSR 20-02-104**  
**PERMANENT RULES**  
**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Aging and Long-Term Support Administration)

[Filed December 31, 2019, 11:30 a.m., effective January 31, 2020]

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

Purpose: These rules needed updating to meet the national building code standards for licensed healthcare facilities of this type. With a moratorium on rule development, the department of social and health services has not been able to keep the rules up to date in concert with the changes in building codes, energy efficiency standards, and the structural enhancements associated with this facility type across the nation. The regulatory amendments encompass the technological advances in building design, and the healthcare industry. This has a positive impact on the developers, architects, facility owners, and residents in new and currently licensed facilities to meet licensing requirements and building code requirements with updated safety standards.

Citation of Rules Affected by this Order: New WAC 388-78A-2361, 388-78A-2371, 388-78A-2381, 388-78A-2703, 388-78A-2821, 388-78A-2851, 388-78A-2852, 388-78A-2853 and 388-78A-3011; repealing WAC 388-78A-2820, 388-78A-2890, 388-78A-2910, 388-78A-3020, 388-78A-3070, 388-78A-3080, 388-78A-3110 and 388-78A-3120; and amending WAC 388-78A-2380, 388-78A-2680, 388-78A-2690, 388-78A-2700, 388-78A-2800, 388-78A-2810, 388-78A-2830, 388-78A-2850, 388-78A-2860, 388-78A-2870, 388-78A-2880, 388-78A-2900, 388-78A-2920, 388-78A-2930, 388-78A-2950, 388-78A-2960, 388-78A-2980, 388-78A-2990, 388-78A-3000, 388-78A-3010, 388-78A-3030, 388-78A-3040, 388-78A-3050, and 388-78A-3090.

Statutory Authority for Adoption: Chapter 18.20, 74.39A RCW.

Other Authority: None.

Adopted under notice filed as WSR 19-14-100 on July 2, 2019.

Changes Other than Editing from Proposed to Adopted Version: Minor edits to section WAC 388-78A-2381 to clarify references to subsections; correction of misspelled word in WAC 388-78A-2851 from "healing" to "heating"; correction of grammar to WAC 388-78A-2930; correction of word in WAC 388-78A-2371(4) from "rules" to "laws"; correction of grammar to WAC 388-78A-2852 [(1)](e) by removing "satisfaction."

A final cost-benefit analysis is available by contacting Jeanette K. Childress, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-2591, email Jeanette.Childress@dshs.wa.gov.

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 2, Repealed 0.

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

Number of Sections Adopted on the Agency's own Initiative: New 9, Amended 24, Repealed 8.

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 9, Amended 24, Repealed 8.

Date Adopted: December 31, 2019.

Cheryl Strange  
 Secretary

NEW SECTION

**WAC 388-78A-2361 Project and operations functional program.** (1) The facility must develop and document their functional programing, under WAC 388-78A-2852, during the project development and planning process. This document must inform the design process and be provided to the department of health construction review services consistent with WAC 388-78A-2852 for use in review of the construction project documents and preoccupancy survey. This document must identify and describe, as applicable:

(a) Services offered, whether intermittent nursing services or contract care services under chapter 388-110 WAC;

(b) Number of residents served under contract care services, as applicable;

(c) The care needs of the population served, to include but not limited to dementia, cognitive and developmental disability, mental health, bariatric needs, safety risks, security, resident rights, and dignity of memory care residents;

(d) Circulation patterns;

(e) Special locking or other security measures;

(f) Room use, required resources, and systems to include intermittent nursing services that will take place in the resident unit;

(g) Consideration of and mitigation for risks associated with:

(i) Operational infection control;

(ii) Resident mobility and falls;

(iii) Elopement and security;

(iv) Medication services; and

(v) Staff injury.

(2) The facility may maintain an operational functional program to document considerations and decisions related to resident needs and the maintenance or modifications to the physical environment as necessary to demonstrate compliance with performance based expectations of this chapter. This document may be used to evaluate conditions of the built environment for appropriateness to the population served and must document circumstances where facility policy and procedure are implemented in lieu of, or in support of, changes to the built environment.

NEW SECTION

**WAC 388-78A-2371 Investigations.** The assisted living facility must:

(1) Report to the local law enforcement agency and the department any individual threatening bodily harm or caus-

ing a disturbance, that threatens any individual's welfare and safety;

(2) Identify, investigate, and report incidents involving residents according to department established assisted living facility guidelines;

(3) Protect residents during the course of the investigation; and

(4) Comply with "whistle blower" laws as defined in chapter 74.34 RCW.

**AMENDATORY SECTION** (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

**WAC 388-78A-2380 ((Restricted egress)) Freedom of movement.** An assisted living facility must ensure all of the following conditions are present before moving residents into units or buildings with exits that may restrict a resident's egress:

(1) Each resident, or a person authorized under RCW 7.70.065 to provide consent on behalf of the resident, consents to living in such unit or building.

(2) Each resident assessed as being cognitively and physically able to safely leave the assisted living facility is able to do so independently without restriction consistent with the resident's negotiated service agreement.

(3) ~~((Each resident, assessed as being cognitively able to safely leave the assisted living facility and who has physical challenges that make exiting difficult, is able to leave the assisted living facility when the resident desires and in a manner consistent with the resident's negotiated service agreement.~~

(4) ~~Each resident who is assessed as being unsafe to leave the assisted living facility unescorted is able to leave the assisted living facility consistent with his or her negotiated service agreement.~~

(5) ~~Areas from which egress is restricted are equipped throughout with an approved automatic fire detection system and automatic fire sprinkler system electrically intereconnected with a fire alarm system that transmits an alarm off site to a twenty-four hour monitoring station.~~

(6) ~~Installation of special egress control devices in all proposed construction issued a project number by construction review services on or after September 1, 2004 for construction related to this section, must conform to standards adopted by the state building code council.~~

(7) ~~Installation of special egress control devices in all construction issued a project number by construction review services before September 1, 2004 for construction related to this section, must conform to the following:~~

(a) ~~The egress control device must automatically deactivate upon activation of either the sprinkler system or the smoke detection system.~~

(b) ~~The egress control device must automatically deactivate upon loss of electrical power to any one of the following:~~

(i) ~~The egress control device itself;~~

(ii) ~~The smoke detection system; or~~

(iii) ~~The means of egress illumination.~~

(c) ~~The egress control device must be capable of being deactivated by a signal from a switch located in an approved location.~~

~~(d) An irreversible process which will deactivate the egress control device must be initiated whenever a manual force of not more than fifteen pounds is applied for two seconds to the panic bar or other door latching hardware. The egress control device must deactivate within an approved time period not to exceed a total of fifteen seconds. The time delay must not be field adjustable.~~

~~(e) Actuation of the panic bar or other door latching hardware must activate an audible signal at the door.~~

~~(f) The unlatching must not require more than one operation.~~

~~(g) A sign must be provided on the door located above and within twelve inches of the panic bar or other door latching hardware reading:~~

~~"Keep pushing. The door will open in fifteen seconds. Alarm will sound."~~

~~The sign lettering must be at least one inch in height and must have a stroke of not less than one-eighth inch.~~

~~(h) Regardless of the means of deactivation, relocking of the egress control device must be by manual means only at the door.~~

~~(8)) The assisted living facility must have a system in place to inform and permit visitors, staff persons and appropriate residents how they ((eam)) may exit without sounding the alarm.~~

~~((9) Units or buildings from which egress is restricted are equipped with a secured outdoor space for walking which:~~

~~(a) Is accessible to residents without staff assistance;~~

~~(b) Is surrounded by walls or fences at least seventy-two inches high;~~

~~(c) Has areas protected from direct sunshine and rain throughout the day;~~

~~(d) Has walking surfaces that are firm, stable, slip-resistant and free from abrupt changes and are suitable for individuals using wheelchairs and walkers; and~~

~~(e) Has suitable outdoor furniture))~~

~~(4) The installation of access and egress controls that does not restrict the movement of residents who are cognitively and physically able to safely leave the facility independently;~~

~~(5) In new construction, access and egress controlled doors that are installed as permitted by the building code adopted by the Washington state building code council;~~

~~(6) Existing access and egress controlled doors that meet and are maintained to the requirements of the building code at the time of construction; and~~

~~(7) Buildings from which egress is restricted have:~~

~~(a) A system in place to inform and permit visitors, staff persons, and appropriate residents freedom of movement; and~~

~~(b) A secured outdoor space per WAC 388-78A-2381.~~

#### NEW SECTION

**WAC 388-78A-2381 General design requirements for memory care.** (1) When planning for new construction, renovations or change of service to include memory care services, the facility must document design considerations appropriate to residents with dementia, mental health issues,

or cognitive and developmental disabilities within its functional program consistent with WAC 388-78A-2380.

(2) The facility must provide common areas, including at least one resident accessible common area outdoors. Such common areas should accommodate and offer the opportunity of social interaction, stimulate activity, contain areas with activity supplies and props to encourage engagement, and have safe outdoor paths to encourage exercise and movement.

(a) These areas must have a residential atmosphere and must accommodate and offer opportunities for individual or group activity including:

(i) Giving residents opportunities for privacy, socialization, and common spaces that account for wandering behaviors;

(ii) Ensuring any public address system in the area of specialized dementia care services is used only for emergencies;

(iii) Encouraging residents' individualized spaces to be furnished and decorated with personal items based on resident needs and preferences; and

(iv) Ensuring residents have access to their own rooms at all times without staff assistance.

(b) Unless an alternative viewing area is provided as described in (c) of this subsection and written policies and procedures are created as described in (e) of this subsection, the facility must provide an outdoor area for residents that:

(i) Is located on the floor on which the resident resides;

(ii) Is designed with a minimum of twenty-five square feet of space per resident served;

(iii) Has areas protected from direct sunshine and rain throughout the day;

(iv) Has walking surfaces that are firm, slip-resistant and free from abrupt changes, and suitable for individuals using wheelchairs and walkers;

(v) Has outdoor furniture;

(vi) Has plants that are not poisonous or toxic to humans; and

(vii) Has areas appropriate for outdoor activities of interest to residents, such as walking paths, raised garden, flowerbeds, or bird feeders.

(c) If a facility does not provide an outdoor area located on the floor on which the resident resides in compliance with subsection (b)(i) of this subsection, then a facility must provide an alternative viewing area that:

(i) Is not obstructed by indoor furniture, storage areas, cleaning equipment, trash receptacles, snack food/drink tables, and other such encumbrances that would minimize access to the viewing area;

(ii) Must not serve as a hallway, or an additionally required community space such as a dining area, activity room, mobile healthcare services (such as home health, podiatrist, and dental services), or other purposes;

(iii) Must be a community space, not within the residents' room; and

(iv) Has windows that have an unobstructed and viewable height accessible by wheelchair.

(d) The required outdoor area must be accessible to residents with minimal staff assistance in a manner consistent with the residents' individual negotiated service agreement,

except where pursuant to a facility policy, and consistent with WAC 388-78A-2600, the facility administrator or other appropriate staff reasonably believe that the health or safety may be at risk, including, but not limited to, instances of:

(i) Inclement weather;

(ii) Dangerous construction or maintenance activities; or

(iii) Other temporary environmental factors that create an unsafe environment.

(e) If a facility does not provide an outdoor area located on the floor on which the resident resides in compliance with subsection (b)(i) of this subsection, a facility must put in place and maintain a written policy and procedure that documents how the facility provides residents with access to an outdoor area on a floor other than the floor on which the resident resides. Upon request the facility shall present that plan to the department for review. Such a plan must include:

(i) The location of the outdoor space;

(ii) A description of any assistance necessary for the resident to reach the outdoor space at any time, and documented in the negotiated service agreement plan per WAC 388-78A-2140(2);

(iii) The facility's plan for providing any necessary staff assistance described in (e)(ii) of this subsection;

(iv) A plan to maintain safety and security to prevent wandering or exit seeking while the resident is using the outdoor space; and

(f) Facilities licensed prior to date of implementation of this rule that have an outdoor area on each floor, may not eliminate the required outdoor space.

**AMENDATORY SECTION** (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

**WAC 388-78A-2680 Electronic monitoring equipment—Audio monitoring and video monitoring.** (1) Except as provided in this section or in WAC 388-78A-2690, the assisted living facility must not use the following in the facility or on the premises:

(a) Audio monitoring equipment; or

(b) Video monitoring equipment if it includes an audio component.

(2) The assisted living facility may video monitor and video record activities in the facility or on the premises, without an audio component, only in the following areas:

(a) Entrances (~~and~~), exits, and elevators as long as the cameras are:

(i) Focused only on the entrance or exit doorways; and

(ii) Not focused on areas where residents gather.

(b) Areas used exclusively by staff persons such as, medication preparation and storage areas or food preparation areas, if residents do not go into these areas;

(c) Outdoor areas accessible to both residents and the public, such as, but not limited to, parking lots, provided that the purpose of such monitoring is to prevent theft, property damage, or other crime on the premises.

(d) Outdoor areas not commonly used by residents, such as, but not limited to, delivery areas, emergency exits, or exits from a secured outdoor space for memory care; (~~and~~

(~~and~~)) (e) Resident fitness centers and pool areas; and

(f) Designated smoking areas, subject to the following conditions:

- (i) Residents have been assessed as needing supervision for smoking;
- (ii) A staff person watches the video monitor at any time the area is used by such residents;
- (iii) The video camera is clearly visible;
- (iv) The video monitor is not viewable by general public; and
- (v) The facility notifies all residents in writing of the use of video monitoring equipment.

(3) The assisted living facility may only video record community activities in the facility or on the premises with the audio component when the following are met:

- (a) A resident requests an activity be recorded;
- (b) A sign is posted at the entry to the activity area in which the event occurs and at the time of the event, to notify residents of the video, audio recording, or both; and
- (c) The facility notifies all residents in writing for each use of video and audio monitoring equipment, providing that the residents' likeness will not be used in promotional materials without their written consent.

(4) The presence of cameras must not alter the obligation of the assisted living facility to provide appropriate in-person assistance and monitoring due to individual physical or cognitive limitations.

AMENDATORY SECTION (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

**WAC 388-78A-2690 Electronic monitoring equipment—Resident requested use.** (1) ~~((The assisted living facility must not use))~~ Audio or video monitoring equipment ~~((to monitor any resident unless:~~

- ~~(a) The resident has requested the monitoring; and~~
- ~~(b) The monitoring is only used in the sleeping room of the resident who requested the monitoring))~~ may not be installed in the assisted living facility to monitor any resident apartment or sleeping area unless the resident or the residents' representative has requested and consents to the monitoring.

(2) Electronic monitoring equipment must be installed in a manner that is safe for residents.

(3) A facility must not refuse to admit an individual, or discharge a resident, because of a request to conduct authorized electronic monitoring.

(4) A resident may limit his or her consent for use of electronic monitoring devices to specific times or situation, pointing the camera in a particular direction, or prohibiting the use of certain devices.

(5) The release of audio or video monitoring recordings by the facility is prohibited. Each person or organization with access to the electronic monitoring must be identified in the resident's negotiated service agreement.

~~((2))~~ (6) If the resident requests the assisted living facility to conduct audio or video monitoring of his or her apartment or sleeping area, before any electronic monitoring occurs, the assisted living facility must ensure:

- (a) That the electronic monitoring does not violate chapter 9.73 RCW;

~~(b) ((The resident has identified a threat to the resident's health, safety or personal property;~~

~~(e)))~~ The resident's roommate has provided written consent to electronic monitoring, if the resident has a roommate; and

~~((4))~~ (c) The resident and the assisted living facility have agreed upon a specific duration for the electronic monitoring and the agreement is documented in writing.

~~((3))~~ (7) The assisted living facility must:

- (a) Reevaluate the need for the electronic monitoring with the resident at least quarterly; and
- (b) Have each reevaluation in writing, signed and dated by the resident.

~~((4))~~ (8) The assisted living facility must immediately stop electronic monitoring if the:

- (a) Resident no longer wants electronic monitoring;
- (b) Roommate objects or withdraws the consent to the electronic monitoring; or
- (c) The resident becomes unable to give consent, unless consent has been provided by a resident's representative as described in this section.

~~((5))~~ (9) For the purpose of consenting to video electronic monitoring without an audio component, the term "resident" includes the resident's ((surrogate decision maker)) representative.

~~((6))~~ (10) For the purposes of consenting to any audio electronic monitoring, the term "resident" includes:

- (a) The individual residing in the assisted living facility; or
- (b) The resident's court-appointed guardian or attorney-in-fact who has obtained a court order specifically authorizing the court-appointed guardian or attorney-in-fact to consent to electronic monitoring of the resident.

~~((7))~~ (11) If a resident's decision maker consents to audio electronic monitoring as specified in ~~((6))~~ (10) above, the assisted living facility must maintain a copy of the court order authorizing such consent in the resident's record.

(12) If the assisted living facility determines that a resident, resident's family, or other third party is electronically monitoring a resident's room or apartment without complying with the requirements of this section, the assisted living facility must disconnect or remove such equipment until the appropriate consent is obtained and notice given as required by this section.

(13) Nothing in this section prohibits or limits an assisted living facility from implementing electronic monitoring pursuant to a resident's negotiated service plan, including but not limited to motion sensor alerts, floor pressure sensors, or global positioning devices, where the monitoring does not entail the transmittal or recording of a human-viewable image, sound or resident name.

AMENDATORY SECTION (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

**WAC 388-78A-2700 ((Safety measures and)) Emergency and disaster preparedness.** (1) ~~((The assisted living facility must take necessary action to promote the safety of each resident whenever the resident is on the assisted living~~

facility premises or under the supervision of staff persons, consistent with the resident's negotiated service agreement.

~~(2))~~ The assisted living facility must:

(a) Maintain the premises free of hazards;

(b) Maintain any vehicles used for transporting residents in a safe condition;

~~(c) Investigate and document investigative actions and findings for any alleged or suspected neglect or abuse or exploitation, accident or incident jeopardizing or affecting a resident's health or life. The assisted living facility must:~~

~~(i) Determine the circumstances of the event;~~

~~(ii) When necessary, institute and document appropriate measures to prevent similar future situations if the alleged incident is substantiated; and~~

~~(iii) Protect other residents during the course of the investigation.~~

~~(d) Provide appropriate hardware on doors of storage rooms, closets and other rooms to prevent residents from being accidentally locked in;~~

~~(e))~~ Provide, and tell staff persons of ~~(e))~~ a means of emergency access to resident-occupied bedrooms, toilet rooms, bathing rooms, and other rooms;

~~((f))~~ (d) Provide emergency lighting or flashlights in all areas accessible to residents of the assisted living facility.

~~((For all assisted living facilities first issued a project number by construction review services on or after September 1, 2004 for construction related to this section, the assisted living facility must provide emergency lighting in all areas of the assisted living facility;~~

~~(g))~~ (e) Make sure first-aid supplies are:

(i) Readily available and not locked;

(ii) Clearly marked;

(iii) Able to be moved to the location where needed; and

(iv) Stored in containers that protect them from damage, deterioration, or contamination.

~~((h))~~ (f) Make sure first-aid supplies are appropriate for:

(i) The size of the assisted living facility;

(ii) The services provided;

(iii) The residents served; and

(iv) The response time of emergency medical services.

~~((i))~~ (g) Develop and maintain a current disaster plan describing measures to take in the event of internal or external disasters, including, but not limited to:

(i) On-duty staff persons' responsibilities;

(ii) Provisions for summoning emergency assistance;

(iii) Coordination with first responders regarding plans for evacuating residents from area or building;

(iv) Alternative resident accommodations;

(v) Provisions for essential resident needs, supplies and equipment including water, food, and medications; and

(vi) Emergency communication plan.

## NEW SECTION

### WAC 388-78A-2703 Safety of the built environment.

The assisted living facility must provide a safe environment and promote the safety of each resident whenever the resident is on the premises or under the supervision of staff persons consistent with the resident's negotiated service agreement,

and must maintain the premises and equipment used in resident care so as to be free of hazards, including:

(1) Providing handrails in halls, corridors, lobbies, and other circulation spaces accessible to residents appropriate to the population served and consistent with the facility functional program.

(2) Maintaining nonskid surfaces on all stairways and ramps used by residents.

(3) Keeping exterior grounds, assisted living facility structures, and component parts safe, sanitary, and in good repair.

(4) Providing door hardware to ensure:

(a) Residents cannot lock themselves in, or out of, rooms or areas accessible to them; and

(b) Residents cannot become locked in storage rooms, closets, or other rooms or areas not intended for resident access.

(5) Providing and informing staff persons of a means of emergency access to resident-occupied bedrooms, toilet rooms, bathing rooms, and other rooms.

AMENDATORY SECTION (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

**WAC 388-78A-2800 Changes in licensed bed capacity.** (1) To change the licensed bed capacity in an assisted living facility, the assisted living facility must:

~~((+))~~ (a) Submit a completed request for approval to the department at least one day before the intended change;

~~((2))~~ (b) Submit the prorated fee for additional beds to DSHS within thirty calendar days, if applicable; ~~(and~~

~~(3))~~ (c) Update the resident register pursuant to WAC 388-78A-2440 upon making the intended change;

(d) Post an amended license obtained from the department, indicating the new licensed bed capacity; and

(e) Meet the additional requirements under WAC 388-78A-2810.

(2) Facilities may maintain prepaid licensed beds as "stand-by" beds for the conversion of a nonresident to a resident or admission of a resident. A "stand-by" bed is defined as a bed that is not occupied by a resident and was not designated on the department room list by the facility as a paid licensed bed.

AMENDATORY SECTION (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

**WAC 388-78A-2810 Criteria for increasing licensed bed capacity.** Before the licensed bed capacity in an assisted living facility may be increased, the assisted living facility must:

(1) Obtain construction review services' review and approval of the additional rooms or beds, and related auxiliary spaces, if the rooms were not previously reviewed and approved for the physical plant requirements at time of construction; and

(2) Ensure ~~((the increased))~~ that each additional licensed bed ~~((capacity does not exceed the maximum facility capacity as determined by the department))~~ or "stand-by" bed meets the assisted living licensing requirements under this chapter and chapter 388-110 WAC, when applicable.

(3) Before approving any increase in licensed bed capacity, the department will determine the facility's maximum facility capacity to ensure that any increase is consistent with this chapter and chapter 388-110 WAC, when applicable.

#### NEW SECTION

**WAC 388-78A-2821 Design, construction review, and approval plans.** (1) Drawings and specifications for new construction must be prepared by, or under the direction of, an architect registered under chapter 18.08 RCW. The services of a consulting engineer registered under chapter 18.43 RCW may be used for the various branches of work where appropriate. The services of a registered engineer may be used in lieu of the services of an architect if the scope of work is primarily engineering in nature.

(2) The assisted living facility will meet the following requirements:

(a) **Preconstruction.** Request and attend a presubmission conference for projects with a construction value of two hundred and fifty thousand dollars or more. The presubmission conference shall be scheduled to occur for the review of construction documents that are no less than fifty percent complete, or as coordinated with plan reviewer.

(b) **Construction document review.** Submit construction documents for proposed new construction to the department for review within ten days of submission to the local authorities. Compliance with these standards and regulations does not relieve the facility of the need to comply with applicable state and local building and zoning codes. The construction documents must include:

(i) A written functional program consistent with WAC 388-78A-2361 containing, but not limited to, the following:

(A) Information concerning services to be provided and the methods to be used;

(B) An interim life safety measures plan to ensure the health and safety of occupants during construction;

(C) An infection control risk assessment indicating appropriate infection control measures, keeping the surrounding area free of dust and fumes, and ensuring rooms or areas are well ventilated, unoccupied, and unavailable for use until free of volatile fumes and odors;

(D) An analysis of likely adverse impacts on current assisted living facility residents during construction and the facilities plans to eliminate or mitigate such adverse impacts including ensuring continuity of services;

(ii) Drawings and specifications to include coordinated architectural, mechanical, and electrical work. Each room, area, and item of fixed equipment and major movable equipment must be identified on all drawings to demonstrate that the required facilities for each function are provided;

(iii) Floor plan of the existing building showing the alterations and additions, and indicating location of any service or support areas;

(iv) Required paths of exit serving the alterations or additions; and

(v) Verification that the capacities and loads of infrastructure systems will accommodate the planned load.

(c) **Resubmittals.** The assisted living facility will respond in writing when the department requests additional or corrected construction documents;

(d) **Construction.** Comply with the following requirements during the construction phase:

(i) The assisted living facility will not begin construction until all of the following items are complete:

(A) Construction review services has approved construction documents or granted authorization to begin construction;

(B) The local jurisdictions have issued a building permit; and

(C) The construction review services will issue an "authorization to begin construction" when the construction documents have been conditionally approved.

(ii) Submit to the department for review any addenda or modifications to the construction documents.

(iii) Assure construction is completed in compliance with the final construction review services approved documents. Compliance with these standards and regulations does not relieve the facility from compliance with applicable state and local building and zoning codes. Where differences in interpretations occur, the facility will follow the most stringent requirement.

(iv) The assisted living facility will allow any necessary inspections for the verification of compliance with the construction documents, addenda, and modifications.

(e) **Project closeout.** The facility will not use any new or remodeled areas for resident use of licensed space until:

(i) The department has approved construction documents;

(ii) The local jurisdictions have completed all required inspections and approvals, when applicable or given approval to occupy; and

(iii) The facility notifies the department in writing when construction is completed and includes:

(A) Copy of the local jurisdiction's approval for occupancy;

(B) Copy of reduced floor plans; and

(C) A room schedule.

**AMENDATORY SECTION** (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

**WAC 388-78A-2830 Conversion of licensed nursing homes.** (1) If a person intends to convert a licensed nursing home building into a licensed assisted living facility, the building must meet all assisted living facility licensing requirements specified in this chapter and chapter 18.20 RCW unless the licensee has a contract with the department to provide enhanced adult residential care services in the assisted living facility per RCW 18.20.220.

(2) If the licensee provides contracted enhanced adult residential care services in the building converted from a licensed nursing home into a licensed assisted living facility, the assisted living facility licensing requirements for the physical structure are considered to be met if the most recent nursing home inspection report for the nursing home building demonstrates compliance, and compliance is maintained, with safety standards and fire regulations:

(a) As required by RCW 18.51.140; and

(b) Specified in the applicable building code, as required by RCW 18.51.145, including any waivers that may have been granted, except that the licensee must ensure the building meets the licensed assisted living facility standards, or their functional equivalency, for:

(i) Resident to bathing fixture ratio required per WAC 388-78A-3030;

(ii) Resident to toilet ratio required per WAC 388-78A-3030;

(iii) ~~((Corridor))~~  $\Delta$  call system required per WAC 388-78A-2930;

(iv) Resident room door closures; and

(v) Resident room windows required per WAC 388-78A-3010.

(3) If the licensee does not continue to provide contracted enhanced adult residential care services in the assisted living facility converted from a licensed nursing home, the licensee must meet all assisted living facility licensing requirements specified in this chapter and chapter 18.20 RCW.

**AMENDATORY SECTION** (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

**WAC 388-78A-2850 Required reviews of building plans.** (1) A person or assisted living facility must notify construction review services of all planned construction regarding an assisted living facility prior to beginning work on any of the following:

(a) A new building or portion thereof to be used as an assisted living facility;

(b) An addition of, or modification or alteration to an existing assisted living facility, including, but not limited to, the assisted living facility's:

(i) Physical structure;

(ii) Electrical fixtures or systems;

(iii) Mechanical equipment or systems;

(iv) Fire alarm fixtures or systems;

(v) Fire sprinkler fixtures or systems;

(vi) ~~((Carpeting;~~

~~((vii)))~~ Wall coverings 1/28 inch thick or thicker; or

~~((viii)))~~ (vii) Kitchen or laundry equipment.

(c) A change in the department-approved use of an existing assisted living facility or portion of an assisted living facility; and

(d) An existing building or portion thereof to be converted for use as an assisted living facility.

(2) A person or assisted living facility does not need to notify construction review services of the following:

(a) Repair or maintenance of equipment, furnishings or fixtures;

(b) Replacement of equipment, furnishings or fixtures with equivalent equipment, furnishings or fixtures;

(c) Repair or replacement of damaged construction if the repair or replacement is performed according to construction documents approved by construction review services within eight years preceding the current repair or replacement;

(d) Painting; or

(e) Cosmetic changes and changes to approved use that do not affect areas providing, or utilities serving resident activities, services, or care and are performed in accordance with the current edition of the building code; or

(f) Construction in buildings not accessible to residents and not directly supporting resident services.

(3) The assisted living facility must submit plans to construction review services as directed by construction review services and consistent with WAC ~~((388-78A-2820))~~ 388-78A-2361 for approval prior to beginning any construction. ~~((The plans must provide an analysis of likely adverse impacts on current assisted living facility residents and plans to eliminate or mitigate such adverse impacts.))~~

#### NEW SECTION

**WAC 388-78A-2851 Applicability requirements for physical plant.** (1) The purpose of physical environment requirements is to provide for a safe and effective resident care environment in the buildings or portions of buildings licensed as assisted living facilities and used to provide assisted living services. This section applies to new construction which includes:

(a) New buildings to be licensed;

(b) Conversion of an existing building or portion of an existing building;

(c) Additions;

(d) Alterations; and

(e) Excludes buildings used exclusively for administration functions.

(2) Standards for design and construction:

(a) The physical environment requirements of this chapter that are in effect at the time the application and fee is submitted to construction review services, and the project number is assigned by construction review services, apply for the duration of the construction project;

(b) Newly licensed assisted living facilities and new construction in existing assisted living facilities must meet the requirements of all current state and local building and zoning codes and applicable sections of this chapter; and

(c) Where permitted by the state building code, in resident rooms, spaces, and areas, including sleeping, treatment, diagnosis, and therapeutic uses, the design and installation of an NFPA 72 private operating mode fire alarm shall be permitted.

(3) Existing licensed assisted living facilities must continue to meet the applicable codes in force at the time of construction, the fire code adopted by the Washington state building code council and the following sections:

(a) WAC 388-78A-2700 Emergency and disaster preparedness;

(b) WAC 388-78A-2880 Changing use of rooms;

(c) WAC 388-78A-2703 Safety of the built environment;

(d) WAC 388-78A-2950 Water supply;

(e) WAC 388-78A-2960 Sewage and liquid waste disposal; and

(f) WAC 388-78A-2970 Garbage and refuse disposal.

(4) Where applicable, existing facilities may choose to meet either the requirements of chapter 388-78A WAC in

effect at the time a project number is assigned by construction review services consistent with subsection (2)(a) of this section or the following standards:

- (a) WAC 388-78A-2381 General design requirements for memory care;
- (b) WAC 388-78A-2880(3) Freedom of movement;
- (c) WAC 388-78A-2990(5) Heating and cooling—Temperature; and
- (d) WAC 388-78A-2920 Area for nursing supplies and equipment.

(5) The department may require a facility to meet requirements if building components or systems are deemed by the department to jeopardize the health or safety of residents.

(6) The assisted living facility must ensure that construction is completed in compliance with the final construction review services approved documents. Compliance with these standards and regulations does not relieve the assisted living facility of the need to comply with applicable state and local building and zoning codes.

#### NEW SECTION

**WAC 388-78A-2852 Exemptions or alternative methods.** (1) The department may exempt an assisted living facility from meeting a specific requirement related to the physical environment or may approve an alternative method for meeting the requirement, if the department determines the exemptions or alternative method will:

- (a) Not jeopardize the health or safety of residents;
- (b) Not adversely affect the residents' quality of life;
- (c) Not change the fundamental nature of the assisted living facility operation into something other than an assisted living facility;
- (d) Demonstrate that the proposed alterations will serve to correct deficiencies or upgrade the facility in order to better serve residents; and
- (e) Demonstrate to the director of residential care services, that substitution of procedures, materials, or equipment for requirements specified in this chapter would better serve residents.

(2) To request an exemption, or to request an approval of an alternative method, an assisted living facility must submit a written request to the department that includes:

- (a) A description of the requested exemption or alternative method; and
  - (b) The specific rule for which the exemption is sought.
- (3) The assisted living facility may not appeal the department's denial of a request for an exemption or alternative method.

(4) The assisted living facility must retain in the assisted living facility a copy of each approved exemption or alternative method.

#### NEW SECTION

**WAC 388-78A-2853 New licenses and use of construction.** The department will not issue an assisted living facility license unless:

- (1) Construction review services:

(a) Notifies the department that construction has been completed; and

(b) Provides the department:

- (i) A copy of the certificate of occupancy granted by the local building official;
- (ii) A copy of the functional program; and
- (iii) A reduced copy of the approved floor plan indicating room numbers or names and the approved use; and
- (c) The state fire marshal has inspected and approved for fire life safety RCW 18.20.130.

(2) Facilities will not use areas of new construction, as described in WAC 388-78A-2821, until one of the following events has occurred:

(a) Construction review services has approved the construction, and the scope of work does not require inspection by DSHS for a licensing inspection, or office of the state fire marshal (OSFM). Examples of such projects include:

- (i) Minor additions (sunroom, dining room, offices);
- (ii) New buildings without resident care space or critical systems;
- (iii) Minor moving of walls in resident care spaces;
- (iv) Major renovations in non-resident spaces; and
- (v) Phased construction projects not falling under subsection (3)(b)(ii) and (iii) of this section; or

(b) Construction review services has recommended approval, and a DSHS inspection has approved the finished work, and the scope of work is for:

- (i) Major alterations of resident spaces;
- (ii) Alterations of significant scope;
- (iii) Conversion of support spaces to resident rooms;
- (iv) Addition of licensed beds not previously reviewed and approved by construction review services;
- (v) New resident care buildings (under existing license);
- (vi) New resident support spaces such as kitchens and secured outdoor areas; and

(vii) License type/contract care conversions; or

(c) Construction review services has recommended approval, OSFM has inspected, and DSHS issues a license and the scope of the work is for:

- (i) Buildings and areas supporting an initial facility license;
- (ii) Buildings and spaces seeking licensure after an expired license; or
- (iii) Facility relocation.

**AMENDATORY SECTION** (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

**WAC 388-78A-2860 Relocation of residents during construction.** (1) Prior to moving residents out of the assisted living facility during construction, the assisted living facility must:

(a) Notify the residents and the residents' representatives at least thirty days prior to the anticipated move date, of the required move date and their options consistent with chapter 70.129 RCW;

(b) Notify the department at least thirty days prior to the anticipated move date of the assisted living facility's plans for relocating residents, including:

- (i) The location to which the residents will be relocated;



(ii) The assisted living facility's plans for providing care and services during the relocation;

(iii) The assisted living facility's plans for returning residents to the building; and

(iv) The projected time frame for completing the construction.

(c) Obtain the department's approval for the relocation plans prior to relocating residents.

(2) If the assisted living facility moves ~~((out))~~ all of the residents from the assisted living facility without first obtaining the department's approval of the relocation plans, the assisted living facility is ~~((closed for business))~~ ordered to stop placement, and the department may revoke the ~~((licensee's))~~ assisted living facility license.

AMENDATORY SECTION (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

**WAC 388-78A-2870 Vacant buildings.** Whenever an assisted living facility moves out all residents and ceases operation for reasons other than construction, ~~((as specified in))~~ under WAC 388-78A-2860, the licensee must relinquish ~~((the assisted living facility license))~~ or the department may revoke the assisted living facility license.

AMENDATORY SECTION (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

**WAC 388-78A-2880 Changing use of rooms.** Prior to using a room for a purpose other than what was approved by construction review services, the assisted living facility must:

(1) Notify construction review services:

(a) In writing;

(b) Thirty days or more before the intended change in use;

(c) Describe the current and proposed use of the room; and

(d) Provide all additional documentation as requested by construction review services~~((:))~~;

(2) Obtain the written approval of construction review services for the new use of the room; and

(3) Ensure the facility functional program and room list are updated to reflect the change.

AMENDATORY SECTION (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

**WAC 388-78A-2900 Retention of approved construction documents.** The assisted living facility must retain paper or electronic copies of the following on the assisted living facility premises:

(1) Specification data on materials used in construction, for the life of the product;

(2) Stamped "approved" set of construction documents;

(3) The certificate of occupancy or final inspection granted by the local building official;

(4) The functional program required under WAC 388-78A-2361; and

(5) Any approved exemption or alternative methods of compliance issued by the department.

AMENDATORY SECTION (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

**WAC 388-78A-2920 Area for nursing supplies and equipment.** (1) ~~((If the assisted living facility provides intermittent nursing services))~~ In each building, the assisted living facility must provide ~~((on the assisted living facility premises))~~ for the safe and sanitary storage and handling of nursing equipment and supplies appropriate to the needs of their residents, as well as for the soiled nursing equipment by providing:

~~((a) Storage and handling of clean and sterile nursing equipment and supplies; and~~

~~(b) Cleaning and disinfecting of soiled nursing equipment.~~

~~(2) For all assisted living facilities first issued a project number by construction review services on or after September 1, 2004 for construction related to this section, in which intermittent nursing services are provided, or upon initiating intermittent nursing services within an existing assisted living facility, the assisted living facility must provide the following two separate rooms in each assisted living facility building, accessible only by staff persons:))~~

(a) A "clean" utility ~~((room))~~ area for the purposes of storing and preparing ~~((clean and sterile))~~ nursing supplies, or durable and disposable medical equipment equipped with:

(i) A work counter or table; and

(ii) A handwashing sink, with soap and paper towels or other approved hand-drying device; ~~((and~~

~~(iii) Locked medication storage, if medications are stored in this area, that is separate from all other stored items consistent with WAC 388-78A-2260:))~~

(b) A "soiled" utility room for the purposes of storing soiled linen, cleaning ~~((and disinfecting soiled))~~ nursing care equipment, and disposing of refuse and infectious waste, equipped with:

(i) A work counter or table;

(ii) A two-compartment sink for handwashing and equipment cleaning and sanitizing;

~~(iii) ((A clinical service sink or equivalent for rinsing and disposing of waste material;~~

~~((iv)))~~ Soap and paper towels or other approved hand-drying device; and

~~((v)))~~ (iv) Locked storage for cleaning supplies, if stored in the area.

(c) An area for locked medication storage consistent with WAC 388-78A-2260, equipped with:

(i) A work surface; and

(ii) An adjacent hand-washing sink, with soap and paper towels or other approved hand-drying device.

(2) "Clean" and "soiled" utility areas must be accessible by staff persons, or residents with appropriate staff assistance if those "clean" or "soiled" areas contain resident laundry facilities.

(3) Single designs meeting the functional intent and built to address issues of infection control, work process, and mechanical ventilation may be approved.

(4) Each assisted living facility:

(a) May combine areas used for storing, handling, and cleaning soiled laundry and linens, areas used for cleaning nursing care equipment, areas for disposing of refuse and

infectious waste, and/or areas for storing housekeeping and cleaning supplies, into a single area on the premises only when the assisted living facility equips the area with:

(i) A two-compartment sink for handwashing and sanitizing;

(ii) A work counter or table;

(iii) A mechanical ventilation to the outside of the assisted living facility; and

(iv) Locked storage for cleaning supplies, if stored in the area.

(b) Must ensure that any work or function performed in or around a combined utility area as described in subsection (4)(a) of this section is performed without significant risk of contamination to:

(i) Storing or handling clean nursing supplies or equipment;

(ii) Storing or handling clean laundry;

(iii) Providing resident care;

(iv) Food storage, preparation, or service; or

(v) Other operations or services of functions in the assisted living facility sensitive to infection control practices.

AMENDATORY SECTION (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

**WAC 388-78A-2930 Communication system.** (1) The assisted living facility must:

(a) Provide residents and staff persons with the means to summon on-duty staff assistance from all resident-accessible areas including:

(i) ~~(From resident units)~~ Bathrooms and toilet rooms;

(ii) ~~(From common areas accessible to residents)~~ Resident living rooms and resident sleeping rooms; and

(iii) ~~(From)~~ Corridors, as well as common and outdoor areas accessible to residents~~(; and~~

(iv) ~~For assisted living facilities issued a project number by construction review services on or after September 1, 2004 for construction related to this section, all bathrooms, all toilet rooms, resident living rooms and sleeping rooms).~~

(b) Provide the resident with personal wireless communication devices, such as pendants or wristbands, when a communication device is not installed in the resident's sleeping room, and when wireless communications are used:

(i) The system must be designed and installed consistent with industry standards and perform reliably throughout the facility; and

(ii) The facility must have a policy and procedure describing the mitigating measures in the event of system disruption, including for maintenance and loss of power; and

(c) Provide residents, families, and other visitors with a means to contact a staff person inside the building from outside the building after hours.

(2) The assisted living facility must provide one or more nonpay telephones:

(a) In each building located for ready access ~~((by))~~ for staff persons; and

(b) On the premises with reasonable access and privacy by residents.

~~(3) ~~(In assisted living facilities issued a project number by construction review services on or after September 1,~~~~

~~2004 for construction related to this section.))~~ The assisted living facility must equip each resident room with ~~((two))~~ access to telephone ~~((lines))~~ service.

~~(4) If an assisted living facility ~~((that is issued a project number by construction services on or after September 1, 2004))~~ chooses to install an intercom system, the intercom system must be equipped with a mechanism that allows a resident to control:~~

~~(a) Whether or not announcements are broadcast into the resident's room; and~~

~~(b) Whether or not voices or conversations within the resident's room can be monitored or listened to by persons outside the resident's room.~~

(5) The facility must provide wireless internet access.

AMENDATORY SECTION (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

**WAC 388-78A-2950 Water supply.** The assisted living facility must:

(1) Provide water meeting the provisions of chapter 246-290 WAC, Group A public water supplies or chapter 246-291 WAC, Group B public water systems;

~~(2) Protect and maintain the assisted living facility water systems ~~((free of cross-connections as specified in the edition of *Cross-Connection Control Manual*, published by the Pacific Northwest Section of the) against cross-connection in accordance with American Water Works Association~~((; in effect on the date a construction review fee is paid to the department of health, construction review services;))~~ (AWWA) *Recommended Practice for Backflow Prevention and Cross-Connection Control*.~~~~

(3) Meet the requirements of the plumbing code adopted by the Washington state building code council;

(4) Install vacuum breakers or backflow prevention devices on hose bibs and supply nozzles used to connect hoses or tubing to housekeeping sinks, and where used, bed-pan-flushing attachments;

(5) Provide hot and cold water under adequate pressure readily available throughout the assisted living facility;

~~((4))~~ (6) Provide all sinks in resident rooms, toilet rooms and bathrooms, and bathing fixtures used by residents with hot water between 105°F and 120°F at all times; and

~~((5))~~ (7) Label or color code nonpotable water supplies as "unsafe for domestic use."

AMENDATORY SECTION (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

**WAC 388-78A-2960 Sewage and liquid waste disposal.** The assisted living facility must:

(1) Ensure that all sewage and waste water drain into a municipal sewage disposal system according to chapter ~~((246-271))~~ 246-272A WAC, if available; or

(2) Provide on-site sewage disposal systems designed, constructed, and maintained as required by chapters ~~((246-272))~~ 246-272B and 173-240 WAC, and local ordinances.

AMENDATORY SECTION (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

**WAC 388-78A-2980 Lighting.** (1) The assisted living facility must provide emergency lighting in residents units, dining and activity rooms, laundry rooms, and other spaces where residents may be at the time of a power outage.

(2) The assisted living facility must maintain electric light fixtures and lighting necessary for the comfort and safety of residents and for the activities of residents and staff.

~~((2))~~ (3) The assisted living facility must provide enough lighting in each resident's room to meet the resident's needs, preferences and choices.

~~((3))~~ (4) New assisted living facility construction must, at a minimum, meet the Illuminating Engineering Society of North America (IESNA) recommendations for lighting in common areas as established in the IESNA lighting handbook. The applicable handbook is the edition in effect on the date a construction review fee is paid to the department of health, construction review services, for new assisted living facility construction.

~~((4))~~ (5) Existing assisted living facility construction must maintain, at a minimum, the Illuminating Engineering Society of North America (IESNA) recommendations for lighting in common areas as established in the IESNA lighting handbook. The applicable handbook is the edition in effect on the date a construction review fee was paid to the department of health, construction review services, for the assisted living facility or that portion of the assisted living facility that underwent construction review.

AMENDATORY SECTION (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

**WAC 388-78A-2990 Heating-cooling—Temperature.** The assisted living facility must:

(1) Equip each resident-occupied building with an approved heating system capable of maintaining a minimum temperature of 70°F (~~(per the building code)~~). The assisted living facility must:

(a) Maintain the assisted living facility at a minimum temperature of 60°F during sleeping hours; and

(b) Maintain the assisted living facility at a minimum of 68°F during waking hours, except in rooms:

(i) Designated for activities requiring physical exertion; ~~((or))~~

(ii) Where residents can individually control the temperature in their own living units, independent from other areas~~((:))~~; or

(iii) Where residents cannot individually control the temperature in their own living units, maintain all living units at a temperature range of 70°F to 75°F;

(2) Equip each resident-occupied building with a mechanical air cooling system or equivalent capable of maintaining a temperature of 75°F in communities where the design dry bulb temperature exceeds 85°F (~~(for one hundred seventy-five hours per year or)~~) two percent of the ~~((time, as specified in the latest edition of "Recommended Outdoor Design Temperatures—Washington State," published by the Puget Sound chapter of the American Society of Heating,~~

~~Refrigeration, and Air-Conditioning Engineers))~~ year per the ASHRAE standards;

(3) Equip each assisted living facility (~~(issued a project number by construction review services on or after September 1, 2004 for construction related to this section;))~~ with a backup source of heat in enough common areas to keep all residents adequately warm during interruptions of normal heating operations;

(4) Prohibit the use of portable space heaters unless approved in writing by the Washington state director of fire protection; ~~((and))~~

(5) Equip each resident sleeping room (~~(and resident living room in assisted living facilities issued a project number by construction review services on or after September 1, 2004 for construction related to this section;))~~ with individual temperature controls located between ~~((thirty))~~ eighteen and forty-eight inches above the floor capable of maintaining room temperature plus or minus 3°F from setting, within a range of minimum 60°F to maximum 85°F, these individual temperature controls may be modified to prevent resident access only when:

(a) Appropriate, as documented in resident assessment(s) and their negotiated service plan; and

(b) The temperature range is maintained at a range of 70°F to 75°F.

AMENDATORY SECTION (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

**WAC 388-78A-3000 Ventilation.** The assisted living facility must~~((:))~~ meet the ventilation requirements of the mechanical code as adopted and amended by the Washington state building council; and

(1) Ventilate rooms to:

(a) Prevent excessive odors or moisture; and

(b) Remove smoke.

(2) ~~((Designate and ventilate))~~ If provided, locate outdoor smoking areas~~((, if smoking is permitted in the assisted living facility, to prevent air contamination throughout the assisted living facility))~~ in accordance with Washington state law;

(3) Provide intact sixteen mesh screens on operable windows and openings used for ventilation; and

(4) ~~((Prohibit))~~ Ensure window screens that may restrict or hinder escape or rescue through emergency exit openings, do not present an obstacle to facility emergency plans as coordinated with local fire and rescue services.

AMENDATORY SECTION (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

**WAC 388-78A-3010 Resident ~~((room—Room furnishings storage))~~ units.** ~~((1))~~ The assisted living facility must ensure each resident has a sleeping room that has:

(a) Eighty or more square feet of usable floor space in a one-person sleeping room;

(b) Seventy or more square feet of usable floor space per individual in a sleeping room occupied by two or more individuals, except:

(i) When a resident sleeping room is located within a private apartment; and

(ii) The private apartment includes a resident sleeping room, a resident living room, and a private bathroom; and

(iii) The total square footage in the private apartment equals or exceeds two hundred twenty square feet excluding the bathroom; and

(iv) There are no more than two residents living in the apartment; and

(v) Both residents mutually agree to share the resident sleeping room; and

(vi) All other requirements of this section are met, then the two residents may share a sleeping room with less than one hundred forty square feet.

(c) A maximum sleeping room occupancy of:

(i) Four individuals if the assisted living facility was licensed before July 1, 1989, and licensed continuously thereafter; and

(ii) Two individuals if the assisted living facility, after June 30, 1989:

(A) Applied for initial licensure; or

(B) Applied to increase the number of resident sleeping rooms; or

(C) Applied to change the use of rooms into sleeping rooms;

(d) Unrestricted direct access to a hallway, living room, outside, or other common-use area;

(e) One or more outside windows with:

(i) Window sills at or above grade, with grade extending horizontally ten or more feet from the building; and

(ii) Adjustable curtains, shades, blinds, or equivalent for visual privacy.

(f) One or more duplex electrical outlets per bed if the assisted living facility was initially licensed after July 1, 1983;

(g) A light control switch located by the entrance for a light fixture in the room;

(h) An individual towel and washcloth rack or equivalent, except when there is a private bathroom attached to the resident sleeping or living room, the individual towel and washcloth rack may be located in the attached private bathroom;

(i) In all assisted living facilities issued a project number by construction review services on or after September 1, 2004 for construction related to this section, and when requested by a resident in an assisted living facility licensed on or before September 1, 2004, provide a lockable drawer, cupboard or other secure space measuring at least one-half cubic foot with a minimum dimension of four inches;

(j) Separate storage facilities for each resident in or immediately adjacent to the resident's sleeping room to adequately store a reasonable quantity of clothing and personal possessions;

(k) A configuration to permit all beds in the resident sleeping room to be spaced at least three feet from other beds unless otherwise requested by all affected residents.

(2) The assisted living facility must ensure each resident sleeping room contains:

(a) A comfortable bed for each resident, except when two residents mutually agree to share a bed. The bed must be thirty-six or more inches wide for a single resident and fifty-four or more inches wide for two residents, appropriate for

size, age and physical condition of the resident and room dimensions, including, but not limited to:

(i) Standard household bed;

(ii) Studio couch;

(iii) Hide-a-bed;

(iv) Day bed; or

(v) Water bed, if structurally and electrically safe.

(b) A mattress for each bed which:

(i) Fits the bed frame;

(ii) Is in good condition; and

(iii) Is at least four inches thick unless otherwise requested or necessary for resident health or safety.

(c) One or more comfortable pillows for each resident;

(d) Bedding for each bed, in good repair; and

(e) Lighting at the resident's bedside when requested by the resident.

(3) The assisted living facility must not allow a resident sleeping room to be used as a passageway or corridor.

(4) The assisted living facility may use or allow use of carpets and other floor coverings only when the carpet is:

(a) Securely fastened to the floor or provided with non-skid backing; and

(b) Kept clean and free of hazards, such as curling edges or tattered sections.

(5) The assisted living facility must ensure each resident has either a sleeping room or resident living room that contains a sturdy, comfortable chair appropriate for the age and physical condition of the resident. This requirement does not mean an assisted living facility is responsible for supplying specially designed orthotic or therapeutic chairs, including those with mechanical lifts or adjustments.)

The assisted living facility resident units must have the following:

**(1) General characteristics:**

(a) Units must have lever door hardware and option for lockable entry doors:

(i) Locking entry doors must unlock with single lever handle motion:

(b) Residents may not enter their rooms through another resident unit or resident bedroom:

(c) The functional program shall identify the number of units or number of licensed beds designed for staff assisted movement, bathing and toileting:

(2) Number of residents: Each resident unit shall be limited to not more than two residents.

**(3) Unit configuration types:**

(a) A studio unit or single room:

(b) A companion unit sized appropriately to provide two separate sleeping rooms or spaces of a common entry vestibule:

(c) A one bedroom unit with separate living and sleeping rooms; or

(d) A two bedroom unit with separate living and sleeping rooms:

(4) Bathrooms: Access to bathing/toileting facilities within the resident unit must not be through a resident sleeping room or otherwise compromise resident dignity or privacy.

**(5) Sleeping rooms size:**

(a) One person rooms shall have not less than eighty square feet of usable floor space;

(b) Two person rooms shall not have less than seventy square feet of usable floor space per individual;

(c) When a resident sleeping room is located within a private apartment:

(i) The private apartment includes a resident sleeping room, a resident living room, and a private bathroom;

(ii) The total square footage in the private apartment equals or exceeds two hundred-twenty square feet excluding the bathroom;

(iii) There are no more than two residents living in the apartment; or

(iv) Both residents mutually agree to share the resident sleeping room; and

(v) If all other requirements of this section are met, then the two residents may share a sleeping room with less than one hundred forty square feet; and

(d) All sleeping rooms must be of sufficient size to allow three feet between the bed and the adjacent walls or furnishings and five feet between other beds.

**(6) Calculating floor space:**

(a) Usable floor space in a resident's sleeping room is calculated by measuring from interior wall to interior wall surface;

(i) Including areas of door swings and entryways into the sleeping room.

(ii) Excluding areas under ceilings less than seven feet high, closet space and built-in storage, areas under counters, sinks, or appliances, bathroom and toilet rooms.

**(7) Room Arrangement:**

(a) Each sleeping room must have unrestricted direct access to a hallway, living room, outside, or other common-use area;

(b) A resident sleeping room may not be used as a passageway, hall, intervening room, or corridor.

**(8) Miscellaneous: Each sleeping room must have:**

(a) One or more outside windows with:

(i) Window sills at or above grade, with grade extending horizontally ten or more feet from the building; and

(ii) Adjustable curtains, shades, blinds, or equivalent for visual privacy.

(b) Electrical receptacles consistent with the requirements of the electrical code;

(c) A light control switch located by the entrance for a light fixture in the room;

(d) An individual towel and washcloth rack or equivalent, except when there is a private bathroom attached to the resident sleeping or living room, the individual towel and washcloth rack may be located in the attached private bathroom;

(e) A lockable drawer, cupboard or other secure space measuring a least one-half cubic foot with a minimum dimension of four inches;

(f) Separate storage facilities for each resident in or immediately adjacent to that residents sleeping room to adequately store a reasonable quantity of clothing and personal possessions; and

(g) Separate storage containers for materials used in the administration of intermittent nursing services appropriate to

the needs of the resident and documented in the functional program.

**NEW SECTION**

**WAC 388-78A-3011 Resident unit furnishings. (1)**

The assisted living facility must ensure each resident sleeping room contains:

(a) A bed for each resident, except when:

(i) Two residents mutually agree to share a bed; or

(ii) A resident requests or provides alternate furniture for sleeping.

(b) The bed must be thirty-six or more inches wide for a single resident and fifty-four or more inches wide for two residents, including, but not limited to:

(i) Standard household bed;

(ii) Studio couch;

(iii) Hide-a-bed;

(iv) Day bed; or

(v) Water bed, if structurally and electrically safe.

(c) If using a bed, a mattress for each bed which:

(i) Fits the bed frame;

(ii) Is in good condition; and

(iii) Is at least four inches thick unless otherwise requested or necessary for resident health or safety.

(d) One or more pillows for each resident;

(e) Bedding for each bed, in good repair; and

(f) Lighting at the resident's bedside when requested by the resident.

(2) The assisted living facility may use or allow use of carpets and other floor coverings only when the carpet is:

(a) Securely fastened to the floor or provided with non-skid backing; and

(b) Kept clean and free of hazards, such as curling edges or tattered sections.

(3) The assisted living facility must ensure each resident has either a sleeping room or resident living room that contains a sturdy chair. This requirement does not mean an assisted living facility is responsible for supplying specially designed orthotic or therapeutic chairs, including those with mechanical lifts or adjustments.

**AMENDATORY SECTION** (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

**WAC 388-78A-3030 Toilet rooms and bathrooms. (1)**

The assisted living facility must provide private or common-use toilet rooms and bathrooms to meet the needs of each resident.

(2) The assisted living facility must provide each toilet room and bathroom with:

(a) Water resistant, smooth, low gloss, nonslip and easily cleanable materials;

(b) Washable walls to the height of splash or spray;

(c) Grab bars installed and located to minimize accidental falls including one or more grab bars at each:

(i) Bathing fixture; and

(ii) Toilet.

(d) Plumbing fixtures designed for easy use and cleaning and kept in good repair; and

(c) ~~((Adequate ventilation to the outside of the assisted living facility. For assisted living facilities issued a project number by construction review services on or after September 1, 2004, for construction related to this section, must))~~ Provide mechanical ventilation to the outside; and

(f) Separation from other rooms or areas by four walls and a door.

(3) The assisted living facility must provide each toilet room with a:

(a) Toilet with a clean, nonabsorbent seat free of cracks;

(b) Handwashing sink in or adjacent to the toilet room ~~((For assisted living facilities issued a project number by construction review services on or after September 1, 2004, for construction related to this section, the handwashing sink must be in the toilet room or in an adjacent private area that is not part of a common use area of the assisted living facility));~~ and

(c) ~~((Suitable))~~ Δ mirror with adequate lighting for general illumination.

(4) ~~((For assisted living facilities approved for construction or initially licensed after August 1, 1994,))~~ The assisted living facility must provide a toilet and handwashing sink in, or adjoining, each bathroom.

(5) When providing common-use toilet rooms and bathrooms, for residents who do not have access to a private toilet room in their apartment, the assisted living facility must provide toilets and handwashing sinks for residents in the ratios of one toilet and one handwashing sink for every eight residents. For example: One toilet and one handwashing sink for one to eight residents, two for nine to sixteen residents, three for seventeen to twenty-four residents, and so on ~~((, who do not have access to a private toilet room. When two or more toilets are contained in a single bathroom, they are counted as one toilet)).~~

(6) When providing common-use toilet rooms and bathrooms for residents who do not have access to a private bathroom in their apartment, the assisted living facility must provide bathing fixtures for residents in the ratio of one bathing fixture for every twelve residents. For example: One bathing fixture for one to twelve residents, two for twelve to twenty-four residents, three for twenty-five to thirty-six residents, and so on ~~((, who do not have access to a private toilet room)).~~

(7) When providing common-use toilet rooms and bathrooms, the assisted living facility must:

(a) Designate toilet rooms containing more than one toilet for use by men or women;

(b) Designate bathrooms containing more than one bathing fixture for use by men or women, unless the bathroom is identified as a single resident use only;

(c) Equip each toilet room and bathroom designed for use by, or used by, more than one person at a time, in a manner to ensure visual privacy for each person using the room. The assisted living facility is not required to provide additional privacy features in private bathrooms with a single toilet and a single bathing fixture located within a private apartment;

(d) Provide a handwashing sink with soap and single use or disposable towels, blower or equivalent hand-drying device in each toilet room ~~((, except that single use or dispos-~~

~~able towels or blowers are not required in toilet rooms or bathrooms that are located within a private apartment));~~

(e) Provide reasonable access to bathrooms and toilet rooms for each resident by:

(i) Locating a toilet room on the same floor or level as the sleeping room of the resident served;

(ii) Locating a bathroom on the same floor or level, or adjacent floor or level, as the sleeping room of the resident served;

(iii) Providing access without passage through any kitchen, pantry, food preparation, food storage, or dishwashing area, or from one bedroom through another bedroom; and

(f) Provide and ensure toilet paper is available at each common-use toilet.

(8) ~~((In assisted living facilities issued a project number by construction review services on or after September 1, 2004, for construction related to this section,))~~ The assisted living facility must ensure twenty-five percent of all ~~((the))~~ resident use, and at least one common use bathing fixtures ~~((in the assisted living facility))~~ are roll-in type showers that have:

(a) One-half inch or less threshold that may be a collapsible rubber water barrier; and

(b) A minimum size of thirty-six inches by forty-eight inches ~~((, and~~

~~((single lever faucets located within thirty-six inches of the seat so the faucets are within reach of persons seated in the shower)).~~

AMENDATORY SECTION (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

**WAC 388-78A-3040 Laundry.** (1) The assisted living facility must provide laundry and linen services on the premises, or by commercial laundry.

(2) The assisted living facility must handle, clean, and store linen according to acceptable methods of infection control. The assisted living facility must:

(a) Provide separate areas for handling clean laundry and soiled laundry;

(b) Ensure clean laundry is not processed in, and does not pass through, areas where soiled laundry is handled;

(c) Ensure areas where clean laundry is stored are not exposed to contamination from other sources; ~~((and))~~

(d) Ensure all staff persons wear gloves and use other appropriate infection control practices when handling soiled laundry; and

(e) Have a utility sink and a table or counter for folding clean laundry.

(3) The assisted living facility must use washing machines that have a continuous supply of hot water with a temperature of 140°F measured at the washing machine intake, ~~((or))~~ that automatically ~~((dispense))~~ dispenses a chemical sanitizer as specified by the manufacturer, ~~((when-~~

~~ever the assisted living facility washes:~~

(a) Assisted living facility laundry;

~~(b) Assisted living facility laundry combined with residents' laundry into a single load; or~~

~~(c) More than one resident's laundry combined into a single load)) or that employs alternate sanitization methods recommended by the manufacturer.~~

(4) The assisted living facility or a resident washing an individual resident's personal laundry, separate from other laundry, may wash the laundry at temperatures below 140°F and without the use of a chemical sanitizer.

(5) The assisted living facility must ventilate laundry rooms and areas to the outside of the assisted living facility, including areas or rooms where soiled laundry is held for processing by off site commercial laundry services.

(6) The assisted living facility must locate laundry equipment in rooms other than those used for open food storage, food preparation or food service.

~~(7) ((For all assisted living facilities issued a project number by construction review services on or after September 1, 2004 for construction related to this section,))~~ The assisted living facility must provide a laundry area or develop and implement policy and procedure to ensure residents have access to an area where residents' may do their personal laundry that is:

(a) Equipped with:

(i) A utility sink;

(ii) A table or counter for folding clean laundry;

(iii) At least one washing machine and one clothes dryer;

and

(iv) Mechanical ventilation to the outside of the assisted living facility.

(b) ~~((Is))~~ Arranged to reduce the chances of soiled laundry contaminating clean laundry.

~~((8) The assisted living facility may combine areas for soiled laundry with other areas when consistent with WAC 388-78A-3110.~~

~~(9) The assisted living facility may combine areas for handling and storing clean laundry with other areas when consistent with WAC 388-78A-3120.)~~

AMENDATORY SECTION (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

**WAC 388-78A-3050 ((Day rooms)) Common areas.**

(1) The assisted living facility must provide one or more ~~((day room))~~ common areas in which residents may participate in social and recreational activities. ~~((Day room))~~ Common areas include, but are not limited to:

(a) Solariums;

(b) Enclosed sun porches;

(c) Recreation rooms;

(d) Dining rooms; and

(e) Living rooms.

(2) The assisted living facility must provide a total minimum floor space for ~~((day room))~~ common areas of ~~(:~~

~~(a) One hundred fifty square feet, or ten square feet per resident, whichever is larger, in assisted living facilities licensed on or before December 31, 1988; or~~

~~(b) One hundred fifty square feet, or twenty square feet per resident, whichever is larger, in assisted living facilities licensed after December 31, 1988))~~ one hundred-fifty square feet, or twenty square feet per resident, whichever is larger.

(3) The assisted living facility must provide ~~((day room))~~ common areas with ~~((comfortable))~~ furniture and furnishings that meet the residents' needs.

AMENDATORY SECTION (Amending WSR 13-13-063, filed 6/18/13, effective 7/19/13)

**WAC 388-78A-3090 Maintenance and housekeeping.**

(1) The assisted living facility must:

(a) Provide a safe, sanitary and well-maintained environment for residents;

(b) Keep exterior grounds, assisted living facility structure, and component parts safe, sanitary and in good repair;

(c) Keep facilities, equipment and furnishings clean and in good repair; and

(d) Ensure each resident or staff person maintains the resident's quarters in a safe and sanitary condition ~~((; and~~

~~(e) Equip a housekeeping supply area on the premises with:~~

~~(i) A utility sink or equivalent means of obtaining and disposing of mop water, separate from food preparation and service areas;~~

~~(ii) Storage for wet mops, ventilated to the outside of the assisted living facility; and~~

~~(iii) Locked storage for cleaning supplies))~~ consistent with the negotiated service agreement.

(2) ~~((For assisted living facilities issued a project number by construction review services on or after September 1, 2004 for construction related to this section,))~~ The assisted living facility must provide housekeeping supply room(s):

(a) Located on each floor of the assisted living facility, except only one housekeeping supply room is required for assisted living facilities licensed for sixteen or fewer beds when there is a means other than using a stairway, for transporting mop buckets between floors;

(b) In proximity to laundry and kitchen areas; and

(c) Equipped with:

(i) A utility sink or equivalent means of obtaining and disposing of mop water, away from food preparation and service areas;

(ii) Storage for wet mops;

(iii) Locked storage for cleaning supplies; and

(iv) Mechanical ventilation to the outside of the assisted living facility.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-78A-2820 Building requirements and exemptions.

WAC 388-78A-2890 Time frame for approval.

WAC 388-78A-2910 Applicable building codes.

WAC 388-78A-3020 Calculating floor space.

WAC 388-78A-3070 Stairs—Ramps.

WAC 388-78A-3080 Guardrails—Handrails.

WAC 388-78A-3110 Areas for cleaning and storing soiled equipment, supplies and laundry.

WAC 388-78A-3120 Areas for handling and storing clean supplies and equipment.

### WSR 20-03-013

#### PERMANENT RULES

#### DEPARTMENT OF COMMERCE

[Filed January 6, 2020, 8:46 a.m., effective February 6, 2020]

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

Purpose: Commerce amended rules concerning the 2019 appliance standards legislation (chapter 19.260 RCW). These draft rules are the first phase of rules and include the majority of products from the legislation, notably the first in nation design requirement for electric storage water heaters.

Citation of Rules Affected by this Order: New WAC 194-24-100, 194-24-105, 194-24-110, 194-24-115, 194-24-120, 194-24-125, 194-24-130, 194-24-135, 194-24-140, 194-24-145, 194-24-150, 194-24-155, 194-24-160, 194-24-165, 194-24-170, 194-24-175 and 194-24-180; repealing WAC 194-24-040, 194-24-050 and 194-24-060; and amending WAC 194-24-020, 194-24-030, and 194-24-070.

Statutory Authority for Adoption: RCW 19.260.070.

Adopted under notice filed as WSR 19-22-098 on November 6, 2019.

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 17, Amended 3, Repealed 3.

Number of Sections Adopted at the Request of a Non-governmental 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 0, Repealed 0.

Date Adopted: January 6, 2020.

S. Coggins  
Rules Coordinator

### Chapter 194-24 WAC

#### APPLIANCE (~~ENERGY EFFICIENCY~~) STANDARDS

AMENDATORY SECTION (Amending WSR 07-14-092, filed 6/29/07, effective 7/30/07)

**WAC 194-24-020 Purpose and scope.** The purpose of these rules is to establish efficiency standards and design requirements for certain products sold or installed in the state assuring consumers and businesses that such products meet

minimum efficiency performance levels thus saving energy and money on utility bills. This chapter applies (~~equally~~) to products (~~regardless of whether they are sold, offered for sale, or~~) sold or offered for sale, lease, or rent in the state, except those sold wholesale in Washington for final retail sale outside the state and those designed and sold exclusively for use in recreational vehicles, or other mobile equipment. The standards and design requirements apply regardless of whether the product is installed as a stand-alone product or as a component of another product.

AMENDATORY SECTION (Amending WSR 07-14-092, filed 6/29/07, effective 7/30/07)

**WAC 194-24-030 Definitions.** (~~The following words and terms have the following meanings for the purposes of this chapter unless otherwise indicated:~~

(1) ~~"Automatic commercial ice cube machine" means a factory-made assembly, not necessarily shipped in one package, consisting of a condensing unit and ice-making section operating as an integrated unit with means for making and harvesting ice cubes. It may also include integrated components for storing or dispensing ice, or both.~~

(2) ~~"Ballast" means a device used with an electric discharge lamp to obtain necessary circuit conditions, such as voltage, current, and waveform, for starting and operating the lamp.~~

(3)(a) ~~"Commercial refrigerators and freezers" means refrigerators, freezers, or refrigerator-freezers designed for use by commercial or institutional facilities for the purpose of storing or merchandising food products, beverages, or ice at specified temperatures that:~~

(i) ~~Incorporate most components involved in the vapor-compression cycle and the refrigerated compartment in a single cabinet; and~~

(ii) ~~May be configured with either solid or transparent doors as a reach-in cabinet, pass-through cabinet, roll-in cabinet, or roll-through cabinet.~~

(b) ~~"Commercial refrigerators and freezers" does not include:~~

(i) ~~Products with 85 cubic feet or more of internal volume;~~

(ii) ~~Walk-in refrigerators or freezers;~~

(iii) ~~Consumer products that are federally regulated pursuant to 42 U.S.C. Sec. 6291 et seq.;~~

(iv) ~~Products without doors; or~~

(v) ~~Freezers specifically designed for ice cream.~~

(4) ~~"Compensation" means money or any other valuable thing, regardless of form, received or to be received by a person for services rendered.~~

(5) ~~"Department" means the department of community, trade, and economic development.~~

(6) ~~"High-intensity discharge lamp" means a lamp in which light is produced by the passage of an electric current through a vapor or gas, and in which the light-producing are is stabilized by bulb wall temperature and the are tube has a bulb wall loading in excess of three watts per square centimeter.~~

(7) ~~"Metal halide lamp" means a high-intensity discharge lamp in which the major portion of the light is produced by~~



radiation of metal halides and their products of dissociation, possibly in combination with metallic vapors.

(8) "Metal halide lamp fixture" means a light fixture designed to be operated with a metal halide lamp and a ballast for a metal halide lamp.

(9) "Pass-through cabinet" means a commercial refrigerator or freezer with hinged or sliding doors on both the front and rear of the unit.

(10) "Probe start metal halide ballast" means a ballast used to operate metal halide lamps which does not contain an igniter and which instead starts lamps by using a third starting electrode "probe" in the arc tube.

(11) "Reach-in cabinet" means a commercial refrigerator or freezer with hinged or sliding doors or lids, but does not include roll-in or roll-through cabinets or pass-through cabinets.

(12)(a) "Roll-in cabinet" means a commercial refrigerator or freezer with hinged or sliding doors that allow wheeled racks of product to be rolled into the unit.

(b) "Roll-through cabinet" means a commercial refrigerator or freezer with hinged or sliding doors on two sides of the cabinet that allow wheeled racks of product to be rolled through the unit.

(13)(a) "Single voltage external AC to DC power supply" means a device that:

(i) Is designed to convert line voltage alternating current input into lower voltage direct current output;

(ii) Is able to convert to only one DC output voltage at a time;

(iii) Is sold with, or intended to be used with, a separate end use product that constitutes the primary power load;

(iv) Is contained within a separate physical enclosure from the end use product;

(v) Is connected to the end use product via a removable or hard wired male/female electrical connection, cable, cord, or other wiring; and

(vi) Has a nameplate output power less than or equal to 250 watts.

(b) "Single voltage external AC to DC power supply" does not include:

(i) Products with batteries or battery packs that physically attach directly to the power supply unit;

(ii) Products with a battery chemistry or type selector switch and indicator light; or

(iii) Products with a battery chemistry or type selector switch and a state of charge meter.

(14) "State-regulated incandescent reflector lamp" means a lamp that is not colored or designed for rough or vibration service applications, that has an inner reflective coating on the outer bulb to direct the light, an E26 medium screw base, and a rated voltage or voltage range that lies at least partially within 115 to 130 volts, and that falls into one of the following categories:

(a) A bulged reflector or elliptical reflector bulb shape and which has a diameter which equals or exceeds 2.25 inches;

(b) A reflector, parabolic aluminized reflector, or similar bulb shape and which has a diameter of 2.25 to 2.75 inches.

(15)(a) "Unit heater" means a self-contained, vented fan-type commercial space heater that uses natural gas or pro-

pane, and that is designed to be installed without ducts within a heated space.

(b) "Unit heater" does not include any products covered by federal standards established pursuant to 42 U.S.C. Sec. 6291 et seq., or any product that is a direct vent, forced flue heater with a sealed combustion burner.)) The definitions in chapter 19.260 RCW apply throughout this chapter.

(1) The following terms have the same meaning as used in the California Rule:

(a) Showerheads;

(b) Tub spout diverters;

(c) Showerhead tub spout diverter combinations;

(d) Lavatory faucets and replacement aerators;

(e) Kitchen faucets and replacement aerators;

(f) Public lavatory faucets and replacement aerators;

(g) Urinals;

(h) Water closets; and

(i) Computers and computer monitors.

(2) "California Rule" means Title 20, Article 4, California Code of Regulations, in effect on January 2019, revised September 2019.

(3) "MAEDbS" means the modernized appliance efficiency database system established pursuant to section 1606 (c) of the California Rule and maintained by the California energy commission.

AMENDATORY SECTION (Amending WSR 07-14-092, filed 6/29/07, effective 7/30/07)

**WAC 194-24-070 Penalties for noncompliance.** ((The energy policy division shall investigate complaints received concerning violations of these rules. Any manufacturer or distributor who violates this chapter shall be issued a warning by the director of the department for any first violation. Repeat violations are subject to a civil penalty of not more than two hundred fifty dollars per day.)) In applying the penalty provision in RCW 19.260.070(6), the department may consider each unit of a noncompliant product to be a separate violation.

#### NEW SECTION

**WAC 194-24-100 Residential pool pumps. (1) Scope.** This rule applies to new residential pool pumps manufactured on or after January 1, 2010, and installed for compensation in the state on or after January 1, 2011.

(2) **Standard.** Through July 18, 2021, residential pool pumps must meet requirements specified in California Code of Regulations, Title 20, section 1605.3 in effect as of July 26, 2009. Beginning July 19, 2021, residential pool pumps must meet requirements specified in the dedicated-purpose pool pump rule published by the United States Department of Energy on January 18, 2017, (82 Fed. Reg. 5650) and effective on May 18, 2017.

(3) **Testing.** Through July 18, 2021, residential pool pumps must meet the test criteria as measured in accordance with California Code of Regulations, Title 20, section 1604 in effect as of February 5, 2018. Beginning July 19, 2021, residential pool pumps must meet the test criteria specified in the dedicated-purpose pool pump rule published by the

United States Department of Energy on January 18, 2017, (82 Fed. Reg. 5650) and effective on May 18, 2017.

(4) **Listing.** Through July 18, 2021, each manufacturer must cause to be listed each residential pool pump, by model number, in MAEDbS.

(5) **Marking.** Through July 18, 2021, every unit of every residential pool pump must comply with the requirements of California Code of Regulations, Title 20, section 1607 in effect as of July 26, 2009.

#### NEW SECTION

**WAC 194-24-105 Portable electric spas.** (1) **Scope.** This rule applies to new portable electric spas manufactured on or after January 1, 2010, and installed for compensation in the state on or after January 1, 2011.

(2) **Standard.** Portable electric spas must meet the requirements of the American National Standard for portable electric spa energy efficiency (ANSI/APSP/ICC-14 2014).

(3) **Testing.** Portable electric spas must be tested in accordance with the method specified in the American National Standard for portable electric spa energy efficiency (ANSI/APSP/ICC-14 2014).

(4) **Listing.** Each manufacturer must cause to be listed each portable electric spa, by model number, in MAEDbS.

(5) **Marking.** Every unit of every portable electric spa must comply with the requirements of section 1607 of the California Rule.

#### NEW SECTION

**WAC 194-24-110 Tub spout diverters.** (1) **Scope.** This rule applies to new tub spout diverters manufactured on or after January 1, 2010, and installed for compensation in the state on or after January 1, 2011.

(2) **Standard.** Tub spout diverters that are within the scope and definition of the applicable regulation must meet the requirements in the California Rule, section 1605.3.

(3) **Testing.** Tub spout diverters must meet the testing criteria as measured in accordance with the test methods prescribed in the California Rule, section 1604.

(4) **Listing.** Each manufacturer must cause to be listed each tub spout diverter, by model number, in MAEDbS.

(5) **Marking.** Every unit of every tub spout diverter must comply with the requirements of section 1607 of the California Rule.

#### NEW SECTION

**WAC 194-24-115 Commercial hot food holding cabinets.** (1) **Scope.** This rule applies to new commercial hot food holding cabinets manufactured on or after January 1, 2010, and installed for compensation in the state on or after January 1, 2011.

(2) **Standard.** The idle energy rate of commercial hot food holding cabinets shall be no greater than 40 watts per cubic foot of measured interior volume.

(3) **Testing.** The idle energy rate of commercial hot food holding cabinets shall be determined using ANSI/ASTM F2140-11 standard test method for the performance of hot food holding cabinets (test for idle energy rate dry test).

Commercial hot food holding cabinet interior volume shall be calculated using straight line segments following the gross interior dimensions of the appliance and using the following equation: Interior height × interior width × interior depth. Interior volume shall not account for racks, air plenums, or other interior parts.

(4) **Listing.** Each manufacturer must cause to be listed each commercial hot food holding cabinet, by model number, in MAEDbS.

(5) **Marking.** Every unit of every commercial hot food holding cabinet must comply with the requirements of section 1607 of the California Rule.

#### NEW SECTION

**WAC 194-24-120 Commercial dishwashers.** (1) **Scope.** This rule applies to new commercial dishwashers manufactured on or after January 1, 2021.

(2) **Standard.** Commercial dishwashers must meet the requirements included in the scope of the Environmental Protection Agency ENERGY STAR® program product specification for commercial dishwashers, version 2.0.

(3) **Testing.** Commercial dishwashers must meet the testing requirements included in the scope of the Environmental Protection Agency ENERGY STAR® program product specification for commercial dishwashers, version 2.0.

(4) **Listing.** Each manufacturer must cause to be listed each commercial dishwasher, by model number, in the ENERGY STAR® product database.

(5) **Marking.** Every unit of every commercial dishwasher must have an ENERGY STAR® label.

#### NEW SECTION

**WAC 194-24-125 Commercial fryers.** (1) **Scope.** This rule applies to new commercial fryers manufactured on or after January 1, 2021.

(2) **Standard.** Commercial fryers must meet the requirements included in the scope of the Environmental Protection Agency ENERGY STAR® program product specification for commercial fryers, version 2.0.

(3) **Testing.** Commercial fryers must meet the testing requirements included in the scope of the Environmental Protection Agency ENERGY STAR® program product specification for commercial fryers, version 2.0.

(4) **Listing.** Each manufacturer must cause to be listed each commercial fryer, by model number, in the ENERGY STAR® product database.

(5) **Marking.** Every unit of every commercial fryer must have an ENERGY STAR® label.

#### NEW SECTION

**WAC 194-24-130 Commercial steam cookers.** (1) **Scope.** This rule applies to new commercial steam cookers manufactured on or after January 1, 2021.

(2) **Standard.** Commercial steam cookers must meet the requirements included in the scope of the Environmental Protection Agency ENERGY STAR® program product specification for commercial steam cookers, version 1.2.

(3) **Testing.** Commercial steam cookers must meet the testing requirements included in the scope of the Environmental Protection Agency ENERGY STAR® program product specification for commercial steam cookers, version 1.2.

(4) **Listing.** Each manufacturer must cause to be listed each commercial steam cooker, by model number, in the ENERGY STAR® product database.

(5) **Marking.** Every unit of every commercial steam cooker must have an ENERGY STAR® label.

#### NEW SECTION

**WAC 194-24-135 Computers and computer monitors.** (1) **Scope.** This rule applies to new computers and computer monitors manufactured on or after January 1, 2021.

(2) **Standard.** Computers and computer monitors must meet the requirements of section 1605.3(v) of the California Rule.

(3) **Testing.** Computers and computer monitors must meet the testing requirements of section 1603 of the California Rule as measured in accordance with the test methods prescribed in section 1604(v) of the California Rule.

(4) **Listing.** Each manufacturer must cause to be listed each computer and computer monitor, by model number, in MAEDbS.

(5) **Marking.** Every unit of every computer and computer monitor must comply with the requirements of section 1607 of the California Rule.

#### NEW SECTION

**WAC 194-24-140 Faucets.** (1) **Scope.** This rule applies to new faucets manufactured on or after January 1, 2021.

(2) **Standard.** The following products that are within the scope and definition of the applicable regulation must meet the requirements in the California Rule, section 1605.3:

- (a) Lavatory faucets and replacement aerators;
- (b) Kitchen faucets and replacement aerators;
- (c) Public lavatory faucets and replacement aerators.

(3) **Testing.** Faucets must meet the testing criteria as measured in accordance with the test methods prescribed in the California Rule, section 1604.

(4) **Listing.** Each manufacturer must cause to be listed each faucet, by model number, in MAEDbS.

(5) **Marking.** Every unit of every faucet must comply with the requirements of section 1607 of the California Rule.

#### NEW SECTION

**WAC 194-24-145 High color rendering index (CRI) fluorescent lamps.** (1) **Scope.** This rule applies to new high CRI fluorescent lamps manufactured on or after January 1, 2023.

(2) **Standard.** High CRI fluorescent lamps must meet the requirements in 10 C.F.R. Sec. 430.32(n)(4) in effect as of January 3, 2017.

(3) **Testing.** High CRI fluorescent lamps must meet the testing criteria as measured in accordance with the test methods prescribed in 10 C.F.R. Sec. 430.23 (appendix R to subpart B of part 430) in effect as of January 3, 2017.

(4) **Listing.** There is no listing requirement for this product.

(5) **Marking.** Every unit of every high CRI fluorescent lamp must comply with the requirements of section 1607 of the California Rule.

#### NEW SECTION

**WAC 194-24-150 Residential ventilating fans.** (1) **Scope.** This rule applies to new residential ventilating fans manufactured on or after January 1, 2021.

(2) **Standard.** Residential ventilating fans must meet the requirements included in the scope of the Environmental Protection Agency ENERGY STAR® program product specification for residential ventilating fans, version 3.2.

(3) **Testing.** Residential ventilating fans must meet the testing requirements included in the scope of the Environmental Protection Agency ENERGY STAR® program product specification for residential ventilating fans, version 3.2.

(4) **Listing.** Each manufacturer must cause to be listed each residential ventilating fan, by model number, in the ENERGY STAR® product database.

(5) **Marking.** Every unit of every residential ventilating fan must have an ENERGY STAR® label.

#### NEW SECTION

**WAC 194-24-155 Showerheads.** (1) **Scope.** This rule applies to new showerheads manufactured on or after January 1, 2021.

(2) **Standard.** Showerheads that are within the scope and definition of the applicable regulation must meet the requirements in the California Rule, section 1605.3.

(3) **Testing.** Showerheads must meet the testing criteria as measured in accordance with the test methods prescribed in the California Rule, section 1604.

(4) **Listing.** Each manufacturer must cause to be listed each showerhead, by model number, in MAEDbS.

(5) **Marking.** Every unit of every showerhead must comply with the requirements of section 1607 of the California Rule.

#### NEW SECTION

**WAC 194-24-160 Spray sprinkler bodies.** (1) **Scope.** This rule applies to new spray sprinkler bodies manufactured on or after January 1, 2021.

(2) **Standard.** Spray sprinkler bodies that are not specifically excluded from the scope of the Environmental Protection Agency WaterSense program product specification for spray sprinkler bodies, version 1.0, must include an integral pressure regulator and must meet the water efficiency and performance criteria and other requirements of that specification.

(3) **Testing.** Spray sprinkler bodies that are not specifically excluded from the scope of the Environmental Protection Agency WaterSense program product specification for spray sprinkler bodies, version 1.0, must include an integral pressure regulator and must meet the water efficiency and performance criteria and other requirements of that specification.

(4) **Listing.** Each manufacturer must cause to be listed each spray sprinkler body, by model number, in the WaterSense product database.

(5) **Marking.** Every unit of every spray sprinkler body product package must have a WaterSense label.

#### NEW SECTION

**WAC 194-24-165 Urinals.** (1) **Scope.** This rule applies to new urinals manufactured on or after January 1, 2021.

(2) **Standard.** Urinals that are within the scope and definition of the applicable regulation must meet the requirements in the California Rule, section 1605.3.

(3) **Testing.** Urinals must meet the testing criteria as measured in accordance with the test methods prescribed in the California Rule, section 1604.

(4) **Listing.** Each manufacturer must cause to be listed each urinal, by model number, in MAEDbS.

(5) **Marking.** Every unit of every urinal must comply with the requirements of section 1607 of the California Rule.

#### NEW SECTION

**WAC 194-24-170 Water closets.** (1) **Scope.** This rule applies to new water closets manufactured on or after January 1, 2021.

(2) **Standard.** Water closets that are within the scope and definition of the applicable regulation must meet the requirements in the California Rule, section 1605.3.

(3) **Testing.** Water closets must meet the testing criteria as measured in accordance with the test methods prescribed in the California Rule, section 1604.

(4) **Listing.** Each manufacturer must cause to be listed each water closet, by model number, in MAEDbS.

(5) **Marking.** Every unit of every water closet must comply with the requirements of section 1607 of the California Rule.

#### NEW SECTION

**WAC 194-24-175 Water coolers.** (1) **Scope.** This rule applies to new water coolers manufactured on or after January 1, 2021.

(2) **Standard.** Water coolers included in the scope of the Environmental Protection Agency ENERGY STAR® program product specification for water coolers, version 2.0 must have an on mode with no water draw energy consumption less than or equal to the following values:

(a) 0.16 kilowatt-hours per day for cold-only units and cook and cold units;

(b) 0.87 kilowatt-hours per day for storage type hot and cold units; and

(c) 0.18 kilowatt-hours per day for on demand hot and cold units.

(3) **Testing.** Water coolers must meet the testing requirements included in the scope of the Environmental Protection Agency ENERGY STAR® program product specification for water coolers, version 2.0.

(4) **Listing.** Each manufacturer must cause to be listed each water cooler, by model number, in the ENERGY STAR® product database.

(5) **Marking.** Every unit of every water cooler must have an ENERGY STAR® label.

#### NEW SECTION

**WAC 194-24-180 Electric storage water heaters.** (1) **Scope.** This rule applies to new electric storage water heaters manufactured on or after January 1, 2021. The effective date of the rule is suspended until January 1, 2022, for electric storage water heaters other than heat pump type water heaters.

(2) **Standard.** Electric storage water heaters must have a modular demand response communications port compliant with:

(a) The March 2018 version of the ANSI/CTA-2045-A communication interface standard, or a standard determined by the department to be equivalent; and

(b) The March 2018 version of the ANSI/CTA-2045-A application layer requirements.

The interface standard and application layer requirements required in this subsection are the versions established in March 2018.

(3) Upon written request by a manufacturer, the department will determine whether an alternative communications port and communication interface standard are equivalent for the purposes of subsection (2) of this section.

(a) Any requested alternative must use a standard that is open and widely available and must provide the demand response functions provided using the standards identified in subsection (2) of this section.

(b) A request for designation of a standard must provide technical documentation demonstrating that the standard satisfies the requirements in (a) of this subsection and must describe any industry or stakeholder process used in developing the standard. The department will provide reasonable opportunity for input by utilities, manufacturers, technical experts and other interested stakeholders prior to determining whether the proposed standard is equivalent. The department will make available on a publicly accessible website any standard that it determines to be equivalent.

(4) **Testing.** There is no test method required for this product.

(5) **Listing.** There is no listing requirement for this product.

(6) **Marking.** Every unit of every electric storage water heater must have a label or marking indicating compliance with the standard in this section. The format and content of the label or marking must be approved in advance by the department.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 194-24-040 Implementation dates, end dates, and applicability.

WAC 194-24-050 Labeling.

WAC 194-24-060 Testing and certification.

## WSR 20-03-023

## PERMANENT RULES

## BUILDING CODE COUNCIL

[Filed January 6, 2020, 3:26 p.m., effective July 1, 2020]

Effective Date of Rule: July 1, 2020.

Purpose: The purpose of this permanent rule making is to adopt the 2018 International Residential Code, as amended and adopted by the state building code council on November 8, 2019. The implementation date is July 1, 2020.

Citation of Rules Affected by this Order: New 7; and amending 29.

Statutory Authority for Adoption: RCW 19.27.031.

Other Authority: RCW 19.27.074.

Adopted under notice filed as WSR 19-16-156 on August 7, 2019.

Changes Other than Editing from Proposed to Adopted Version:

WAC	Section	Change
51-51-0202	Definitions	Moved the definition for Egress Roof Access Window from appendix Q.
		Moved the definition for Landing Platform from appendix Q.
		Moved the definition for Sleeping Loft from appendix Q.
51-51-0302	R302.2	Clarified void treatment as it pertains to fireblocking for two wall assemblies.
	R302.2.3	Clarifies fire-resistance treatment at exterior walls.
	R302.2.4	Struck existing statewide amendment regarding structural independence in favor of the model code language.
	R302.3.3	Clarified that the intend where floor was stated regarding supporting construction the floor/ceiling assembly was intended.
51-51-0325	R325.6	Habitable attics being treated as a floor was modified to not being treated as a floor if no larger than half the area of the floor below and the structure is fully sprinklered.
51-51-0507	R507	The deck tables were modified to reflect updated ratings, live loads not allowed in Washington state were eliminated as well as Southern Pine which is seldom used in Washington state.
51-51-0602	R602.1.1.1	Added language addressing grade mark for used sawn lumber.
51-51-1507	M1507	There were changes addressed. The section is now retained unedited.
51-51-60104	AQ102	Moved the definition for Egress Roof Access Window to Chapter 2.
		Moved the definition for Landing Platform to Chapter 2.
		Moved the definition for Sleeping Loft to Chapter 2.
	AQ104.2	Deleted section addressing alternative compliance to the Washington State Energy Code.

A final cost-benefit analysis is available by contacting Richard Brown, 1500 Jefferson Street S.E., phone 360-407-9277, email Richard.Brown@des.wa.gov, website www.sbcc.wa.gov.

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 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 7, Amended 29, 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 0, Repealed 0.

Date Adopted: November 8, 2019.

Doug Orth  
Chair

## Chapter 51-51 WAC

STATE BUILDING CODE ADOPTION AND AMENDMENT OF THE ~~((2015))~~ 2018 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE

AMENDATORY SECTION (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-003 International Residential Code.** The ~~((2015))~~ 2018 edition of the *International Residential Code* as published by the International Code Council is hereby adopted by reference with the following additions, deletions, and exceptions: Provided that chapters 11 and 25 through 43 of this code are not adopted. Energy Code is regulated by chapter 51-11R WAC; Plumbing Code is regulated by chapter 51-56 WAC; Electrical Code is regulated by chapter 296-46B WAC or Electrical Code as adopted by the local jurisdiction. Appendix F, Radon Control Methods, ~~((and))~~ Appendix Q, Tiny Homes, and Appendix ((Q)) U, Dwelling Unit Fire Sprinkler Systems, are included in adoption of the International Residential Code.

AMENDATORY SECTION (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-008 Implementation.** The International Residential Code adopted by chapter 51-51 WAC shall become effective in all counties and cities of this state on July 1, ~~((2016))~~ 2020.

AMENDATORY SECTION (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-01010 Scope.** The provisions of the *International Residential Code for One- and Two-Family Dwellings* shall apply to the construction, *alteration*, movement, enlargement, replacement, repair, *equipment*, use and occupancy, location, removal and demolition of detached one- and two-family dwellings, adult family homes, and *townhouses* not more than three stories above *grade plane* in height with a separate means of egress and their *accessory structures* not more than three stories above *grade plane* in height.

EXCEPTIONS:

1. Live/work units located in *townhouses* and complying with the requirements of Section 419 of the *International Building Code* shall be permitted to be constructed in accordance with the *International Residential Code for One- and Two-Family Dwellings*. Fire suppression required by Section 419.5 of the *International Building Code* where constructed under the *International Residential Code for One- and Two-Family Dwellings* shall conform to Appendix ((Q)) U.
2. Owner-occupied lodging houses with one or two guestrooms shall be permitted to be constructed in accordance with the *International Residential Code for One- and Two-Family Dwellings*.
3. Owner-occupied lodging homes with three to five guestrooms shall be permitted to be constructed in accordance with the *International Residential Code for One- and Two-Family Dwellings* where equipped with a fire sprinkler system in accordance with Appendix ((Q)) U.

NEW SECTION

**WAC 51-51-0106 Section 106—Construction documents.**

**R106.1 Submittal documents.** Submittal documents consisting of *construction documents*, and other data shall be submitted in two or more sets, or in a digital format where allowed by the building official, with each application for a *permit*. The *construction documents* shall be prepared by a registered *design professional* where required by the statutes of the *jurisdiction* in which the project is to be constructed. Where special conditions exist, the *building official* is authorized to require additional *construction documents* to be prepared by a registered *design professional*.

EXCEPTION: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

AMENDATORY SECTION (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-0202 Section R202—Definitions.**

**ADULT FAMILY HOME** means a dwelling in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

~~((AIR IMPERMEABLE INSULATION. An insulation having an air permeance equal to or less than 0.02 L/s m<sup>2</sup> at 75 Pa pressure differential tested in accordance with ASTM E2178 or ASTM E283.~~

~~**ATTIC, HABITABLE.** A conditioned area complying with all of the following requirements:~~

~~1. The occupiable floor area is at least 70 square feet (6.5 m<sup>2</sup>), in accordance with Section R304.~~

~~2. The occupiable floor area has a ceiling height in accordance with Section R305.~~

~~3. The occupiable space is entirely enclosed by the roof assembly above, knee walls (if applicable) on the sides, and the floor-ceiling assembly below.~~

~~A habitable attic is not considered a story.))~~

**BALANCED VENTILATION.** This definition is not adopted.

**BALANCED WHOLE HOUSE VENTILATION.** Balanced whole house ventilation is defined as any combination of concurrently operating residential unit mechanical exhaust and mechanical supply whereby the total mechanical exhaust airflow rate is within 10 percent or 5 cfm, whichever is greater, of the total mechanical supply airflow rate. Intermittent dryer exhaust, intermittent range hood exhaust, and intermittent toilet room exhaust airflow rates above the residential dwelling or sleeping unit minimum ventilation rate are exempt from the balanced airflow calculation.

**BATTERY SYSTEM, STATIONARY STORAGE.** This definition is not adopted.

**BUILDING, EXISTING.** A building or structure erected prior to the adoption of this code, or one that has passed a final inspection.

**BUILDING.** Any one- or two-family dwelling or *townhouse*, or portion thereof used or intended to be used for human habitation, for living, sleeping, cooking or eating purposes, or any combination thereof, or any accessory structure.

**CHILD CARE, FAMILY HOME.** A child care facility, licensed by Washington state, located in the dwelling of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home.

**CHILD DAY CARE,** shall, for the purposes of these regulations, mean the care of children during any period of a 24 hour day.

**CONDITIONED SPACE.** An area, room or space that is enclosed within the building thermal envelope and that is directly or indirectly heated or cooled. Spaces are indirectly heated or cooled where they communicate through openings with conditioned spaces, where they are separated from conditioned spaces by uninsulated walls, floors or ceilings, or where they contain uninsulated ducts, piping or other sources of heating or cooling.

**DISTRIBUTED VENTILATION SYSTEM.** This definition is not adopted.

**DISTRIBUTED WHOLE HOUSE VENTILATION.** A whole house ventilation system shall be considered distributed when it supplies outdoor air directly (not transfer air) to each dwelling or sleeping unit habitable space (living room, den, office, interior adjoining spaces or bedroom), and exhausts air from all kitchens and bathrooms directly outside.

**DWELLING UNIT.** A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Dwelling units may also include the following uses:

1. Adult family homes, foster family care homes and family day care homes licensed by the Washington state department of social and health services.

2. Offices, mercantile, food preparation for off-site consumption, personal care salons or similar uses which are conducted primarily by the occupants of the dwelling unit and are secondary to the use of the unit for dwelling purposes, and which do not exceed 500 square feet (46.4 m<sup>2</sup>).

~~((3. One accessory dwelling unit, which need not be considered a separated dwelling unit, provided:~~

~~a. The accessory dwelling unit is constructed within an existing dwelling unit.~~

~~b. Either the accessory dwelling unit or primary dwelling unit is owner-occupied.~~

~~c. All required smoke alarms in the accessory dwelling unit and the primary dwelling unit are interconnected in such a manner that the actuation of one alarm will activate all alarms in both the primary dwelling unit and the accessory dwelling unit.))~~

**EGRESS ROOF ACCESS WINDOW.** A skylight or roof window designed and installed to satisfy the *Emergency Escape and Rescue Opening* requirements of Section R310.2.

**ENERGY STORAGE SYSTEMS (ESS).** One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time.

**FIRE SEPARATION DISTANCE.** The distance measured from the foundation wall or face of the wall framing, whichever is closer, to one of the following:

1. To the closest interior lot line; or
2. To the centerline of a street, an alley or public way; or
3. To an imaginary line between two buildings on the lot.

The distance shall be measured at a right angle from the wall.

**FLOOR AREA.** The area within the inside perimeter of exterior walls of the building. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

**LANDING PLATFORM.** A landing provided as the top step of a stairway accessing a *Sleeping Loft*.

**LOCAL EXHAUST.** An exhaust system that uses one or more fans to exhaust air from a specific room or rooms within a residential dwelling or sleeping unit.

**LOT.** A measured portion or parcel of land considered as a unit having fixed boundaries.

**LOT LINE.** The line which bounds a plot of ground described as a *lot* in the title to the property.

**MEZZANINE(~~(-LOFT)~~).** An intermediate level or levels between the floor and ceiling of any story.

**MIXED VENTILATION ZONE.** This definition is not adopted.

**SALT WATER COASTAL AREA.** Those areas designated as salt water coastal areas by the local jurisdiction.

**SLEEPING LOFT.** A sleeping space on a floor level located more than 30 inches (726 mm) above the main floor and open to the main floor one or more sides with a ceiling height of less than 6 feet 8 inches (2032 mm).

**SMALL BUSINESS.** Any business entity (including a sole proprietorship, corporation, partnership or other legal entity) which is owned and operated independently from all other businesses, which has the purpose of making a profit, and which has fifty or fewer employees.

**TOWNHOUSE.** A building that contains three or more attached *townhouse units*.

**TOWNHOUSE UNIT.** A single-family *dwelling unit* in a *townhouse* that extends from foundation to roof and that has a yard or public way on not less than two sides that extends at least 50 percent of the length of each of these two sides.

**WHOLE HOUSE VENTILATION SYSTEM.** A mechanical ventilation system, including fans, controls, and ducts, which replaces, by direct (~~(or indirect)~~) means, air from the habitable rooms with outdoor air.

AMENDATORY SECTION (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-0301 Design criteria.**

**R301.2 Climatic and geographic design criteria.** Buildings shall be constructed in accordance with the provisions of this code as limited by the provisions of this section. Additional criteria shall be established by the local jurisdiction and set forth in Table R301.2(1). The local jurisdiction shall designate the salt water coastal areas within their jurisdiction.

~~((**R301.2.2.3.1 Height limitations.** Wood-framed buildings shall be limited to three stories above *grade plane* or the limits given in Table R602.10.3(3). Cold-formed, steel-framed buildings shall be limited to less than or equal to three stories above *grade plane* in accordance with AISI S230. *Mezzanines* that comply with Section R328 shall not be considered as stories. Structural insulated panel buildings shall be limited to two stories above *grade plane*.)~~)

**R301.5 Live load.** The minimum uniformly distributed live load shall be as provided in Table R301.5.

**TABLE R301.5  
MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS  
(in pounds per square foot)**

Use	Live Load
Uninhabitable attics without storage <sup>b</sup>	10
Uninhabitable attics with limited storage <sup>b, g</sup>	20
Habitable attics and attics served with fixed stairs	30
Balconies (exterior) and decks <sup>e</sup>	60 <sup>i</sup>
Fire escapes	40
Guards and handrails <sup>d</sup>	200 <sup>h</sup>
Guard in-fill components <sup>f</sup>	50 <sup>h</sup>
Passenger vehicle garages <sup>a</sup>	50 <sup>a</sup>
Rooms other than sleeping rooms	40
Sleeping rooms	30
Stairs	40 <sup>c</sup>

~~((No change to footnotes))~~

For SI: 1 pound per square foot = 0.0479 kPa, 1 square inch = 645 mm, 1 pound = 4.45 N

- a. Elevated garage floors shall be capable of supporting a 2,000 pound load applied over a 20 square-inch area.
- b. Uninhabitable attics without storage are those where the clear height between joists and rafters is not more than 42 inches, or where there are not two or more adjacent trusses with web configurations capable of accommodating an assumed rectangle 42 inches in height by 24 inches in width, or greater, within the plane of the trusses. This live load need not be assumed to act concurrently with any other live load requirements.
- c. Individual stair treads shall be designed for the uniformly distributed live load or a 300 pound concentrated load acting over an area of 4 square inches, whichever produces the greater stresses.
- d. A single concentrated load applied in any direction at any point along the top.

- e. See Section R507.1 for decks attached to exterior walls.
- f. Guard in-fill components (all those except the handrail), balusters, and panel fillers shall be designed to withstand a horizontally applied normal load of 50 pounds on an area equal to 1 square foot. This load need not be assumed to act concurrently with any other live load requirement.
- g. Uninhabitable attics with limited storage are those where the clear height between joists and rafters is 42 inches or greater, or where there are two or more adjacent trusses with web configurations capable of accommodating an assumed rectangle 42 inches in height by 24 inches in width, or greater, within the plane of the trusses. The live load need only be applied to those portions of the joists or truss bottom chords where all of the following conditions are met:
  - g.1. The attic area is accessed from an opening not less than 20 inches in width by 30 inches in length that is located where the clear height in the attic is not less than 30 inches.
  - g.2. The slopes of the joists or truss bottom chords are not greater than 2 inches vertical to 12 units horizontal.
  - g.3. Required insulation depth is less than the joist or truss bottom chord member depth. The remaining portions of the joists or truss bottom chords shall be designed for a uniformly distributed concurrent live load of not less than 10 pounds per square foot.
- h. Glazing used in handrail assemblies and guards shall be designed with a safety factor of 4. The safety factor shall be applied to each of the concentrated loads applied to the top of the rail, and to the load on the in-fill components. These loads shall be determined independent of one another, and loads are assumed not to occur with any other live load.
- i. Where structural tables in Section R507 only specify snow loads, the values corresponding to 70 psf snow loads shall be used.

AMENDATORY SECTION (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-0302 Section R302—Fire-resistant construction.**

~~((**R302.1 Exterior walls.** Construction, projections, openings and penetrations of exterior walls of dwellings and accessory buildings shall comply with Table R302.1(1); or dwellings equipped throughout with an *automatic sprinkler system* installed in accordance with Section P2904 shall comply with Table R302.1(2).~~)

- EXCEPTIONS:
- 1. Walls, projections, openings or penetrations in walls perpendicular to the line used to determine the fire separation distance.
  - 2. Walls of dwellings and accessory structures located on the same lot.
  - 3. Detached tool sheds and storage sheds, playhouses and similar structures exempted from permits are not required to provide protection based on location on the lot. Projections beyond the exterior wall shall not extend over the lot line.
  - 4. Detached garages accessory to a dwelling located within 2 feet (610 mm) of a lot line are permitted to have roof eave projections not exceeding 4 inches (102 mm).
  - 5. Foundation vents installed in compliance with this code are permitted.

**R302.2 Townhouses.** Each *townhouse* shall be considered a separate building and shall be separated by one of the following methods:

- 1. A common 1-hour fire resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 and a fire



~~sprinkler system in accordance with Section P2904 in both townhouses shall be provided. The cavity of the common wall shall not contain plumbing or mechanical equipment, ducts or vents. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4.~~

~~2. A common 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 shall be provided. The cavity of the common wall shall not contain plumbing or mechanical equipment, ducts or vents. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4.~~

~~3. Two wall assemblies meeting the requirements of Section R302.1 for exterior walls shall be provided.))~~

**R302.2.1 Double walls.** When used, each *townhouse unit* shall be separated from other *townhouse units* by two 1-hour fire-resistance-rated wall assemblies tested in accordance with ASTM E119, UL 263 or Section 703.3 of the *International Building Code*.

**R302.2.2 Common walls.** Common walls separating *townhouse units* shall be assigned a fire resistance rating in accordance with Item 1 or 2. The common wall shared by two *townhouse units* shall be constructed without plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be in accordance with chapter 296-46B WAC, Electrical safety standards, administration, and installation. Penetrations of the membrane of common walls for electrical outlet boxes shall be in accordance with Section R302.4.

1. Where a fire sprinkler system in accordance with Section P2904 is provided, the common wall shall be not less than a 1-hour fire-resistance-rated wall assembly tested in accordance with ASTM E119, UL 263 or Section 703.3 of the *International Building Code*.

2. Where a fire sprinkler system in accordance with Section P2904 is not provided, the common wall shall be not less than a 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E119, UL 263 or Section 703.3 of the *International Building Code*.

EXCEPTION: Common walls are permitted to extend to and be tight against the interior side of the exterior walls where voids in the exterior wall at the end of the common wall are fireblocked.

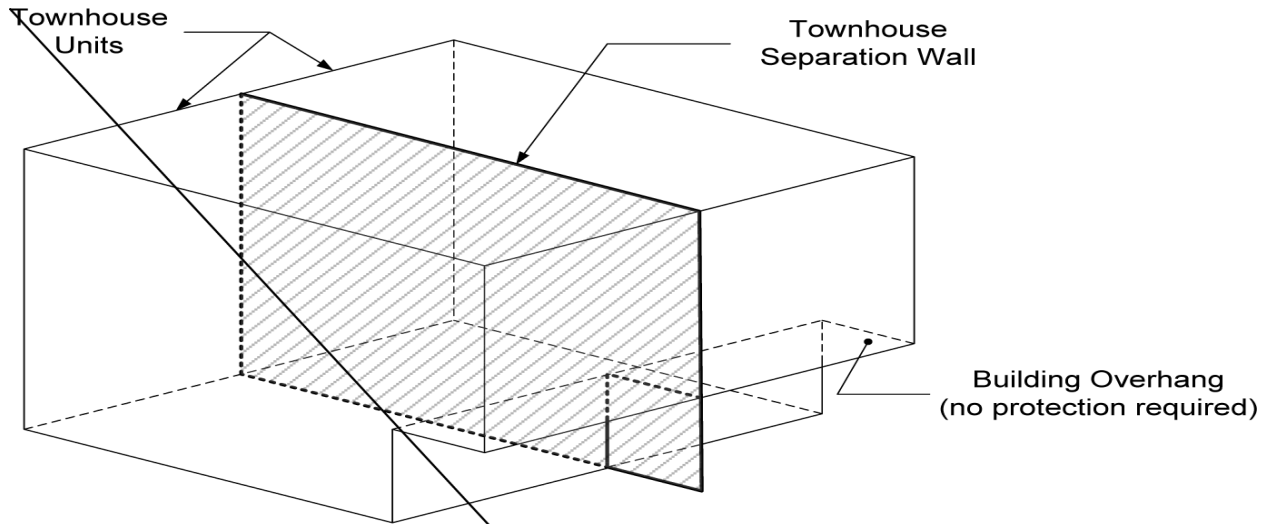
**R302.2.3 Continuity.** The fire-resistance-rated wall or assembly separating (~~townhouses~~) *townhouse units* shall be continuous from the foundation to the underside of the roof sheathing, deck or slab. The fire-resistance rating shall extend the full length of the wall or assembly, including wall extensions through and separating attached enclosed *accessory structures*.

Where a story extends beyond the exterior wall of a story below:

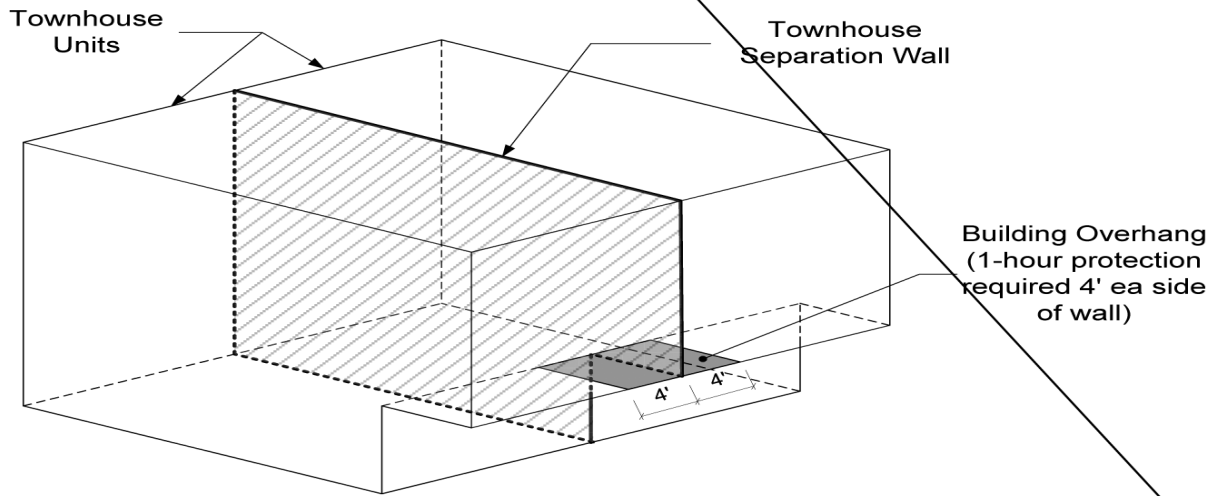
1. The fire-resistance-rated wall or assembly shall extend to the outside edge of the upper story (see Figure R302.2(1)); or

2. The underside of the exposed floor-ceiling assembly shall be protected as required for projections in Section R302 (see Figure R302.2(2)).

((



**FIGURE R302.2(1)  
EXTENDED TOWNHOUSE SEPARATION WALL**



**FIGURE R302.2(2)  
TOWNHOUSE SEPARATION OVERHANG PROTECTION**

**R302.2.4 Structural independence.** Each individual townhouse shall be structurally independent.

EXCEPTIONS:

- 1. Foundation supporting exterior walls or common walls.
- 2. Structural roof and wall sheathing from each unit may be fastened to the common wall framing.
- 3. Nonstructural wall and roof coverings.
- 4. Flashing at termination of roof covering over common wall.

5. Townhouse separated by a common wall as provided in Section R302.2, Item 1 or 2.

6. Floor sheathing may fasten to the floor framing of both units.))

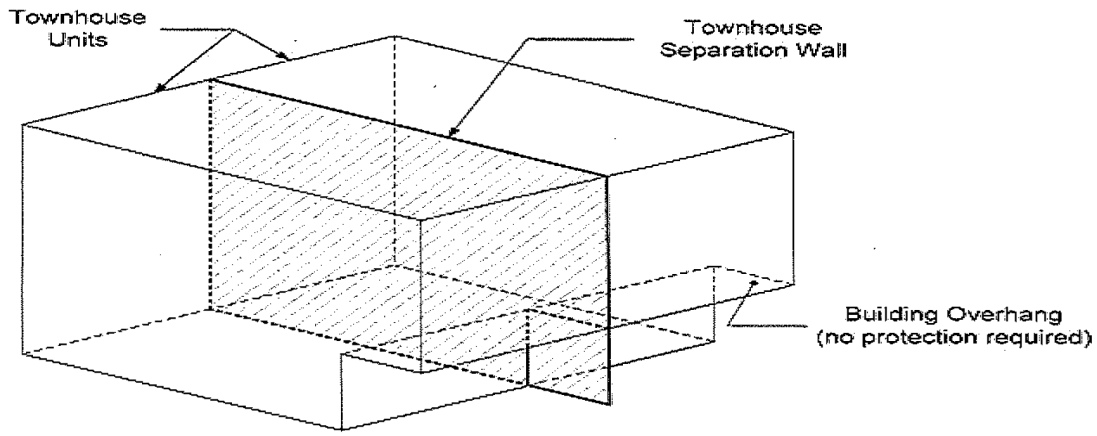


FIGURE R302.2(1)  
EXTENDED TOWNHOUSE SEPARATION WALL

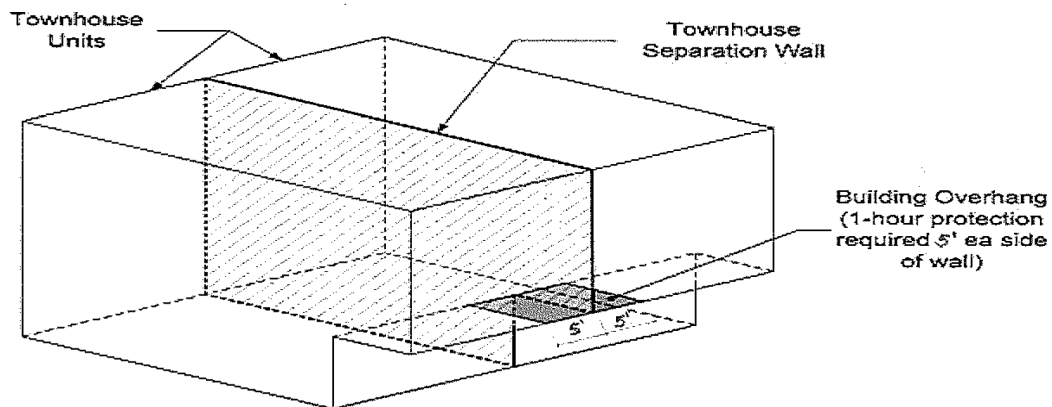


FIGURE R302.2(2)  
TOWNHOUSE SEPARATION OVERHANG PROTECTION

**R302.2.4 Parapets for townhouses.** Parapets constructed in accordance with Section R302.2.5 shall be constructed for townhouses as an extension of exterior walls or common walls separating townhouse units in accordance with the following:

1. Where roof surfaces adjacent to the wall or walls are at the same elevation, the parapet shall extend not less than 30 inches (762 mm) above the roof surfaces.

2. Where roof surfaces adjacent to the wall or walls are at different elevations and the higher roof is not more than 30 inches (762 mm) above the lower roof, the parapet shall

extend not less than 30 inches (762 mm) above the lower roof surface.

**EXCEPTION:** A parapet is not required in the preceding two cases where the roof covering complies with a minimum Class C rating as tested in accordance with ASTM E108 or UL 790 and the roof decking or sheathing is of noncombustible materials or fire retardant-treated wood for a distance of 4 feet (1219 mm) on each side of the wall or walls, or one layer of 5/8-inch (15.9 mm) Type X gypsum board is installed directly beneath the roof decking or sheathing, supported by not less than nominal 2-inch (51 mm) ledgers attached to the sides of the roof framing members, for a distance of not less than 4 feet (1219 mm) on each side of the wall or walls and any openings or penetrations in the roof are not within 4 feet (1219 mm) of the common walls. Fire retardant-treated wood shall meet the requirements of Sections R802.1.5 and R803.2.1.2.

3. A parapet is not required where roof surfaces adjacent to the wall or walls are at different elevations and the higher roof is more than 30 inches (762 mm) above the lower roof. The common wall construction from the lower roof to the underside of the higher roof deck shall have not less than a 1-hour fire-resistance rating. The wall shall be rated for exposure from both sides.

**TABLE R302.1(1)**  
**EXTERIOR WALLS**

No Change to the Table

- a The fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave overhang if fireblocking is provided from the wall top plate to the underside of the roof sheathing.
- b The fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the rake overhang where ventilation openings are not installed in the rake overhang or in walls that are common to attic areas.

**TABLE R302.1(2)**  
**EXTERIOR WALLS - DWELLINGS WITH FIRE SPRINKLERS**

No Change to the Table

- a For residential subdivisions where all dwellings are equipped throughout with an automatic sprinkler system installed in accordance with Section P2904, the fire separation distance for exterior walls not fire-resistance-rated and for fire-resistance-rated projections shall be permitted to be reduced to 0 feet, and unlimited unprotected openings and penetrations shall be permitted, where the adjoining lot provides an open setback yard that is 6 feet or more in width on the opposite side of the property line.
- b The fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave overhang if fireblocking is provided from the wall top plate to the underside of the roof sheathing.
- c The fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the rake overhang where ventilation openings are not installed in the rake overhang or in walls that are common to attic areas.

**R302.3 Two-family dwellings.** Wall and floor/ceiling assemblies separating *dwelling units* in two-family dwellings shall be constructed in accordance with Section R302.3.1 or R302.3.3. One accessory dwelling unit constructed within an existing *dwelling unit* need not be considered a separated *dwelling unit* in a two-family dwelling where all required smoke alarms, in the accessory dwelling unit and the primary dwelling unit, are interconnected in such a manner that the actuation of one alarm will activate all alarms in both the primary dwelling unit and the accessory dwelling unit.

**R302.3.1 Dwelling units** in two-family dwellings shall be separated from each other by wall and floor assemblies having not less than a 1-hour fire-resistance rating where tested in accordance with ASTM E119, UL 263 or Section 703.3 of the *International Building Code*.

**EXCEPTION:** A fire-resistance rating of 1/2 hour shall be permitted in buildings equipped throughout with an automatic sprinkler system installed in accordance with NFPA 13D.

**R302.3.2 Fire-resistance-rated floor/ceiling and wall assemblies** shall extend to and be tight against the *exterior wall*, and wall assemblies shall extend from the foundation to the underside of the roof sheathing.

**EXCEPTION:** Wall assemblies need not extend through attic spaces where the ceiling is protected by not less than 5/8-inch (15.9 mm) Type X gypsum board, an attic draft stop constructed as specified in Section R302.12.1 is provided above and along the wall assembly separating the dwellings and the structural framing supporting the ceiling is protected by not less than 1/2-inch (12.7 mm) gypsum board or equivalent.

**(R302.3.1) R302.3.3 Supporting construction.** ~~(When)~~ Where floor/ceiling assemblies are required to be fire-resistance rated by Section R302.3, the supporting construction of such assemblies shall have an equal or greater fire-resistance rating.

~~(EXCEPTION: The supporting construction is not required to be fire-resistance rated where automatic fire sprinklers are installed in accordance with Appendix Q in both dwelling units.)~~

**R302.4.1 Through penetrations.** Through penetrations of fire-resistance-rated wall or floor assemblies shall comply with Section R302.4.1.1 or R302.4.1.2.

**EXCEPTION:** Where the penetrating items are steel, ferrous or copper pipes, tubes or conduits, or fire sprinkler piping, the annular space shall be protected as follows:

1. In concrete or masonry wall or floor assemblies, concrete, grout or mortar shall be permitted where installed to the full thickness of the wall or floor assembly or the thickness required to maintain the fire-resistance rating, provided that both of the following are complied with:
  - 1.1. The nominal diameter of the penetrating item is not more than 6 inches (152 mm).
  - 1.2. The area of the opening through the wall does not exceed 144 square inches (92900 mm<sup>2</sup>).
2. The material used to fill the annular space shall prevent the passage of flame and hot gases sufficient to ignite cotton waste where subjected to ASTM E119 or UL 263 time temperature fire conditions under a positive pressure differential of not less than 0.01 inch of water (3 Pa) at the location of the penetration for the time period equivalent to the fire-resistance rating of the construction penetrated.

**R302.13 Fire protection of floors.** Floor assemblies that are not required elsewhere in this code to be fire-resistance rated, shall be provided with a 1/2-inch (12.7 mm) gypsum wall-board membrane, 5/8-inch (16 mm) wood structural panel membrane, or equivalent on the underside of the floor framing member. Penetrations or openings for ducts, vents, electrical outlets, lighting, devices, luminaires, wires, speakers,

drainage, piping and similar openings or penetrations shall be permitted.

- EXCEPTIONS:
1. Floor assemblies located directly over a space protected by an automatic sprinkler system in accordance with Appendix ((Q)) U, NFPA 13D, or other approved equivalent sprinkler system.
  2. Floor assemblies located directly over a crawl space not intended for storage or fuel-fired appliances.
  3. Portions of floor assemblies shall be permitted to be unprotected when complying with the following:
    - 3.1. The aggregate area of the unprotected portions shall not exceed 80 square feet per story.
    - 3.2. Fire blocking in accordance with Section R302.11.1 is installed along the perimeter of the unprotected portion to separate the unprotected portion from the remainder of the floor assembly.
  4. Wood floor assemblies using dimensional lumber or *structural composite lumber* with a cross sectional area equal to or greater than 2-inch by 10-inch nominal dimension, or other approved floor assemblies demonstrating equivalent fire performance.

**AMENDATORY SECTION** (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-0303 Section R303—Light, ventilation and heating.**

**R303.1 Natural light.** All habitable rooms shall have an aggregate glazing area of not less than 8 percent of the floor area of such rooms.

- EXCEPTION: The glazed areas need not be installed in rooms where artificial light is provided capable of producing an average illumination of 6 footcandles (65 lux) over the area of the room at a height of 30 inches (762 mm) above the floor level.

**R303.2 Adjoining rooms.** For the purpose of determining light requirements, any room shall be considered as a portion of an adjoining room when at least one-half of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth of the floor area of the interior room but not less than 25 square feet (2.3 m<sup>2</sup>).

- EXCEPTION: Openings required for light shall be permitted to open into a sunroom with thermal isolation or a patio cover, provided there is an openable area between the adjoining room and the sunroom or a patio cover of not less than one-tenth of the floor area of the interior room but not less than 20 square feet (2 m<sup>2</sup>).

**R303.3 Bathrooms.** This section is not adopted.

**R303.4 Minimum ventilation performance.** Dwelling units shall be equipped with local exhaust and whole house ventilation systems designed and installed as specified in Section M1507.

- EXCEPTION: Additions with less than 500 square feet of conditioned floor area are exempt from the requirements in this Code for Whole House Ventilation Systems.

**R303.5 Opening location.** Outdoor intake and exhaust openings shall be located in accordance with Sections R303.5.1 and R303.5.2.

**R303.5.1 Intake openings.** Mechanical and gravity outdoor air intake openings shall be located a minimum of 10 feet (3048 mm) from any hazardous or noxious contaminant, such as vents, chimneys, plumbing vents, streets, alleys, parking lots and loading docks, except as otherwise specified in this code.

For the purpose of this section, the exhaust from *dwelling unit* toilet rooms, bathrooms and kitchens shall not be considered as hazardous or noxious.

- EXCEPTIONS:
1. The 10-foot (3048 mm) separation is not required where the intake opening is located 3 feet (914 mm) or greater below the contaminant source.
  2. Vents and chimneys serving fuel-burning appliances shall be terminated in accordance with the applicable provisions of Chapters 18 and 24.
  3. Clothes dryer exhaust ducts shall be terminated in accordance with Section 1502.3.

**R303.5.2 Exhaust openings.** Exhaust air shall not be directed onto walkways. All exhaust ducts shall terminate outside the building. Terminal elements shall have at least the equivalent net free area of the duct work.

**R303.5.2.1 Exhaust ducts.** Exhaust ducts shall be equipped with back-draft dampers. All exhaust ducts in unconditioned spaces shall be insulated to a minimum of R-4.

**R303.7 Interior stairway illumination.** Interior stairways shall be provided with an artificial light source to illuminate the landings and treads. Stairway illumination shall receive primary power from the building wiring. The light source shall be capable of illuminating treads and landings to levels not less than 1 foot-candle (11 lux) measured at the center of treads and landings. There shall be a wall switch at each floor level to control the light source where the stairway has six or more risers.

- EXCEPTION: A switch is not required where remote, central or automatic control of lighting is provided.

**R303.8 Exterior stairway illumination.** Exterior stairways shall be provided with an artificial light source located at the top landing of the stairway. Stairway illumination shall receive primary power from the building wiring. Exterior stairways providing access to a basement from the outdoor grade level shall be provided with an artificial light source located at the bottom landing of the stairway.

**R303.9 Required glazed openings.** Required glazed openings shall open directly onto a street or public alley, or a yard or court located on the same lot as the building.

- EXCEPTIONS:
1. Required glazed openings that face into a roofed porch where the porch abuts a street, yard or court are permitted where the longer side of the porch is not less than 65 percent unobstructed and the ceiling height is not less than 7 feet (2134 mm).
  2. Eave projections shall not be considered as obstructing the clear open space of a yard or court.

3. Required glazed openings that face into the area under a deck, balcony, bay or floor cantilever are permitted where an unobstructed pathway of not less than 36 inches (914 mm) in height, 36 inches (914 mm) in width, and no greater than 60 inches (1524 mm) in length is provided and opens to a yard or court. The pathway shall be measured from the exterior face of the glazed opening, or if the glazed opening is in a window well, at the window well wall furthest from the exterior face of the glazed opening.

**R303.10 Required heating.** When the winter design temperature in Table R301.2(1) is below 60°F (16°C), every dwelling unit shall be provided with heating facilities capable of maintaining a minimum room temperature of 68°F (20°C) at a point 3 feet (914 mm) above the floor and 2 feet (610 mm) from exterior walls in all habitable rooms at design temperature. The installation of one or more portable heaters shall not be used to achieve compliance with this section.

EXCEPTION: Unheated recreational tents or yurts not exceeding 500 square feet provided it is not occupied as a permanent dwelling.

~~((R303.9.1))~~ **R303.10.1 Definitions.** For the purposes of this section only, the following definitions apply.

**DESIGNATED AREAS** are those areas designated by a county to be an urban growth area in chapter 36.70A RCW and those areas designated by the U.S. Environmental Protection Agency as being in nonattainment for particulate matter.

**SUBSTANTIALLY REMODELED** means any alteration or restoration of a building exceeding 60 percent of the appraised value of such building within a 12 month period. For the purpose of this section, the appraised value is the estimated cost to replace the building and structure in kind, based on current replacement costs.

~~((R303.9.2))~~ **R303.10.2 Primary heating source.** Primary heating sources in all new and substantially remodeled buildings in designated areas shall not be dependent upon wood stoves.

~~((R303.9.3))~~ **R303.10.3 Solid fuel burning devices.** No new or used solid fuel burning device shall be installed in new or existing buildings unless such device is U.S. Environmental Protection Agency certified or exempt from certification by the United States Environmental Protection Agency and conforms with RCW 70.94.011, 70.94.450, 70.94.453, and 70.94.457.

EXCEPTIONS: 1. Wood cook stoves.  
2. Antique wood heaters manufactured prior to 1940.

AMENDATORY SECTION (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-0308** (~~(Section R308—Glazing.)~~)  
**Reserved.**

~~((R308.4.4 Glazing in guards and railings. Glazing in guards and railings, including structural baluster panels and nonstructural in-fill panels, regardless of area or height above a walking surface shall be considered to be a hazardous location.~~

~~**R308.4.4.1 Structural glass baluster panels.** Guards with structural glass baluster panels shall be installed with an attached top rail or handrail. The top rail or handrail shall be supported by a minimum of three glass baluster panels, or shall be otherwise supported to remain in place should one glass baluster panel fail.~~

EXCEPTION: An attached top rail or handrail is not required where the glass baluster panels are laminated glass with two or more glass plies of equal thickness and of the same glass type.))

#### NEW SECTION

**WAC 51-51-03100 Section 3100—Emergency escape and rescue openings.**

**R3100.1 Emergency escape and rescue opening required.** Basements, habitable attics and every sleeping room shall have not less than one operable emergency escape and rescue opening. Where basements contain one or more sleeping rooms, an emergency escape and rescue opening shall be required in each sleeping room. Emergency escape and rescue openings shall open directly into a public way, or to a yard or court providing an unobstructed path with a width of not less than 36 inches (914 mm) that opens to a public way.

EXCEPTIONS:

1. Storm shelters and basements used only to house mechanical equipment not exceeding a total floor area of 200 square feet (18.58 m).
2. Where the dwelling unit or townhouse unit is equipped with an automatic sprinkler system installed in accordance with Section P2904, sleeping rooms in basements shall not be required to have emergency escape and rescue openings provided that the basement has one of the following:
  - 2.1. One means of egress complying with Section R311 and one emergency escape and rescue opening.
  - 2.2. Two means of egress complying with Section R311.

**R3100.1.1 Operational constraints and opening control devices.** Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys, tools, or special knowledge. Window opening control devices on windows serving as a required emergency escape and rescue opening shall be not more than 70 inches (177.8 cm) above the finished floor and shall comply with ASTM F2090.

**R3100.2.4 Emergency escape and rescue openings under decks and porches.** Emergency escape and rescue openings installed under decks and porches shall be fully openable and provided with an unobstructed pathway of not less than 36 inches (914 mm) in height, 36 inches (914 mm) in width, and no greater than 60 inches (1524 mm) in length that opens to a yard or court. The pathway shall be measured from the exterior face of the glazed opening, or if the glazed opening is in a window well, at the window well wall furthest from the exterior face of the glazed opening.

AMENDATORY SECTION (Amending WSR 10-03-098, filed 1/20/10, effective 7/1/10)

**WAC 51-51-0311 Section R311—Means of egress.**

**R311.4 Vertical egress.** Egress from habitable levels including habitable attics and basements not provided with an egress door in accordance with Section R311.2 shall be by ramp in accordance with Section R311.8 or a stairway in accordance with Section R311.7.

EXCEPTION: Stairs or ladders within an individual dwelling unit used for access to areas of 200 square feet (18.6 m<sup>2</sup>) or less, and not containing the primary bathroom or kitchen.

**R311.7.3 Vertical rise.** A flight of stairs shall not have a vertical rise larger than 12 feet 7 inches (3835 mm) between floor levels or landings.

**AMENDATORY SECTION** (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-0313 Section R313—Automatic fire sprinkler systems.** ~~((This section is not adopted.))~~ **R313.1 Townhouse automatic fire sprinkler systems.** An automatic residential fire sprinkler system shall be installed in a townhouse unit.

EXCEPTIONS: 1. An automatic residential fire sprinkler system shall not be required where additions or alterations are made to an existing townhouse unit that does not have an automatic residential fire sprinkler system installed.  
2. Townhouse buildings containing no more than four townhouse units.

**R313.1.1 Design and installation.** Automatic residential fire sprinkler systems for a townhouse unit shall be designed and installed in accordance with Section P2904 or NFPA 13D.

**R313.2 One- and two-family dwellings automatic fire sprinkler system.** This section is not adopted.

**AMENDATORY SECTION** (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-0314 Section R314—Smoke alarms and heat detection.**

**R314.1 General.** Smoke alarms, heat detectors, and heat alarms shall comply with NFPA 72 and this section.

**R314.1.1 Listings.** Smoke alarms shall be listed in accordance with UL 217. Heat detectors and heat alarms shall be listed for the intended application. Combination smoke and carbon monoxide alarms shall be listed in accordance with UL 217 and UL 2034.

**R314.2 Where required.** Smoke alarms, heat detectors, and heat alarms shall be provided in accordance with this section.

**R314.2.1 New construction.** Smoke alarms shall be provided in dwelling units. A heat detector or heat alarm shall be provided in new attached garages.

**R314.2.2 Alterations, repairs and additions.** Where alterations, repairs or additions requiring a permit occur, or where one or more sleeping rooms are added or created in existing dwellings, ~~((the individual))~~ or where an accessory dwelling unit is created within an existing dwelling unit, each dwelling unit shall be equipped with smoke alarms as required for new dwellings.

EXCEPTIONS: 1. Work involving the exterior surfaces of dwellings, such as the replacement of roofing or siding, the addition or replacement of windows or doors, or the addition of a porch or deck are exempt from the requirements of this section.  
2. Installation, alteration or repairs of plumbing, electrical or mechanical systems are exempt from the requirements of this section.

**R314.2.3 New attached garages.** A heat detector or heat alarm rated for the ambient outdoor temperatures and humidity shall be installed in new garages that are attached to or located under new and existing dwellings. Heat detectors and heat alarms shall be installed in a central location and in accordance with the manufacturer's instructions.

EXCEPTION: Heat detectors and heat alarms shall not be required in dwellings without commercial power.

**R314.3 Location.** Smoke alarms shall be installed in the following locations:

1. In each sleeping room or sleeping loft.
2. Outside each separate sleeping area in the immediate vicinity of the bedrooms.
3. On each additional story of the dwelling, including basements and habitable attics but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
4. Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section R314.3.
5. In napping areas in a family home child care.

**R314.3.1 Installation near cooking appliances.** Smoke alarms shall not be installed in the following locations unless this would prevent placement of a smoke alarm in a location required by Section R314.3.

1. Ionization smoke alarms shall not be installed less than 20 feet (6096 mm) horizontally from a permanently installed cooking appliance.
2. Ionization smoke alarms with an alarm-silencing switch shall not be installed less than 10 feet (3048 mm) horizontally from a permanently installed cooking appliance.
3. Photoelectric smoke alarms shall not be installed less than 6 feet (1828 mm) horizontally from a permanently installed cooking appliance.

**R314.4 Interconnection.** Where more than one smoke alarm is required to be installed within an individual dwelling unit in accordance with Section R314.2, the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual dwelling unit. Where an accessory dwelling unit is created within an existing dwelling unit all required smoke alarms, in the accessory dwelling unit and the primary dwelling unit, shall be interconnected in such a manner that the actuation of one alarm will activate all alarms in both the primary dwelling unit and the accessory dwelling unit. Physical interconnection of smoke alarms shall not be required where listed wire-

less alarms are installed and all alarms sound upon activation of one alarm.

**EXCEPTION:** Smoke alarms and alarms installed to satisfy Section R314.4.1 shall not be required to be interconnected to existing smoke alarms where such existing smoke alarms are not interconnected or where such new smoke alarm or alarm is not capable of being interconnected to the existing smoke alarms.

**R314.4.1 Heat detection interconnection.** Heat detectors and heat alarms shall be connected to an alarm or a smoke alarm that is installed in the dwelling. Alarms and smoke alarms that are installed for this purpose shall be located in a hallway, room, or other location that will provide occupant notification.

**R314.6 Power source.** Smoke alarms, heat alarms, and heat detectors shall receive their primary power from the building wiring where such wiring is served from a commercial source and, where primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.

**EXCEPTIONS:**

1. Smoke alarms shall be permitted to be battery operated where installed in buildings without commercial power.
2. Smoke alarms installed in accordance with Section R314.2.2 shall be permitted to be battery powered.

**AMENDATORY SECTION** (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-0315 Section R315—Carbon monoxide alarms.**

**R315.1 General.** Carbon monoxide alarms shall comply with Section R315.

**R315.1.1 Listings.** Carbon monoxide alarms shall be listed in accordance with UL 2034. Combination carbon monoxide and smoke alarms shall be listed in accordance with UL 2034 and UL 217.

**R315.2 Where required.** Carbon monoxide alarms shall be provided in accordance with Sections R315.2.1 and R315.2.2.

**R315.2.1 New construction.** For new construction, an approved carbon monoxide alarm shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms in dwelling units and on each level of the dwelling in accordance with the manufacturer's recommendation.

**R315.2.2 Alterations, repairs, and additions.** Existing dwellings shall be equipped with carbon monoxide alarms in accordance with Section R315.2.1. An inspection will occur where alterations, repairs, or additions requiring a permit occur, or where one or more sleeping rooms are added or created.

**EXCEPTIONS:**

1. Work involving only the exterior surfaces of dwellings, such as the replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck, is exempt from the inspection requirements of this section.

2. Installation, alteration or repairs of nonfuel burning plumbing or mechanical systems or electrical systems are exempt from the inspection requirements of this section.

3. Owner-occupied single-family residences legally occupied before July 26, 2009. RCW 19.27.530 (2)(b).

**R315.3 Location.** Carbon monoxide alarms in dwelling units shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms and on each level of the dwelling and in accordance with the manufacturer's recommendations. Where a fuel burning appliance is located within a bedroom or its attached bathroom, a carbon monoxide alarm shall be installed within the bedroom.

**R315.4 Combination alarms.** Combination carbon monoxide and smoke alarms shall be permitted to be used in lieu of carbon monoxide alarms.

**AMENDATORY SECTION** (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-03240 Section R324—Solar energy systems.**

~~((R324.1 General. Solar energy systems shall comply with the provisions of this section.~~

~~R324.2 Solar thermal systems. Solar thermal systems shall be designed and installed in accordance with Chapter 23 and the International Fire Code.))~~

**R324.3 Photovoltaic systems.** Installation, modification, or alteration of solar photovoltaic power systems shall comply with this section and the *International Fire Code*. Section R104.11 alternate materials and methods of this code shall be considered when approving the installation of solar photovoltaic power systems. Photovoltaic systems shall be designed and installed in accordance with Sections R324.3.1 through R324.6 and chapter 19.28 RCW. Inverters shall be listed and labeled in accordance with UL 1741. Systems connected to the utility grid shall use inverters listed for utility interaction.

**EXCEPTION:** Detached, nonhabitable Group U structures shall not be subject to the requirements of this section for structural and fire safety.

~~((R324.3.1 Equipment listing. Photovoltaic panels and modules shall be listed and labeled in accordance with UL 1703.))~~

**R324.4 Rooftop-mounted photovoltaic systems.** Rooftop-mounted photovoltaic panel systems installed on or above the roof covering shall be designed and installed in accordance with Section R907.

**EXCEPTIONS:** The roof structure shall be deemed adequate to support the load of the rooftop solar photovoltaic system if all of the following requirements are met:

1. The solar photovoltaic panel system shall be designed for the wind speed of the local area, and shall be installed per the manufacturer's specifications.
2. The ground snow load does not exceed 70 pounds per square foot.



3. The total dead load of modules, supports, mountings, raceways, and all other appurtenances weigh no more than 4 pounds per square foot.
4. Photovoltaic modules are not mounted higher than 18 inches above the surface of the roofing to which they are affixed.
5. Supports for solar modules are to be installed to spread the dead load across as many roof-framing members as needed, so that no point load exceeds 50 pounds.

~~((R324.4.1 Roof load. Portions of roof structures not covered with photovoltaic panel systems shall be designed for dead loads and roof loads in accordance with Sections R301.4 and R301.6. Portions of roof structures covered by photovoltaic panel systems shall be designed for the following load cases:~~

1. Dead load (including photovoltaic panel weight) plus snow load in accordance with Table R301.2(1).
2. Dead load (excluding photovoltaic panel weight), plus roof live load or snow load, whichever is greater, in accordance with Section R301.6.

~~**R324.4.2 Wind resistance.** Rooftop-mounted photovoltaic panel or module systems and their supports shall be designed to resist the component and cladding loads specified in Table R301.2(2), adjusted for height and exposure in accordance with Table R301.2(3).~~

~~**R324.5 Building-integrated photovoltaic systems.** Building-integrated photovoltaic systems that serve as roof coverings shall be designed and installed in accordance with Section R905.))~~

~~**R324.5.1 Photovoltaic shingles.** Photovoltaic shingles shall comply with Section R905.16.~~

~~**R324.6 ((Ground-mounted photovoltaic systems.** Ground-mounted photovoltaic systems shall be designed and installed in accordance with Section R301.~~

~~**R324.7))** This section is not adopted.~~

AMENDATORY SECTION (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-0325 Section R325—((Adult family homes.)) Reserved.**

~~((SECTION R325~~

~~ADULT FAMILY HOMES~~

~~**R325.1 General.** This section shall apply to all newly constructed adult family homes and all existing single family homes being converted to adult family homes. This section shall not apply to those adult family homes licensed by the state of Washington department of social and health services prior to July 1, 2001.~~

~~**R325.2 Reserved.**~~

~~**R325.3 Sleeping room classification.** Each sleeping room in an adult family home shall be classified as:~~

1. Type S—Where the means of egress contains stairs, elevators or platform lifts.

~~2. Type NS1—Where one means of egress is at grade level or a ramp constructed in accordance with R325.9 is provided.~~

~~3. Type NS2—Where two means of egress are at grade level or ramps constructed in accordance with R325.9 are provided.~~

~~**R325.4 Types of locking devices and door activation.** All bedroom and bathroom doors shall be openable from the outside when locked.~~

~~Every closet shall be readily openable from the inside.~~

~~Operable parts of door handles, pulls, latches, locks and other devices installed in adult family homes shall be operable with one hand and shall not require tight grasping, pinching or twisting of the wrist. Pocket doors shall have graspable hardware available when in the closed or open position.~~

~~The force required to activate operable parts shall be 5.0 pounds (22.2 N) maximum. Required exit doors shall have no additional locking devices.~~

~~Required exit door hardware shall unlock inside and outside mechanisms when exiting the building allowing reentry into the adult family home without the use of a key, tool or special knowledge.~~

~~**R325.5 Smoke and carbon monoxide alarm requirements.** All adult family homes shall be equipped with smoke and carbon monoxide alarms installed as required in Sections R314 and R315.1. Alarms shall be installed in such a manner so that the detection device warning is audible from all areas of the dwelling upon activation of a single alarm.~~

~~**R325.6 Escape windows and doors.** Every sleeping room shall be provided with emergency escape and rescue windows as required by Section R310. No alternatives to the sill height such as steps, raised platforms or other devices placed by the openings will be approved as meeting this requirement.~~

~~**R325.7 Fire apparatus access roads and water supply for fire protection.** Adult family homes shall be served by fire apparatus access roads and water supplies meeting the requirements of the local jurisdiction.~~

~~**R325.8 Grab bar general requirements.** Where facilities are designated for use by adult family home clients, grab bars for water closets, bathtubs and shower stalls shall be installed according to this section.~~

~~**R325.8.1 Grab bar cross section.** Grab bars with a circular cross section shall have an outside diameter of 1 1/4 inches minimum and 2 inches maximum. Grab bars with noncircular cross section shall have a cross section dimension of 2 inches maximum and a perimeter dimension of 4 inches minimum and 4 5/8 inches maximum.~~

~~**R325.8.2 Grab bar installation.** Grab bars shall have a spacing of 1 1/2 inches between the wall and the bar. Projecting objects, control valves and bathtub or shower stall enclosure features above, below and at the ends of the grab bar shall have a clear space of 1 1/2 inches to the grab bar.~~

~~EXCEPTION: Swing-up grab bars shall not be required to meet the 1-1/2 inch spacing requirement.~~

Grab bars shall have a structural strength of 250 pounds applied at any point on the grab bar, fastener, mounting device or supporting structural member. Grab bars shall not be supported directly by any residential grade fiberglass bathing or showering unit. Acrylic bars found in bathing units shall be removed.

Fixed position grab bars, when mounted, shall not rotate, spin or move and have a graspable surface finish.

**R325.8.3 Grab bars at water closets.** Water closets shall have grab bars mounted on both sides. Grab bars can be a combination of fixed position and swing-up bars. Grab bars shall meet the requirements of R325.8. Grab bars shall mount between 33 inches and 36 inches above floor grade. Centerline distance between grab bars, regardless of type used, shall be between 25 inches minimum and 30 inches maximum.

**R325.8.3.1 Fixed position grab bars.** Fixed position grab bars shall be a minimum of 36 inches in length and start 12 inches from the rear wall.

**R325.8.3.2 Swing-up grab bars.** Swing-up grab bars shall be a minimum of 28 inches in length from the rear wall.

**R325.8.4 Grab bars at bathtubs.** Horizontal and vertical grab bars shall meet the requirements of R325.8.

**R325.8.4.1 Vertical grab bars.** Vertical grab bars shall be a minimum of 18 inches long and installed at the control end wall and head end wall. Grab bars shall mount within 4 inches of the exterior of the bath tub edge or within 4 inches within the bath tub. The bottom end of the bar shall start between 36 inches and 42 inches above floor grade.

EXCEPTION: The required vertical grab bar can be substituted with a floor to ceiling grab bar meeting the requirements of R325.8 at the control end and head end entry points.

**R325.8.4.2 Horizontal grab bars.** Horizontal grab bars shall be provided at the control end, head end, and the back wall within the bathtub area. Grab bars shall be mounted between 33 inches and 36 inches above floor grade. Control end and head end grab bars shall be 24 inches minimum in length. Back wall grab bar shall be 36 inches minimum in length.

**R325.8.5 Grab bars at shower stalls.** Where shower stalls are provided to meet the requirements for bathing facilities, grab bars shall meet the requirements of R325.8.

EXCEPTION: Shower stalls with permanent built-in seats are not required to have vertical or horizontal grab bars at the seat end wall. A vertical floor to ceiling grab bar shall be installed within 4 inches of the exterior of the shower aligned with the nose of the built-in seat.

**R325.8.5.1 Vertical grab bars.** Vertical grab bars shall be 18 inches minimum in length and installed at the control end wall and head end wall. Vertical bars shall be mounted within 4 inches of the exterior of the shower stall or within 4 inches inside the shower stall. The bottom end of vertical bars mount between 36 inches and 42 inches above floor grade.

**R325.8.5.2 Horizontal grab bars.** Horizontal grab bars shall be installed on all sides of the shower stall mounted between 33 inches and 36 inches above the floor grade. Horizontal grab bars shall be a maximum of 6 inches from adjacent

walls. Horizontal grab bars shall not interfere with shower control valves.

**R325.9 Ramps.** All interior and exterior ramps, when provided, shall be constructed in accordance with Section R311.8 with a maximum slope of 1 vertical to 12 horizontal. The exception to R311.8.1 is not allowed for adult family homes. Handrails shall be installed in accordance with R325.9.1.

**R325.9.1 Handrails for ramps.** Handrails shall be installed on both sides of ramps between the slope of 1 vertical to 12 horizontal and 1 vertical and 20 horizontal in accordance with R311.8.3.1 through R311.8.3.3.

**R325.10 Stair treads and risers.** Stair treads and risers shall be constructed in accordance with R311.7.5. Handrails shall be installed in accordance with R325.10.1.

**R325.10.1 Handrails for treads and risers.** Handrails shall be installed on both sides of treads and risers numbering from one riser to multiple risers. Handrails shall be installed in accordance with R311.7.8.1 through R311.7.8.4.

**R325.11 Shower stalls.** Where provided to meet the requirements for bathing facilities, the minimum size of shower stalls for an adult family home shall be 30 inches deep by 48 inches long.))

AMENDATORY SECTION (Amending WSR 13-04-068, filed 2/1/13, effective 7/1/13)

**WAC 51-51-0326 Section R326—((Family home child care.)) Habitable attic.**

((**R326 Family home child care.** For family home child care with more than six children, each floor level used for family child care purposes shall be served by two remote means of egress. Exterior exit doors shall be operable from the inside without the use of keys or any special knowledge or effort.

Basements located more than 4 feet below grade level shall not be used for family home child care unless one of following conditions exist:

1. Stairways from the basement open directly to the exterior of the building without entering the first floor; or

2. One of the two required means of egress discharges directly to the exterior from the basement level, and a self-closing door is installed at the top or bottom of the interior stair leading to the floor above; or

3. One of the two required means of egress is an operable window or door, approved for emergency escape or rescue, that opens directly to a public street, public alley, yard or exit court; or

4. A residential sprinkler system is provided throughout the entire building in accordance with NFPA 13d.

Floors located more than 4 feet above grade level shall not be occupied by children in family home child care.

EXCEPTIONS: 1. Use of toilet facilities while under supervision of an adult staff person.  
2. Family home child care may be allowed on the second story if one of the following conditions exists:

2.1 Stairways from the second story open directly to the exterior of the building without entering the first floor; or

2.2 One of the two required means of egress discharges directly to the exterior from the second story level, and a self-closing door is installed at the top or bottom of the interior stair leading to the floor below; or

2.3 A residential sprinkler system is provided throughout the entire building in accordance with NFPA 13d.

Every sleeping or napping room in a family home child care shall have at least one operable window for emergency rescue.

EXCEPTION: Sleeping or napping rooms having doors leading to two separate means of egress, or a door leading directly to the exterior of the building.

Rooms or spaces containing a commercial type cooking kitchen, boiler, maintenance shop, janitor closet, laundry, woodworking shop, flammable or combustible storage, or painting operation shall be separated from the family home child care area by at least one hour fire resistive construction.

EXCEPTION: A fire resistive separation shall not be required where the food preparation kitchen contains only a domestic cooking range, and the preparation of food does not result in the production of smoke or grease laden vapors.)

**R326.1 General.** *Habitable attics* shall comply with Sections R326 through R326.4.

**R326.2 Minimum dimensions.** A *habitable attic* shall have a minimum floor area in accordance with Section R304 and a ceiling height in accordance with Section R305.

**R326.3 Story above grade plane.** A *habitable attic* shall be considered a story above grade plane.

EXCEPTION: A *habitable attic* shall not be considered a story above grade plane provided that the *habitable attic* meets all the following requirements:

1. The aggregate area of the *habitable attic* is not greater than one-half of the floor area of the story below.
2. The *habitable attic* is located within a dwelling unit equipped with a fire sprinkler system in accordance with Section P2904 or NFPA 13D.
3. The occupiable space is enclosed by the roof assembly above, knee walls (if applicable) on the sides and the floor-ceiling assembly below.
4. The floor of the *habitable attic* shall not extend beyond the exterior walls of the story below.

**R326.4 Means of egress.** The means of egress for *habitable attics* shall comply with the applicable provisions of Section R311.

**AMENDATORY SECTION** (Amending WSR 07-01-090, filed 12/19/06, effective 7/1/07)

**WAC 51-51-0327 Section R327—((Protection against radon.)) Sleeping lofts.**

((**R327.1 Protection Against Radon.** The radon control provisions of Appendix F of this code shall apply to buildings constructed in High Radon Potential Counties (zone 1) designated in Table AF101 (1). The radon control provisions of

Appendix F of this code shall also apply to all buildings constructed using the provisions of Section R408.3 Unvented crawl space compliance method.)) **R327.1 General.** *Sleeping lofts* shall comply with Sections R327 through R327.5.

**R327.2 Sleeping loft area and dimensions.** *Sleeping lofts* shall meet the minimum area and dimension requirements of Sections R327.2.1 through R327.2.3.

**R327.2.1 Area.** *Sleeping lofts* shall have a floor area of not less than 35 square feet (3.25 m<sup>2</sup>) and less than 70 square feet (6.5 m<sup>2</sup>).

**R327.2.2 Minimum horizontal dimensions.** *Sleeping lofts* shall be not less than 5 feet (1524 mm) in any horizontal dimension.

**R327.2.3 Height effect on sleeping loft area.** Portions of a *sleeping loft* with a sloped ceiling measuring less than 3 feet (914 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft but shall contribute to the maximum allowable area.

EXCEPTION: Under gable roofs with a minimum slope of 6 units vertical in 12 units horizontal (50 percent slope), portions of a *sleeping loft* with a sloped ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the *sleeping loft* but shall contribute to the maximum allowable area.

**R327.3 Sleeping loft access and egress.** The access to and primary egress from *sleeping lofts* shall be of any type described in Sections R327.3.1 through R327.3.5 and shall meet the *sleeping loft* where the *sleeping loft's* ceiling height is not less than 3 feet (914 mm) along the entire width of the access and egress component.

**R327.3.1 Stairways.** Stairways accessing *sleeping lofts* shall comply with Sections R327.3.1.1 through R327.3.1.7.

**R327.3.1.1 Headroom.** The headroom above the *sleeping loft* access and egress shall be not less than 6 feet 2 inches (1880 mm), as measured vertically, from a sloped line connecting the tread, landing, or landing platform nosing's in the center of their width, and vertically from the landing or landing platform along the center of its width.

**R327.3.1.2 Width.** Stairways accessing a *sleeping loft* shall not be less than 17 inches (432 mm) in clear width at or above the handrail. The width below the handrail shall be not less than 20 inches (508 mm).

**R327.3.1.3 Treads and risers.** Risers for stairs accessing a *sleeping loft* shall be not less than 7 inches (178 mm) and not more than 12 inches (305 mm) in height. Tread depth and riser height shall be calculated in accordance with one of the following formulas:

1. Under gable roofs with a minimum slope of 6 units vertical in 12 units horizontal (50 percent slope), portions of a *sleeping loft* with a sloped ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the *sleeping loft* but shall contribute to the maximum allowable area.

2. The tread depth shall be 20 inches (508 mm) minus four-thirds of the riser height.

**R327.3.1.4 Landings.** Intermediate landings and landings at the bottom of stairways shall comply with Section R311.7.6, except that the depth in the direction of travel shall be not less than 24 inches (508 mm).

**R327.3.1.5 Landing platforms.** The top tread and riser of stairways accessing *sleeping lofts* shall be constructed as a landing platform where the loft ceiling height is less than 6 feet 2 inches (1880 mm) where the stairway meets the *sleeping loft*. The landing platform shall be not less than 18 inches (508 mm) in width and in depth measured horizontally from and perpendicular to the nosing of the landing platform. The landing platform riser height to the edge of the *sleeping loft* floor, shall not be greater than 18 inches (406 to 457 mm) in height.

**R327.3.1.6 Handrails.** Handrails shall comply with Section R311.7.8.

**R327.3.1.7 Stairway guards.** Guards at open sides of stairways, landings, and landing platforms shall comply with Section R312.1.

**R327.3.2 Ladders.** Ladders accessing *sleeping lofts* shall comply with Sections R326.3.2.1 and R326.3.2.2.

**R327.3.2.1 Size and capacity.** Ladders accessing *sleeping lofts* shall have a rung width of not less than 12 inches (305 mm), and 10 inch (254 mm) to 14 inch (356 mm) spacing between rungs. Ladders shall be capable of supporting a 300 pound (136 kg) load on any rung. Rung spacing shall be uniform within 3/8 inch (9.5 mm).

**R327.3.2.2 Incline.** Ladders shall be installed at 70 to 80 degrees from horizontal.

**R327.3.3 Alternating tread devices.** Alternating tread devices accessing *sleeping lofts* shall comply with Sections R311.7.11.1 and R311.7.11.2. The clear width at and below the handrails shall be not less than 20 inches (508 mm).

**R327.3.4 Ships ladders.** Ships ladders accessing *sleeping lofts* shall comply with Sections R311.7.12.1 and R311.7.12.2. The clear width at and below handrails shall be not less than 20 inches (508 mm).

**R327.4 Sleeping loft guards.** *Sleeping loft* guards shall be located along the open side(s) of *sleeping lofts*. *Sleeping loft* guards shall be not less than 36 inches (914 mm) in height or one-half of the clear height to the ceiling, whichever is less. *Sleeping loft* guards shall comply with Section R312.1.3 and Table R301.5 for their components.

**R327.5 Emergency escape and rescue openings.** An egress roof access window shall be installed in each *sleeping loft* and shall be deemed to meet the requirements of Section R310 where installed such that the bottom of the opening is not more than 44 inches (1118 mm) above the *sleeping loft* floor, provided the egress roof access window complies with the minimum opening area requirements of Section R310.2.1.

**AMENDATORY SECTION** (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-0328 Section R328—(~~Mezzanines~~)  
Swimming pools, spas, and hot tubs.**

~~(R328.1 General. Mezzanines shall comply with Section R328.~~

~~R328.2 Mezzanines. The clear height above and below mezzanine floor construction shall be not less than 7 feet (2134 mm).~~

~~R328.3 Area limitation. The aggregate area of a mezzanine or mezzanines shall be not greater than one-third of the floor area of the room or space in which they are located. The enclosed portion of a room shall not be included in a determination of the floor area of the room in which the mezzanine is located.~~

~~R328.4 Means of egress. The means of egress for mezzanines shall comply with the applicable provisions of Section R311.~~

~~R328.5 Openness. Mezzanines shall be open and unobstructed to the room in which they are located except for walls not more than 42 inches (1067 mm) in height, columns and posts.~~

~~EXCEPTIONS:~~

- ~~1. Mezzanines or portions thereof are not required to be open to the room in which they are located, provided that the aggregate floor area of the enclosed space is not greater than 10 percent of the mezzanine area.~~
- ~~2. Mezzanines that are no more than two stories above-grade plane and equipped throughout with an automatic sprinkler system in accordance with NFPA 13R, NFPA 13D or Appendix S, and having two or more means of egress, shall not be required to be open to the room in which the mezzanine is located.)~~

**R328.1 General.** The design and construction of swimming pools, spas, and other aquatic recreation facilities shall comply with the 2018 *International Swimming Pool and Spa Code*, if the facility is one of the following:

1. For the sole use of residents and invited guests at a single-family dwelling;
2. For the sole use of residents and invited guests of a duplex owned by the residents; or
3. Operated exclusively for physical therapy or rehabilitation and under the supervision of a licensed medical practitioner.

**AMENDATORY SECTION** (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-0329 Section R329—(~~Swimming pools, spas, and hot tubs~~)  
Energy storage systems.**

**R329.1 General.** (The design and construction of swimming pools, spas, and other aquatic recreation facilities shall comply with the 2015 *International Swimming Pool and Spa Code*, if the facility is one of the following:

1. For the sole use of residents and invited guests at a single-family dwelling;
2. For the sole use of residents and invited guests of a duplex owned by the residents; or

~~3. Operated exclusively for physical therapy or rehabilitation and under the supervision of a licensed medical practitioner.)~~ Energy storage systems (ESS) shall comply with the provisions of this section.

**R329.2 Equipment listings.** ESS shall be *listed and labeled* for residential use in accordance with UL 9540.

- EXCEPTIONS:**
1. Where approved, repurposed unlisted battery systems from electric vehicles are allowed to be installed outdoors or in detached sheds located not less than 5 feet (1524 mm) from exterior walls, property lines and public ways.
  2. Battery systems that are an integral part of an electric vehicle are allowed provided that the installation complies with Section 625.48 of NFPA 70.
  3. Battery systems less than 1 kWh (3.6 megajoules).

**R329.3 Installation.** ESS shall be installed in accordance with the manufacturer's instructions and their listing, if applicable, and shall not be installed within the habitable space of a dwelling unit.

**R329.4 Electrical installation.** ESS shall be installed in accordance with NFPA 70. Inverters shall be *listed and labeled* in accordance with UL 1741 or provided as part of the UL 9540 listing. Systems connected to the utility grid shall use inverters listed for utility interaction.

**R329.5 Ventilation.** Indoor installations of ESS that include batteries that produce hydrogen or other flammable gases during charging shall be provided with ventilation in accordance with Section M1307.4.

**R329.6 Commissioning.** ESS shall be commissioned as follows:

1. Verify that the system is installed in accordance with the approved plans and manufacturer's instructions and is operating properly.
2. Provide a copy of the manufacturer's installation, operation, maintenance, and decommissioning instructions provided with the *listed* system.
3. Provide a label on the installed system containing the contact information for the qualified maintenance and service providers.

**R329.6.1 Installation prior to closing.** Where the system is installed in a one- or two-family dwelling or townhouse unit that is owned by the builder and has yet to be sold, commissioning shall be conducted as outlined in Section R329.6, and the builder shall then transfer the required information in Section R329.6 to the homeowner when the property is transferred to the owner at the closing.

**R329.7 Protection from impact.** ESS installed in a location subject to vehicle damage shall be protected by approved barriers.

## NEW SECTION

### **WAC 51-51-0330 Section R330—Adult family homes.**

**R330.1 General.** This section shall apply to all newly constructed adult family homes and all existing single family homes being converted to adult family homes. This section

shall not apply to those adult family homes licensed by the state of Washington department of social and health services prior to July 1, 2001.

### **R330.2 Reserved.**

**R330.3 Sleeping room classification.** Each sleeping room in an adult family home shall be classified as:

1. Type S - Where the means of egress contains stairs, elevators, or platform lifts.
2. Type NS1 - Where one means of egress is at grade level or a ramp constructed in accordance with R330.9 is provided.
3. Type NS2 - Where two means of egress are at grade level or ramps constructed in accordance with R330.9 are provided.

**R330.4 Types of locking devices and door activation.** All bedroom and bathroom doors shall be openable from the outside when locked.

Every closet shall be readily openable from the inside.

Operable parts of door handles, pulls, latches, locks, and other devices installed in adult family homes shall be operable with one hand and shall not require tight grasping, pinching or twisting of the wrist. Pocket doors shall have graspable hardware available when in the closed or open position.

The force required to activate operable parts shall be 5.0 pounds (22.2 N) maximum. Required exit doors shall have no additional locking devices.

Required exit door hardware shall unlock inside and outside mechanisms when exiting the building allowing reentry into the adult family home without the use of a key, tool or special knowledge.

**R330.5 Smoke and carbon monoxide alarm requirements.** All adult family homes shall be equipped with smoke and carbon monoxide alarms installed as required in Sections R314 and R315.1. Alarms shall be installed in such a manner so that the detection device warning is audible from all areas of the dwelling upon activation of a single alarm.

**R330.6 Escape windows and doors.** Every sleeping room shall be provided with emergency escape and rescue windows as required by Section R310. No alternatives to the sill height such as steps, raised platforms or other devices placed by the openings will be approved as meeting this requirement.

**R330.7 Fire apparatus access roads and water supply for fire protection.** Adult family homes shall be served by fire apparatus access roads and water supplies meeting the requirements of the local jurisdiction.

**R330.8 Grab bar general requirements.** Where facilities are designated for use by adult family home clients, grab bars for water closets, bathtubs, and shower stalls shall be installed according to this section.

**R330.8.1 Grab bar cross section.** Grab bars with a circular cross section shall have an outside diameter of 1 1/4 inch minimum and 2 inches maximum. Grab bars with noncircular cross section shall have a cross section dimension of 2 inches maximum and a perimeter dimension of 4 inches minimum and 4 5/8 inches maximum.

**R330.8.2 Grab bar installation.** Grab bars shall have a spacing of 1 1/2 inch between the wall and the bar. Projecting objects, control valves and bathtub or shower stall enclosure features above, below and at the ends of the grab bar shall have a clear space of 1 1/2 inch to the grab bar.

EXCEPTION: Swing-up grab bars shall not be required to meet the 1 1/2 inch spacing requirement.

Grab bars shall have a structural strength of 250 pounds applied at any point on the grab bar, fastener, mounting device or supporting structural member. Grab bars shall not be supported directly by any residential grade fiberglass bathing or showering unit. Acrylic bars found in bathing units shall be removed.

Fixed position grab bars, when mounted, shall not rotate, spin or move and have a graspable surface finish.

**R330.8.3 Grab bars at water closets.** Water closets shall have grab bars mounted on both sides. Grab bars can be a combination of fixed position and swing-up bars. Grab bars shall meet the requirements of Section R330.8. Grab bars shall mount between 33 inches and 36 inches above floor grade. Centerline distance between grab bars, regardless of type used, shall be between 25 inches minimum and 30 inches maximum.

**R330.8.3.1 Fixed position grab bars.** Fixed position grab bars shall be a minimum of 36 inches in length and start 12 inches from the rear wall.

**R330.8.3.2 Swing-up grab bars.** Swing-up grab bars shall be a minimum of 28 inches in length from the rear wall.

**R330.8.4 Grab bars at bathtubs.** Horizontal and vertical grab bars shall meet the requirements of Section R330.8.

**R330.8.4.1 Vertical grab bars.** Vertical grab bars shall be a minimum of 18 inches long and installed at the control end wall and head end wall. Grab bars shall mount within 4 inches of the exterior of the bathtub edge or within 4 inches within the bathtub. The bottom end of the bar shall start between 36 inches and 42 inches above floor grade.

EXCEPTION: The required vertical grab bar can be substituted with a floor to ceiling grab bar meeting the requirements of Section R325.8 at the control end and head end entry points.

**R330.8.4.2 Horizontal grab bars.** Horizontal grab bars shall be provided at the control end, head end, and the back wall within the bathtub area. Grab bars shall be mounted between 33 inches and 36 inches above floor grade. Control end and head end grab bars shall be 24 inches minimum in length. Back wall grab bar shall be 36 inches minimum in length.

**R330.8.5 Grab bars at shower stalls.** Where shower stalls are provided to meet the requirements for bathing facilities, grab bars shall meet the requirements of Section R330.8.

EXCEPTION: Shower stalls with permanent built-in seats are not required to have vertical or horizontal grab bars at the seat end wall. A vertical floor to ceiling grab bar shall be installed within 4 inches of the exterior of the shower aligned with the nose of the built-in seat.

**R330.8.5.1 Vertical grab bars.** Vertical grab bars shall be 18 inches minimum in length and installed at the control end

wall and head end wall. Vertical bars shall be mounted within 4 inches of the exterior of the shower stall or within 4 inches inside the shower stall. The bottom end of vertical bars mount between 36 inches and 42 inches above floor grade.

**R330.8.5.2 Horizontal grab bars.** Horizontal grab bars shall be installed on all sides of the shower stall mounted between 33 inches and 36 inches above the floor grade. Horizontal grab bars shall be a maximum of 6 inches from adjacent walls. Horizontal grab bars shall not interfere with shower control valves.

**R330.9 Ramps.** All interior and exterior ramps, when provided, shall be constructed in accordance with Section R311.8 with a maximum slope of 1 vertical to 12 horizontal. The exception to Section R311.8.1 is not allowed for adult family homes. Handrails shall be installed in accordance with Section R330.9.1.

**R330.9.1 Handrails for ramps.** Handrails shall be installed on both sides of ramps between the slope of 1 vertical to 12 horizontal and 1 vertical and 20 horizontal in accordance with Sections R311.8.3.1 through R311.8.3.3.

**R330.10 Stair treads and risers.** Stair treads and risers shall be constructed in accordance with Section R311.7.5. Handrails shall be installed in accordance with Section R330.10.1.

**R330.10.1 Handrails for treads and risers.** Handrails shall be installed on both sides of treads and risers numbering from one riser to multiple risers. Handrails shall be installed in accordance with Sections R311.7.8.1 through R311.7.8.4.

**R330.11 Shower stalls.** Where provided to meet the requirements for bathing facilities, the minimum size of shower stalls for an adult family home shall be 30 inches deep by 48 inches long.

## NEW SECTION

**WAC 51-51-0331 Section R331—Family home child care.**

**R331 Family home child care.** For family home child care with more than six children, each floor level used for family child care purposes shall be served by two remote means of egress. Exterior exit doors shall be operable from the inside without the use of keys or any special knowledge or effort.

Basements located more than 4 feet below grade level shall not be used for family home child care unless one of following conditions exist:

1. Stairways from the basement open directly to the exterior of the building without entering the first floor;
2. One of the two required means of egress discharges directly to the exterior from the basement level, and a self-closing door is installed at the top or bottom of the interior stair leading to the floor above;
3. One of the two required means of egress is an operable window or door, approved for emergency escape or rescue, that opens directly to a public street, public alley, yard or exit court; or
4. A residential sprinkler system is provided throughout the entire building in accordance with NFPA 13d.

Floors located more than 4 feet above grade level shall not be occupied by children in family home child care.

- EXCEPTIONS:
1. Use of toilet facilities while under supervision of an adult staff person;
  2. Family home child care may be allowed on the second story if one of the following conditions exists:
    - 2.1. Stairways from the second story open directly to the exterior of the building without entering the first floor;
    - 2.2. One of the two required means of egress discharges directly to the exterior from the second story level, and a self-closing door is installed at the top or bottom of the interior stair leading to the floor below; or
    - 2.3. A residential sprinkler system is provided throughout the entire building in accordance with NFPA 13d.

Every sleeping or napping room in a family home child care shall have at least one operable window for emergency rescue.

- EXCEPTION: Sleeping or napping rooms having doors leading to two separate means of egress, or a door leading directly to the exterior of the building.

Rooms or spaces containing a commercial-type cooking kitchen, boiler, maintenance shop, janitor closet, laundry, woodworking shop, flammable or combustible storage, or painting operation shall be separated from the family home child care area by at least 1-hour fire-resistive construction.

- EXCEPTION: A fire-resistive separation shall not be required where the food preparation kitchen contains only a domestic cooking range, and the preparation of food does not result in the production of smoke or grease laden vapors.

the details set forth in Section R403.2, and Figures R403.1(2) and R403.1(3).

- EXCEPTION: Light-frame construction shall be permitted to have minimum footing size in accordance with Figures R403.1.1(1) through R403.1.1(4) in lieu of that determined by Table R403.1(1).

## NEW SECTION

### **WAC 51-51-0332 Section R332—Protection against radon.**

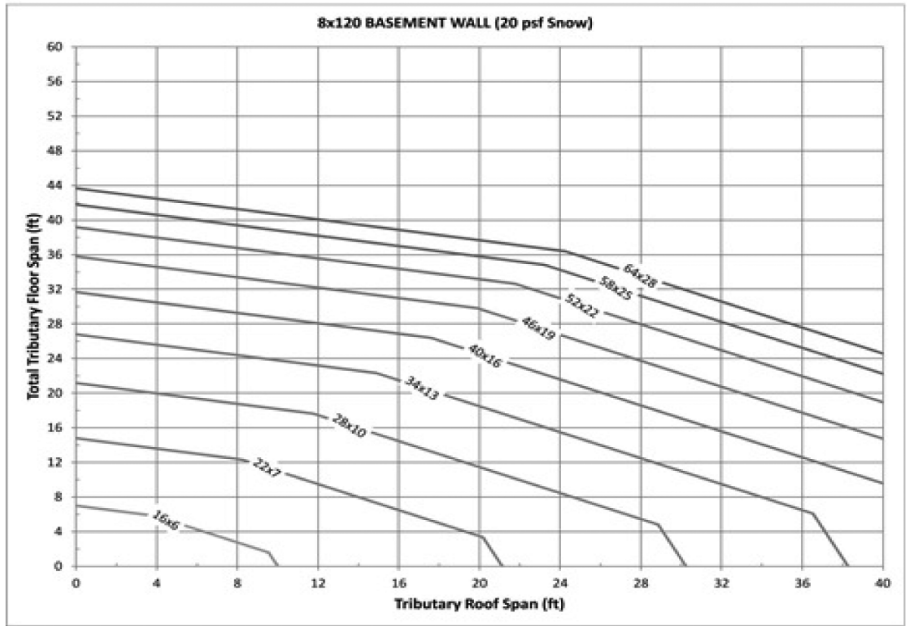
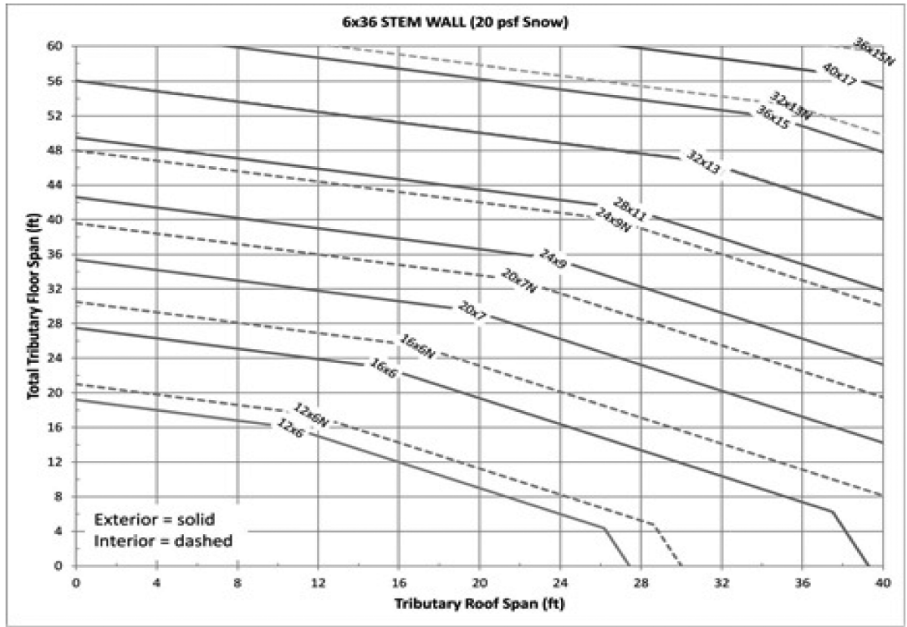
**R332.1 Protection against radon.** The radon control provisions of Appendix F of this code shall apply to buildings constructed in high radon potential counties (zone 1) designated in Table AF101(1). The radon control provisions of Appendix F of this code shall also apply to all buildings constructed using the provisions of Section R408.3 Unvented crawl space compliance method.

AMENDATORY SECTION (Amending WSR 19-03-036, filed 1/7/19, effective 7/1/19)

### **WAC 51-51-0403 Section R403—Footings.**

**R403.1.1 Minimum size.** The minimum width, W, and thickness, T, for concrete footings shall be in accordance with Tables R403.1(1) through R403.1(3) and Figure R403.1(1) or R403.1.3, as applicable. The footing width shall be based on the load-bearing value of the soil in accordance with Table R401.4.1. Footing projections, P, shall be not less than 2 inches (51 mm) and shall not exceed the thickness of the footing. Footing thickness and projection for fireplaces shall be in accordance with Section R1001. The size of footings supporting piers and columns shall be based on the tributary load and allowable soil pressure in accordance with Table R401.4.1. Footings for wood foundations shall be in accordance with

Figure R403.1.1(1)  
 Alternative Minimum Footing Size for Light-Frame Construction <sup>a,b,c,d,e,f,g,h,i</sup>  
 20 PSF Snow Load

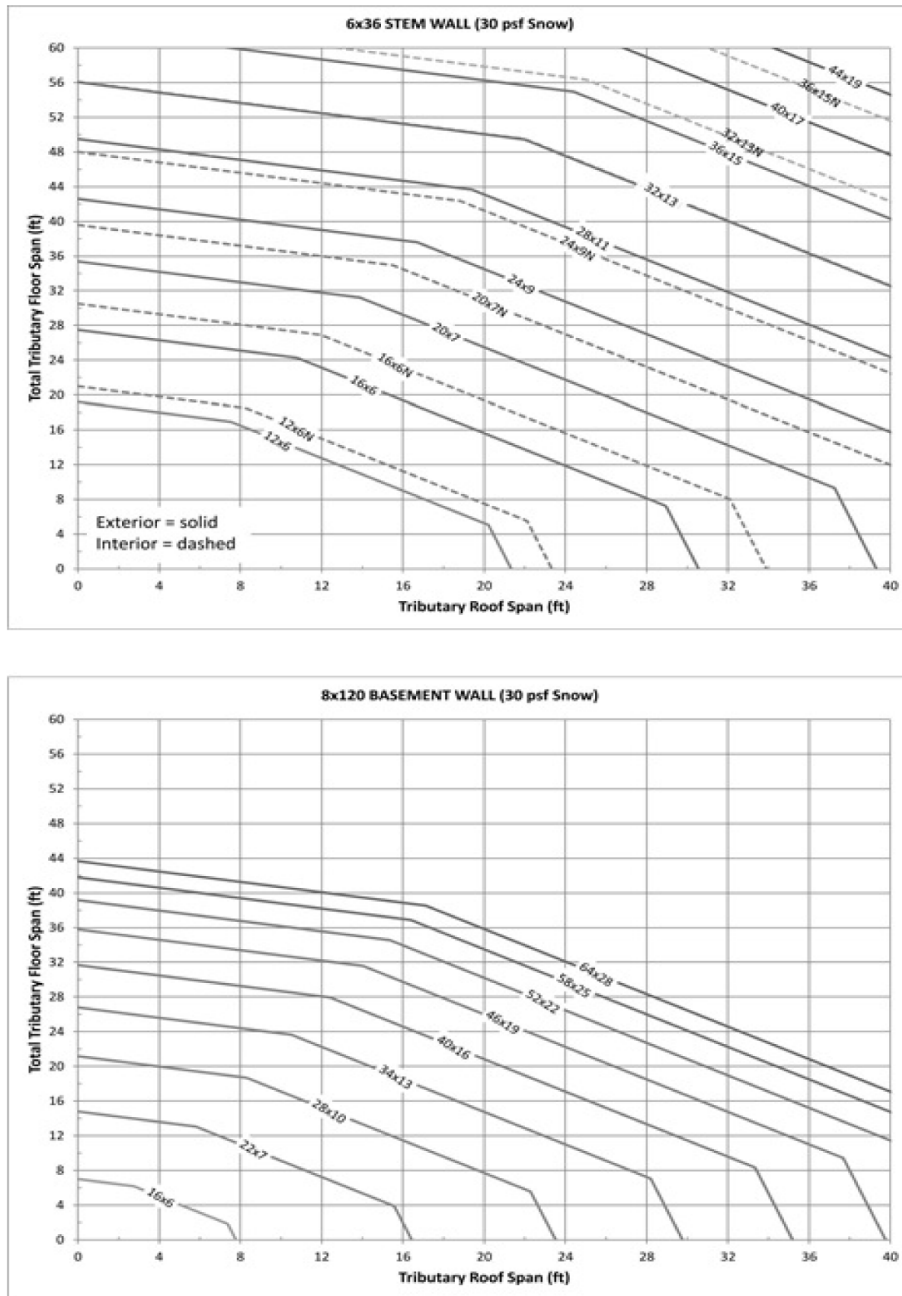


- Notes:
- a The minimum footing size is based on the following assumptions: Material weights per Section R301.2.2.2.1 and soil density = 120 pcf. Wood framed walls = 10 foot; crawlspace stem wall = 6 inches × 36 inches; basement wall = 8 inches × 120 inches. Total load (TL) equal to the maximum of three load combinations: LC1=D+L, LC2=D+S and LC3=D+0.75(L+S), where D=dead load, L=live load, S=snow load. TL=max (LC1, LC2, LC3).
  - b Use tributary span of floor and roof. Figure may be used to size exterior and interior footings.
  - c Add 4 feet to tributary floor span for each wood framed wall above first level (i.e., 4' for 2-story, 8' for 3-story).
  - d Multiply floor span by 1.25 for interior footings supporting continuous joists.
  - e Multiply footing width by (1500 psf/capacity) for soil capacity other than 1500 psf. See Section R403.1.1 for thickness.
  - f Dashed line may be used for interior footing size only.



- g Use footing size indicated on line above the span combination used.
- h For span combinations above the upper line, a design professional is required.
- i Interpolation between footing sizes is allowed. Extrapolation is not allowed.

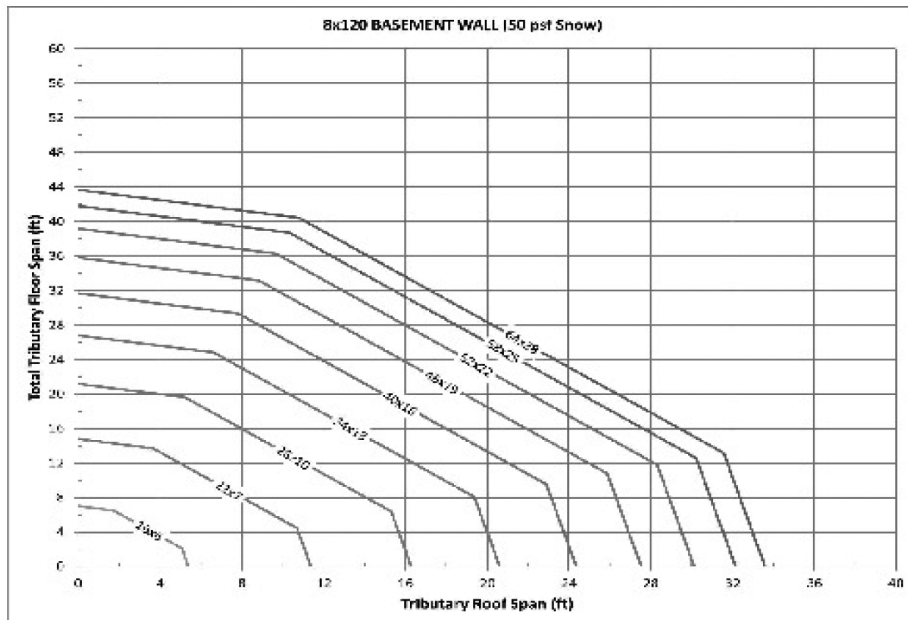
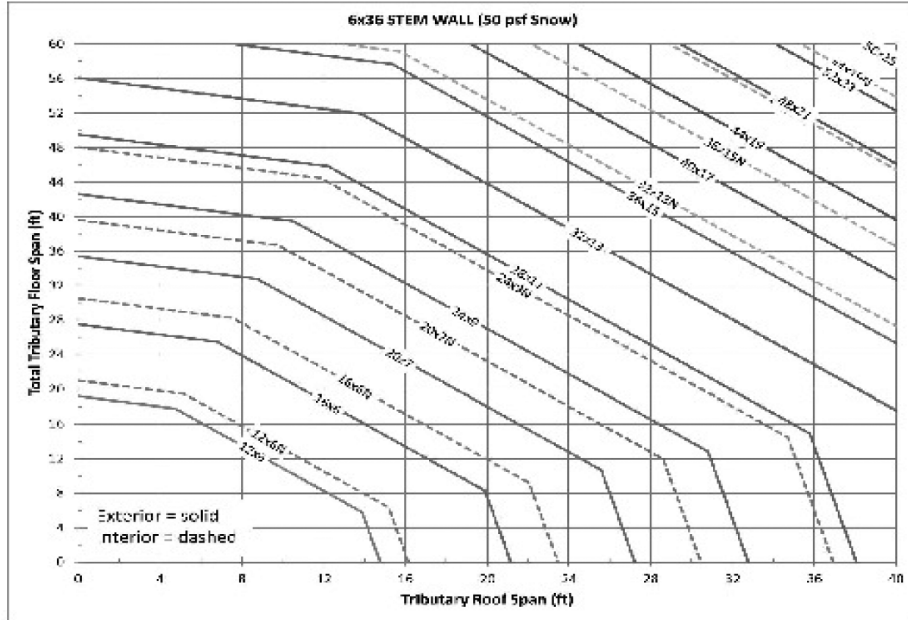
Figure R403.1.1(2)  
 Alternative Minimum Footing Size for Light-Frame Construction <sup>a,b,c,d,e,f,g,h,i</sup>  
 30 PSF Snow Load



- Notes:
- a The minimum footing size is based on the following assumptions: Material weights per Section R301.2.2.2.1 and soil density = 120 pcf. Wood framed walls = 10 foot; crawlspace stem wall = 6 inches × 36 inches; basement wall = 8 inches × 120 inches. Total load (TL) equal to the maximum of three load combinations: LC1=D+L, LC2=D+S and LC3=D+0.75(L+S), where D=dead load, L=live load, S=snow load. TL=max (LC1, LC2, LC3).
  - b Use tributary span of floor and roof. Figure may be used to size exterior and interior footings.
  - c Add 4 feet to tributary floor span for each wood framed wall above first level (i.e., 4' for 2-story, 8' for 3-story).

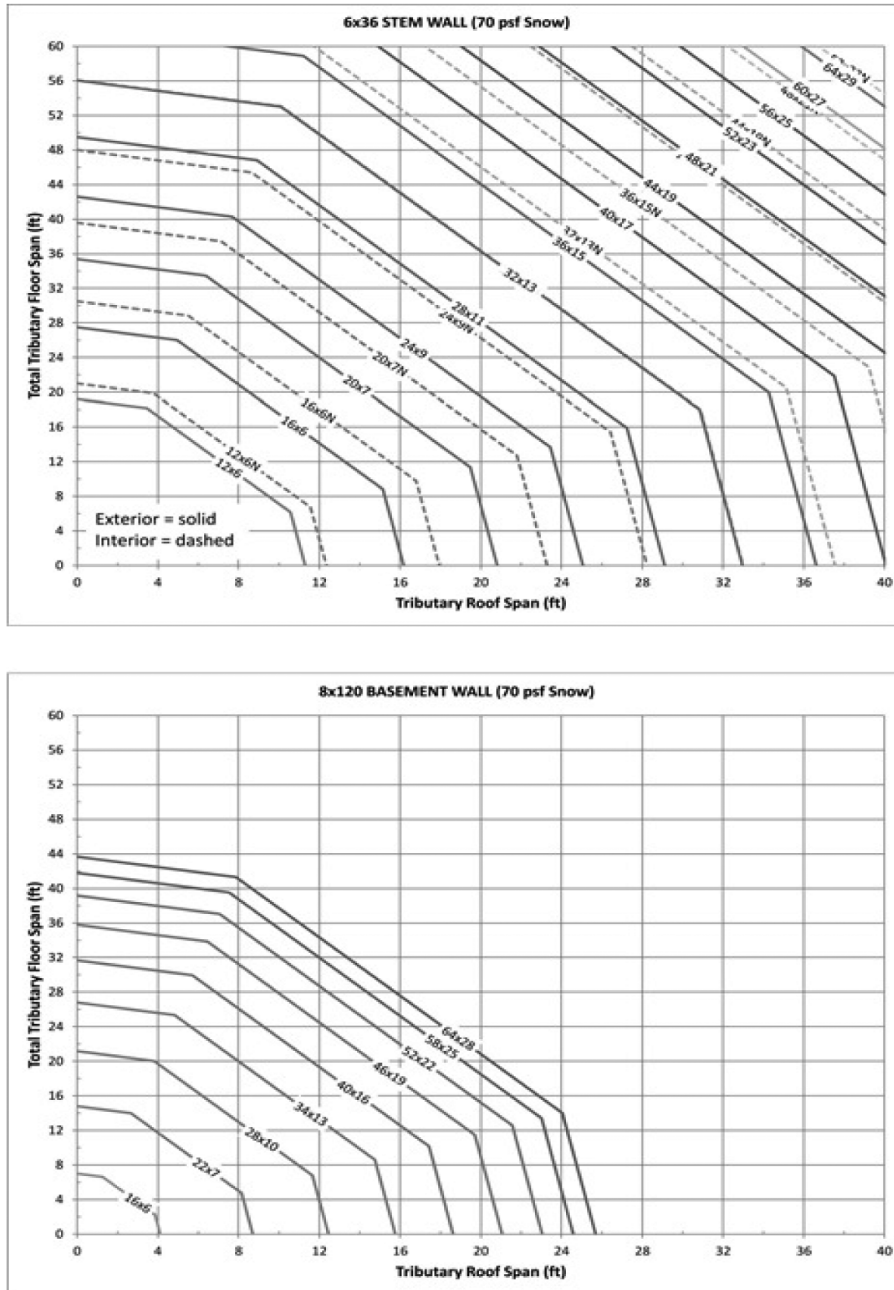
- d Multiply floor span by 1.25 for interior footings supporting continuous joists.
- e Multiply footing width by (1500 psf/capacity) for soil capacity other than 1500 psf. See Section R403.1.1 for thickness.
- f Dashed line may be used for interior footing size only.
- g Use footing size indicated on line above the span combination used.
- h For span combinations above the upper line, a design professional is required.
- i Interpolation between footing sizes is allowed. Extrapolation is not allowed.

Figure R403.1.1(3)  
Alternative Minimum Footing Size for Light-Frame Construction <sup>a,b,c,d,e,f,g,h,i</sup>  
50 PSF Snow Load



- Notes:
- a The minimum footing size is based on the following assumptions: Material weights per Section R301.2.2.2.1 and soil density = 120 pcf. Wood framed walls = 10 foot; crawlspace stem wall = 6 inches × 36 inches; basement wall = 8 inches × 120 inches. Total load (TL) equal to the maximum of three load combinations:  $LC1=D+L$ ,  $LC2=D+S$  and  $LC3=D+0.75(L+S)$ , where D=dead load, L=live load, S=snow load.  $TL=\max(LC1, LC2, LC3)$ .
  - b Use tributary span of floor and roof. Figure may be used to size exterior and interior footings.
  - c Add 4 feet to tributary floor span for each wood framed wall above first level (i.e., 4' for 2-story, 8' for 3-story).
  - d Multiply floor span by 1.25 for interior footings supporting continuous joists.
  - e Multiply footing width by (1500 psf/capacity) for soil capacity other than 1500 psf. See Section R403.1.1 for thickness.
  - f Dashed line may be used for interior footing size only.
  - g Use footing size indicated on line above the span combination used.
  - h For span combinations above the upper line, a design professional is required.
  - i Interpolation between footing sizes is allowed. Extrapolation is not allowed.

Figure R403.1.1(4)  
 Alternative Minimum Footing Size for Light-Frame Construction <sup>a,b,c,d,e,f,g,h,i</sup>  
 70 PSF Snow Load



Notes: <sup>a</sup> The minimum footing size is based on the following assumptions: Material weights per Section R301.2.2.2.1 and soil density = 120 pcf. Wood framed walls = 10 foot; crawlspace stem wall = 6 inches x 36 inches; basement wall = 8 inches x 120 inches. Total load (TL) equal to the maximum of three load combinations: LC1=D+L, LC2=D+S and LC3=D=0.75(L+S), where D=dead load, L=live load, S=snow load. TL=max (LC1, LC2, LC3).

- <sup>b</sup> Use tributary span of floor and roof. Figure may be used to size exterior and interior footings.
- <sup>c</sup> Add 4 feet to tributary floor span for each wood framed wall above first level (i.e., 4' for 2-story, 8' for 3-story).
- <sup>d</sup> Multiply floor span by 1.25 for interior footings supporting continuous joists.
- <sup>e</sup> Multiply footing width by (1500 psf/capacity) for soil capacity other than 1500 psf. See Section R403.1.1 for thickness.
- <sup>f</sup> Dashed line may be used for interior footing size only.

- g Use footing size indicated on line above the span combination used.
- h For span combinations above the upper line, a design professional is required.
- i Interpolation between footing sizes is allowed. Extrapolation is not allowed.

**R403.1.6 Foundation anchorage.** Wood sill plates and wood walls supported directly on continuous foundations shall be anchored to the foundation in accordance with this section.

Cold-formed steel framing shall be anchored directly to the foundation or fastened to wood sill plates in accordance with Section R505.3.1 or R603.3.1, as applicable. Wood sill plates supporting cold-formed steel framing shall be anchored to the foundation in accordance with this section.

Wood sole plates at all exterior walls on monolithic slabs, wood sole plates of braced wall panels at building interiors on monolithic slabs and all wood sill plates shall be anchored to the foundation with minimum 1/2-inch-diameter (12.7 mm) anchor bolts spaced not greater than 6 feet (1829 mm) on center or approved anchors or anchor straps spaced as required to provide equivalent anchorage to 1/2-inch-diameter (12.7 mm) anchor bolts. Bolts shall extend not less than 7 inches (178 mm) into concrete or grouted cells of concrete masonry units. The bolts shall be located in the middle third of the width of the plate. A nut and washer shall be tightened on each anchor bolt. There shall be not fewer than two bolts per plate section with one bolt located not more than 12 inches (305 mm) or less than seven bolt diameters from each end of the plate section. Interior bearing wall sole plates on monolithic slab foundation that are not part of a braced wall panel shall be positively anchored with approved fasteners. Sill plates and sole plates shall be protected against decay and termites where required by Sections R317 and R318. Anchor bolts shall be permitted to be located while concrete is still plastic and before it has set. Where anchor bolts resist placement or the consolidation of concrete around anchor bolts is

impeded, the concrete shall be vibrated to ensure full contact between the anchor bolts and concrete.

- EXCEPTIONS:**
1. Walls 24 inches (610 mm) total length or shorter connecting offset braced wall panels shall be anchored to the foundation with not fewer than one anchor bolt located in the center third of the plate section and shall be attached to adjacent braced wall panels at corners as shown in Item 9 of Table R602.3(1).
  2. Connection of walls 12 inches (305 mm) total length or shorter connecting offset braced wall panels to the foundation without anchor bolts shall be permitted. The wall shall be attached to adjacent braced wall panels at corners as shown in Item 9 of Table R602.3(1).

**R404.1.3.3.6 Form materials and form ties.** Forms shall be made of wood, steel, aluminum, plastic, a composite of cement and foam insulation, a composite of cement and wood chips, or other approved material suitable for supporting and containing concrete. Forms shall be positioned and secured before placing concrete and shall provide sufficient strength to contain concrete during the concrete placement operation. Form ties shall be steel, solid plastic, foam plastic, a composite of cement and wood chips, a composite of cement and foam plastic, or other suitable material capable of resisting the forces created by fluid pressure of fresh concrete.

**AMENDATORY SECTION** (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-0507 Section R507—Decks.**

~~((R507.2.4 Deck lateral load connections. The lateral load connection required by Section R507.1 shall be permitted to be in accordance with Figure R507.2.3(1) or R507.2.3(2). Where the lateral load connection is provided in accordance with Figure R507.2.3(1)))~~ **R507.1 Decks.** Wood-framed decks shall be in accordance with this section. Decks shall be designed for the live load required in Section R301.5 or the ground snow load indicated in Table R301.2(1), whichever is greater. For decks using materials and conditions not prescribed in this section, refer to Section R301.

**TABLE R507.3.1**

**MINIMUM FOOTING SIZE FOR DECKS**

<b>LIVE OR GROUND SNOW LOAD<sup>b</sup> (psf)</b>	<b>TRIBUTARY AREA<sup>c</sup> (sq.ft.)</b>	<b>SOIL BEARING CAPACITY<sup>acd</sup></b>								
		<b>1500 psf</b>			<b>2000 psf</b>			<b>≥ 3000 psf</b>		
		<b>Side of a square footing (inches)</b>	<b>Diameter of a round footing (inches)</b>	<b>Thickness<sup>f</sup> (inches)</b>	<b>Side of a square footing (inches)</b>	<b>Diameter of a round footing (inches)</b>	<b>Thickness<sup>f</sup> (inches)</b>	<b>Side of a square footing (inches)</b>	<b>Diameter of a round footing (inches)</b>	<b>Thickness<sup>f</sup> (inches)</b>
60 Live or 70 Ground Snow Load	5	7	8	6	7	8	6	7	8	6
	20	12	14	6	11	13	6	9	10	6
	40	18	20	6	15	17	6	12	14	6
	60	21	24	8	19	21	6	15	17	6
	80	25	28	9	21	24	8	18	20	6
	100	28	31	11	24	27	9	20	22	7
	120	30	34	12	26	30	10	21	24	8
	140	33	37	13	28	32	11	23	26	9
	160	35	40	15	30	34	12	25	28	9

For SI: 1 inch = 25.4 mm, 1 square foot = 0.0929 m<sup>2</sup>, 1 pound per square foot = 0.0479 kPa.

- a. Interpolation permitted, extrapolation not permitted.
- b. Reserved.
- c. Footing dimensions shall allow complete bearing of the post.
- d. If the support is a brick or CMU pier, the footing shall have a minimum 2-inch projection on all sides.
- e. Area, in square feet, of deck surface supported by post and footings.
- f. Minimum thickness shall only apply to plain concrete footings.

**R507.4 Deck posts.** For single-level decks, wood post size shall be in accordance with Table R507.4.

**TABLE R507.4  
DECK POST HEIGHT**

LOADS <sup>b</sup> (psf)	POST SPECIES <sup>c</sup>	POST SIZE <sup>d</sup>	MAXIMUM DECK POST HEIGHT <sup>a</sup> (feet-inches)							
			Tributary Area <sup>e,h</sup> (sq. ft.)							
			20	40	60	80	100	120	140	160
60 Live Load, <60 Ground Snow Load	Douglas Fir <sup>e</sup> , Hem-fir <sup>e</sup> , SPF <sup>e</sup>	4 x 4	14-0	10-10	8-7	7-0	5-8	4-1	NP	NP
		4 x 6	14-0	13-10	11-1	9-5	8-2	7-3	6-4	5-4
		6 x 6	14-0	14-0	14-0	14-0	14-0	13-3	10-9	6-11
		8 x 8	14-0	14-0	14-0	14-0	14-0	14-0	14-0	14-0
	Redwood <sup>f</sup> , Western Cedars <sup>f</sup> , Ponderosa Pine <sup>f</sup> , Red Pine <sup>f</sup>	4 x 4	14-0	10-3	7-0	NP	NP	NP	NP	NP
		4 x 6	14-0	13-6	10-6	8-4	5-10	NP	NP	NP
		6 x 6	14-0	14-0	14-0	14-0	11-11	NP	NP	NP
		8 x 8	14-0	14-0	14-0	14-0	14-0	14-0	14-0	14-0
70 Ground Snow Load	Douglas Fir <sup>e</sup> , Hem-fir <sup>e</sup> , SPF <sup>e</sup>	4 x 4	14-0	10-1	7-11	6-6	5-3	3-7	NP	NP
		4 x 6	14-0	12-10	10-3	8-9	7-7	6-8	5-10	4-11
		6 x 6	14-0	14-0	14-0	14-0	14-0	12-2	9-9	5-9
		8 x 8	14-0	14-0	14-0	14-0	14-0	14-0	14-0	14-0
	Redwood <sup>f</sup> , Western Cedars <sup>f</sup> , Ponderosa Pine <sup>f</sup> , Red Pine <sup>f</sup>	4 x 4	14-0	9-5	6-5	NP	NP	NP	NP	NP
		4 x 6	14-0	12-6	9-8	7-7	5-3	NP	NP	NP
		6 x 6	14-0	14-0	14-0	14-0	10-8	NP	NP	NP
		8 x 8	14-0	14-0	14-0	14-0	14-0	14-0	14-0	14-0

For SI: 1 inch = 25.4 mm, 1 square foot = 0.0929 m<sup>2</sup>, 1 pound per square foot = 0.0479 kPa, NP = Not permitted.

- a. Measured from the underside of the beam to top of footing or pier.
- b. 10 psf dead load. Snow load not assumed to be concurrent with live load.
- c. No. 2 grade, wet service factor included.
- d. Notched deck posts shall be sized to accommodate beam size per in accordance with Section R507.5.2.
- e. Includes incising factor.
- f. Incising factor not included.
- g. Area, in square feet, of deck surface supported by post and footing.
- h. Interpolation permitted. Extrapolation not permitted.

**R507.5 Deck beams.** Maximum allowable spans for wood deck beams, as shown in Figure R507.5, shall be in accordance with Tables R507.5(1) through R507(4). Beam plies shall be fastened with two rows of 10d (3-inch x 0.128-inch) nails minimum at 16 inches (406 mm) on center along each edge. Beams shall be permitted to cantilever at each end up to one-fourth of the allowable beam span. Deck beams of other materials shall be permitted where designed in accordance with accepted engineering practices.

**TABLE R507.5**  
**MAXIMUM DECK BEAM SPAN - 60 PSF LIVE LOAD or**  
**70 PSF GROUND SNOW LOAD<sup>c</sup>**

<b>BEAM SPECIES<sup>d</sup></b>	<b>BEAM SIZE<sup>e</sup></b>	<b>MAXIMUM BEAM SPAN<sup>a,b,f</sup></b> <b>(feet-inches)</b>						
		<b>Deck Joist Span<sup>a,i</sup></b> <b>(feet)</b>						
		<b>6</b>	<b>8</b>	<b>10</b>	<b>12</b>	<b>14</b>	<b>16</b>	<b>18</b>
Douglas fir-larch <sup>g</sup> , Hem-fir <sup>g</sup> , Spruce-pine-fir <sup>g</sup>	1-2×6	3-5	2-10	2-5	2-2	2-0	1-10	1-9
	1-2×8	4-7	3-8	3-2	2-10	2-7	2-5	2-4
	1-2×10	5-8	4-9	4-1	3-8	3-4	3-1	2-11
	1-2×12	6-7	5-8	5-0	4-6	4-1	3-10	3-7
	2-2×6	5-2	4-6	4-0	3-5	3-1	2-10	2-7
	2-2×8	6-11	6-0	5-3	4-7	4-1	3-8	3-5
	2-2×10	8-5	7-4	6-6	5-10	5-2	4-9	4-5
	2-2×12	9-10	8-6	7-7	6-11	6-4	5-9	5-4
	3-2×6	6-6	5-7	5-0	4-7	4-2	3-9	3-5
	3-2×8	8-8	7-6	6-8	6-1	5-6	5-0	4-7
	3-2×10	10-7	9-2	8-2	7-6	6-11	6-4	5-10
3-2×12	12-4	10-8	9-7	8-9	8-1	7-7	7-1	
Redwood <sup>h</sup> , Western Cedars <sup>h</sup> , Ponderosa Pine <sup>h</sup> , Red Pine <sup>h</sup>	1-2×6	3-6	2-11	2-6	2-3	2-0	1-11	1-9
	1-2×8	4-6	3-10	3-3	2-11	2-8	2-6	2-4
	1-2×10	5-6	4-9	4-2	3-9	3-5	3-2	3-0
	1-2×12	6-4	5-6	4-11	4-6	4-2	3-11	3-8
	2-2×6	5-3	4-7	4-1	3-6	3-2	2-11	2-8
	2-2×8	6-8	5-9	5-2	4-8	4-2	3-10	3-6
	2-2×10	8-2	7-1	6-4	5-9	5-4	4-10	4-6
	2-2×12	9-5	8-2	7-4	6-8	6-2	5-9	5-5
	3-2×6	6-4	5-8	5-1	4-8	4-3	3-10	3-6
	3-2×8	8-4	7-3	6-5	5-11	5-5	5-1	4-8
	3-2×10	10-2	8-10	7-11	7-2	6-8	6-3	5-11
3-2×12	11-10	10-3	9-2	8-4	7-9	7-3	6-10	

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 pound per square foot = 0.0479 kPa, 1 pound = 0.454 kg.

- a. Interpolation allowed. Extrapolation is not allowed.
- b. Beams supporting a single span of joists with or without cantilever.
- c. Dead load = 10 psf, L/Δ = 360 at mainspan, L/Δ = 180 at cantilever. Snow load not assumed to be concurrent with live load.
- d. No. 2 grade, wet service factor included.
- e. Beam depth shall be equal to or greater than the depth of intersecting joist for a flush beam connection.
- f. Beam cantilevers are limited to the adjacent beam's span divided by 4.
- g. Includes incising factor.
- h. Incising factor not included.
- i. Deck joist span as shown in Figure R507.5.

**TABLE R507.5(1)**  
**MAXIMUM DECK BEAM SPAN - 40 PSF LIVE LOAD (NOT ADOPTED)**

**TABLE R507.5(2)**  
**MAXIMUM DECK BEAM SPAN - 50 PSF LIVE LOAD (NOT ADOPTED)**

**TABLE R507.5(3)**  
**MAXIMUM DECK BEAM SPAN - 60 PSF LIVE LOAD<sup>c</sup>**

BEAM SPECIES <sup>d</sup>	BEAM SIZE <sup>e</sup>	DECK JOIST SPAN <sup>a,i</sup> (feet)						
		6	8	10	12	14	16	18
		MAXIMUM BEAM SPAN <sup>a,b,f</sup> (feet-inches)						
Douglas fir-larch <sup>g</sup> , Spruce-pine-fir <sup>g</sup>	1-2×6	3-8	3-1	2-8	2-4	2-2	2-0	1-10
	1-2×8	5-0	4-1	3-6	3-1	2-10	2-7	2-5
	1-2×10	6-1	5-2	4-6	4-0	3-7	3-4	3-2
	1-2×12	7-1	6-1	5-5	4-10	4-5	4-1	3-10
	2-2×6	5-6	4-9	4-3	3-10	3-5	3-1	2-10
	2-2×8	7-5	6-5	5-9	5-0	4-6	4-1	3-9
	2-2×10	9-0	7-10	7-0	6-4	5-9	5-2	4-10
	2-2×12	10-6	9-1	8-1	7-5	6-10	6-4	5-10
	3-2×6	6-11	6-0	5-4	4-11	4-6	4-2	3-10
	3-2×8	9-3	8-0	7-2	6-6	6-1	5-6	5-0
	3-2×10	11-4	9-10	8-9	8-0	7-5	6-11	6-5
3-2×12	13-2	11-5	10-2	9-4	8-7	8-1	7-7	
Redwood <sup>h</sup> , Western Cedars <sup>h</sup> , Ponderosa Pine <sup>h</sup> , Red Pine <sup>h</sup>	1-2×6	6-9	3-2	2-9	2-5	2-2	2-0	1-11
	1-2×8	4-10	4-2	3-7	3-2	2-11	2-8	2-6
	1-2×10	5-10	5-1	4-6	4-1	3-8	3-5	3-3
	1-2×12	6-10	5-11	5-3	4-10	4-5	4-2	3-11
	2-2×6	5-7	4-10	4-4	3-11	3-6	3-2	2-11
	2-2×8	7-1	6-2	5-6	5-0	4-7	4-2	3-10
	2-2×10	8-8	7-6	6-9	6-2	5-8	5-4	4-11
	2-2×12	10-1	8-9	7-10	7-2	6-7	6-2	5-10
	3-2×6	6-8	6-1	5-5	5-0	4-7	4-3	3-11
	3-2×8	8-9	7-9	6-11	6-4	5-10	5-5	5-2
	3-2×10	10-11	9-5	8-5	7-8	7-2	6-8	6-3
3-2×12	12-8	10-11	9-9	8-11	8-3	7-9	7-3	

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 pound per square foot = 0.0479 kPa, 1 pound = 0.454 kg.

- a. Interpolation permitted. Extrapolation not permitted.
- b. Beams supporting a single span of joists with or without cantilever.
- c. Dead load = 10 psf, L/Δ = 360 at main span, L/Δ = 180 at cantilever. Snow load not assumed to be concurrent with live load.
- d. No. 2 grade, wet service factor included.
- e. Beam depth shall be equal to or greater than the depth intersecting joist for a flush beam connection.
- f. Beam cantilevers are limited to the adjacent beam's span divided by 4.
- g. Includes incising factor.
- h. Incising factor not included.
- i. Deck joist span as shown in Figure R507.5.



**TABLE R507.5(4)**  
**MAXIMUM DECK BEAM SPAN - 70 PSF LIVE LOAD<sup>c</sup>**

BEAM SPECIES <sup>d</sup>	BEAM SIZE <sup>e</sup>	DECK JOIST SPAN <sup>a,i</sup> (feet)						
		6	8	10	12	14	16	18
		MAXIMUM BEAM SPAN <sup>a,b,f</sup> (feet-inches)						
Douglas fir-larch <sup>g</sup> , Spruce-pine-fir <sup>g</sup>	1-2×6	3-5	2-10	2-5	2-2	2-0	1-10	1-9
	1-2×8	4-7	3-8	3-2	2-10	2-7	2-5	2-4
	1-2×10	5-8	4-9	4-1	3-8	3-4	3-1	2-11
	1-2×12	6-7	5-8	5-0	4-6	4-1	3-10	3-7
	2-2×6	5-2	4-6	4-0	3-5	3-1	2-10	2-7
	2-2×8	6-11	6-0	5-3	4-7	4-1	3-8	3-5
	2-2×10	8-5	7-4	6-6	5-10	5-2	4-9	4-5
	2-2×12	9-10	8-6	7-7	6-11	6-4	5-9	5-4
	3-2×6	6-6	5-7	5-0	4-7	4-2	3-9	3-5
	3-2×8	8-8	7-6	6-8	6-1	5-6	5-0	4-7
	3-2×10	10-7	9-2	8-2	7-6	6-11	6-4	5-10
	3-2×12	12-4	10-8	9-7	8-9	8-1	7-7	7-1
Redwood <sup>h</sup> , Western Cedars <sup>h</sup> , Ponderosa Pine <sup>h</sup> , Red Pine <sup>h</sup>	1-2×6	3-6	2-11	2-6	2-3	2-0	1-11	1-9
	1-2×8	4-6	3-10	3-3	2-11	2-8	2-6	2-4
	1-2×10	5-6	4-9	4-2	3-9	3-5	3-2	3-0
	1-2×12	6-4	5-6	4-11	4-6	4-2	3-11	3-8
	2-2×6	5-3	4-7	4-1	3-6	3-2	2-11	2-8
	2-2×8	6-8	5-9	5-2	4-8	4-2	3-10	3-6
	2-2×10	8-2	7-1	6-4	5-9	5-4	4-10	4-6
	2-2×12	9-5	8-2	7-4	6-8	6-2	5-9	5-5
	3-2×6	6-4	5-8	5-1	4-8	4-3	3-10	3-6
	3-2×8	8-4	7-3	6-5	5-11	5-5	5-1	4-8
	3-2×10	10-2	8-2	7-11	7-2	6-8	6-3	5-11
	3-2×12	11-10	10-3	9-2	8-4	7-9	7-3	7

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 pound per square foot = 0.0479 kPa, 1 pound = 0.454 kg.

- a. Interpolation permitted. Extrapolation not permitted.
- b. Beams supporting a single span of joists with or without cantilever.
- c. Dead load = 10 psf, L/Δ = 360 at main span, L/Δ = 180 at cantilever. Snow load not assumed to be concurrent with live load.
- d. No. 2 grade, wet service factor included.
- e. Beam depth shall be equal to or greater than the depth intersecting joist for a flush beam connection.
- f. Beam cantilevers are limited to the adjacent beam's span divided by 4.
- g. Includes incising factor.
- h. Incising factor not included.
- i. Deck joist span as shown in Figure R507.5.

**R507.6 Deck joists.** Maximum allowable spans for wood deck joists, as shown in Figure R507.6, shall be in accordance with Table R507.6. The maximum joist spacing shall be limited by the decking materials in accordance with Table R507.7.

**TABLE R507.6  
MAXIMUM DECK JOIST SPANS**

LOAD <sup>a</sup> (psf)	JOIST SPECIES <sup>b</sup>	JOIST SIZE	ALLOWABLE JOIST SPAN <sup>c</sup> (feet-inches)			MAXIMUM CANTILEVER <sup>d</sup> (feet-inches) ADJACENT JOIST SPAN <sup>e</sup>							
			JOIST SPACING (inches)			JOIST BACK SPAN <sup>e</sup> (feet)							
			12	16	24	4	6	8	10	12	14	16	18
60 Ground Snow Load	Douglas Fir <sup>e</sup> , Hem-fir <sup>e</sup> , SPF <sup>e</sup>	2×6	8-4	7-6	6-2	1-0	1-6	1-4	NP	NP	NP	NP	NP
		2×8	10-11	9-11	8-3	1-0	1-6	2-0	2-2	NP	NP	NP	NP
		2×10	13-11	12-4	10-0	1-0	1-6	2-0	2-6	2-10	NP	NP	NP
		2×12	16-6	14-3	11-8	1-0	1-6	2-0	2-6	3-0	3-5	3-5	NP
	Redwood <sup>f</sup> , Western Cedars <sup>f</sup> , Ponderosa Pine <sup>f</sup> , Red Pine <sup>f</sup>	2×6	7-9	7-0	6-2	1-0	1-4	NP	NP	NP	NP	NP	NP
		2×8	10-2	9-3	7-11	1-0	1-6	2-0	1-11	NP	NP	NP	NP
		2×10	13-0	11-9	9-7	1-0	1-6	2-0	2-6	2-7	NP	NP	NP
		2×12	15-9	13-8	11-2	1-0	1-6	2-0	2-6	3-0	3-2	NP	NP
70 Ground Snow Load	Douglas Fir <sup>e</sup> , Hem-fir <sup>e</sup> , SPF <sup>e</sup>	2×6	7-11	7-1	5-9	1-0	1-6	NP	NP	NP	NP	NP	NP
		2×8	10-5	9-5	7-9	1-0	1-6	2-0	2-1	NP	NP	NP	NP
		2×10	13-3	11-6	9-5	1-0	1-6	2-0	2-6	2-8	NP	NP	NP
		2×12	15-5	13-4	10-11	1-0	1-6	2-0	2-6	3-0	3-3	NP	NP
	Redwood <sup>f</sup> , Western Cedars <sup>f</sup> , Ponderosa Pine <sup>f</sup> , Red Pine <sup>f</sup>	2×6	7-4	6-8	5-10	1-0	1-4	NP	NP	NP	NP	NP	NP
		2×8	9-8	8-10	7-4	1-0	1-6	1-11	NP	NP	NP	NP	NP
		2×10	12-4	11-0	9-0	1-0	1-6	2-0	2-6	2-6	NP	NP	NP
		2×12	14-9	12-9	10-5	1-0	1-6	2-0	2-6	3-0	3-0	NP	NP

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 pound per square foot = 0.0479 kPa, 1 pound = 0.454 kg, NP = Not permitted.

- a. Dead load = 10 psf dead load. Snow load not assumed to be concurrent with live load.
- b. No. 2 grade, wet service factor included.
- c. L/Δ = 360 at main span.

- d. L/Δ = 180 at cantilever with 220-pound point load applied to end.
- e. Includes incising factor.
- f. Incising factor not included.
- g. Interpolation permitted. Extrapolation not permitted.

LOAD <sup>a</sup> (psf)	JOIST SPECIES <sup>b</sup>	JOIST SIZE	ALLOWABLE JOIST SPAN <sup>b,c</sup> (feet-inches)			MAXIMUM CANTILEVER <sup>f,g</sup> (feet-inches)							
			Joist Spacing (inches)			Adjacent Joist Back Span <sup>e</sup> (feet)							
			12	16	24	4	6	8	10	12	14	16	18
60 Live Load or 70 Ground Snow Load	Douglas fir-larch <sup>e</sup> , Hem-fir <sup>e</sup> , Spruce-pine-fir <sup>e</sup>	2×6	7-11	7-1	5-9	1-0	1-6	NP	NP	NP	NP	NP	NP
		2×8	10-5	9-5	7-8	1-0	1-6	2-0	2-1	NP	NP	NP	NP
		2×10	13-3	11-6	9-5	1-0	1-6	2-0	2-6	2-8	NP	NP	NP
		2×12	15-5	13-4	10-11	1-0	1-6	2-0	2-6	3-0	3-3	NP	NP
	Redwood <sup>f</sup> , West- ern Cedars <sup>f</sup> , Pon- derosa Pine <sup>f</sup> , Red Pine <sup>f</sup>	2×6	7-4	6-8	5-10	1-0	1-4	NP	NP	NP	NP	NP	NP
		2×8	9-8	8-10	7-4	1-0	1-6	1-11	NP	NP	NP	NP	NP
		2×10	12-4	11-0	9-0	1-0	1-6	2-0	2-6	2-6	NP	NP	NP
		2×12	14-9	12-9	10-5	1-0	1-6	2-0	2-6	3-0	3-0	NP	NP

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 pound per square foot = 0.0479 kPa, 1 pound = 0.454 kg, NP = Not permitted.

- a. Dead load = 10 psf dead load. Snow load not assumed to be concurrent with live load.
- b. No. 2 grade, wet service factor included.
- c. L/Δ = 360 at main span.
- d. L/Δ = 180 at cantilever with 220-pound point load applied to end.
- e. Includes incising factor.
- f. Incising factor not included.

- g. Interpolation permitted. Extrapolation not permitted.

**R507.9.1.2 Band joist details.** Band joists supporting a ledger shall be a minimum 2-inch-nominal (51 mm), solid-sawn spruce-pine-fir or better lumber or minimum 1-inch (25 mm) nominal engineered wood rim boards in accordance with Section R502.1.7. Band joists shall bear fully on the primary structure capable of supporting all required loads.

**TABLE R507.9.1.3(1)**  
**DECK LEDGER CONNECTION TO BAND JOIST**

LOAD <sup>e</sup> (psf)	JOIST SPAN <sup>a</sup> (feet)	ON-CENTER SPACING OF FASTENERS <sup>b</sup> (inches)		
		1/2-inch diameter lag screw with 1/2-inch maximum sheathing <sup>d,e</sup>	1/2-inch diameter bolt with 1/2-inch maximum sheathing <sup>e</sup>	1/2-inch diameter bolt with 1-inch maximum sheathing <sup>f</sup>
60 Live Load or 70 Ground Snow Load	6	22	36	35
	8	16	31	26
	10	13	25	21
	12	11	20	17
	14	9	17	15
	16	8	15	13
	18	7	13	11

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 pound per square foot = 0.0479 kPa.

- a. Interpolation permitted. Extrapolation is not permitted.
- b. Ledgers shall be flashed in accordance with Section R703.4 to prevent water from contacting the house band joist.
- c. Dead load = 10 psf. Snow load shall not be assumed to act concurrently with live load.
- d. The tip of the lag screw shall fully extend beyond the inside face of the band joist.
- e. Sheathing shall be wood structural panel or solid sawn lumber.
- f. Sheathing shall be permitted to be wood structural panel, gypsum board, fiberboard, lumber or foam sheathing. Up to 1/2-inch thickness of stacked washers shall be permitted to substitute for up to 1/2 inch of allowable sheathing thickness where combined with wood structural panel or lumber sheathing.

**R507.9.2 Deck lateral load connections.** Lateral loads shall be transferred to the ground or to a structure capable of transmitting them to the ground. Where the lateral load connection is provided in accordance with Figure R507.9.2(1), hold-down tension devices shall be installed in not less than two locations per deck, within 24 inches of each end of the deck. Each device shall have an allowable stress design capacity of not less than 1500 pounds (6672 N). Where the lateral load connections are provided in accordance with Figure ((R507.2-3)) R507.9.2(2), the hold-down tension devices shall be installed in not less than four locations per deck, and each device shall have an allowable stress design capacity of not less than 750 pounds (3336 N).

EXCEPTION: Decks not more than 30 inches above grade at any point may be unattached.

**TABLE ((R507.2-1)) R507.9.1**  
**PLACEMENT OF LAG SCREWS AND BOLTS IN DECK LEDGERS AND BAND JOISTS**

MINIMUM END AND EDGE DISTANCES AND SPACING BETWEEN ROWS				
	TOP EDGE	BOTTOM EDGE	ENDS	ROW SPACING
Ledger <sup>a</sup>	2 inches <sup>d</sup>	3/4 inch	2 inches <sup>b</sup>	1 5/8 inches <sup>b</sup>
Band joist <sup>c</sup>	3/4 inch	2 inches <sup>c</sup>	2 inches <sup>b</sup>	1 5/8 inches <sup>b</sup>

For SI: 1 inch = 25.4 mm.

- a. Lag screws or bolts shall be staggered from the top to the bottom along the horizontal run of the deck ledger in accordance with Figure R507.2.1(1).

- b. Maximum 5 inches.
- c. For engineered rim joists, the manufacturer's recommendations shall govern.
- d. The minimum distance from bottom row of lag screws to the top edge of the ledger shall be in accordance with Figure R507.2.1(1).
- e. The 2 inches may be reduced to 3/4 inch when the band joist is directly supported by a mudsill, a header or by double top wall plates.

**TABLE R507.9.3(1)**  
**DECK LEDGER CONNECTION TO BAND JOIST**

LOAD <sup>e</sup> (psf)	JOIST SPAN <sup>a</sup> (feet)	1/2-inch diameter leg screw with 1/2-inch maximum sheathing <sup>d,e</sup>	1/2-inch diameter bolt with 1/2-inch maximum sheathing <sup>e</sup>	1/2-inch diameter bolt with 1-inch maximum sheathing <sup>f</sup>
		ON-CENTER SPACING OF FASTENERS <sup>b</sup> (inches)		
60 Ground Snow Load	6	25	36	36
	8	18	35	30
	10	15	28	24
	12	12	23	20
	14	10	20	17
	16	9	17	15
	18	8	15	13
70 Ground Snow Load	6	22	36	35
	8	16	31	26
	10	13	25	21
	12	11	20	17
	14	9	17	15
	16	8	15	13
	18	7	13	11

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 pound per square foot = 0.0479 kPa.

- a. Interpolation permitted. Extrapolation not permitted.
- b. Ledgers shall be flashed in accordance with Section R703.4 to prevent water from contacting the house band joist.
- c. Dead Load = 10 psf. Snow load shall not be assumed to act concurrently with live load.
- d. The tip of the lag screw shall fully extend beyond the inside face of the band joist.
- e. Sheathing shall be wood structural panel or solid sawn lumber.

- f. Sheathing shall be permitted to be wood structural panel, gypsum board, fiberboard, lumber or foam sheathing. Up to 1/2 inch thickness of stacked washers shall be permitted to substitute for up to 1/2 inch of allowable sheathing thickness where combined with wood structural panel or lumber sheathing.

**AMENDATORY SECTION** (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-0602 Section R602—Wood wall framing.**

~~((R602.7.5 Supports for headers. This section is not adopted.))~~ **R602.1.1 Sawn lumber.** Sawn lumber shall be identified by a grade mark of an accredited lumber grading or inspection agency and have design values certified by an accreditation body that complies with DOC PS 20. In lieu of a grade mark, a certification of inspection issued by a lumber grading or inspection agency meeting the requirements of this section shall be accepted.

**R602.1.1.1 Used sawn lumber.** Used sawn lumber identified with a grade mark, in good condition and devoid of areas of decay shall be assumed to meet the requirements of Section 602.1.1 or shall comply with the following:

1. Dimensional lumber not identified with a grade mark that has a nominal thickness of 2 inches with a nominal width of 6 inches, or less, shall be assumed to be spruce-pine-fir stud grade and shall have structural properties assigned in accordance with current adopted standards. All other dimensional lumber shall be assumed to be hem-fir No. 2 grade and shall have structural properties assigned in accordance with current adopted standards.

**R602.9 ((Foundation)) Cripple walls.** Foundation cripple walls shall be framed of studs not smaller than the studding above. When exceeding 4 feet (1219 mm) in height, such walls shall be framed of studs having the size required for an additional story.

Cripple walls supporting bearing walls or exterior walls or interior braced wall panels as required in Sections R403.1.2 and R602.10.9.1 with a stud height less than 14 inches (356 mm) shall be continuously sheathed on one side with wood structural panels fastened to both the top and bottom plates in accordance with Table R602.3(1), or the cripple walls shall be constructed of solid blocking. All cripple walls shall be supported on continuous footings or foundations.

**EXCEPTION:** Footings supporting cripple walls used to support interior braced wall panels as required in Sections R403.1.2 and R602.10.9.1 shall be continuous for the required length of the cripple wall and constructed beyond the cripple wall for a minimum distance of 4 inches and a maximum distance of the footing thickness. The footings extension is not required at intersections with other footings.

~~((R602.10.11))~~ **R602.10.10 Cripple wall bracing.** Cripple walls shall be constructed in accordance with Section R602.9 and braced in accordance with this section. Cripple walls supporting bearing walls or exterior walls or interior braced wall panels as required in Section R403.1.2 shall be braced with the length and method of bracing used for the wall above in accordance with Tables R602.10.3(1) and R602.10.3(3), and

the applicable adjustment factors in Table R602.10.3(2) or R602.10.3(4), respectively, except the length of the cripple wall bracing shall be multiplied by a factor of 1.15.

Where gypsum wall board is not used on the inside of the cripple wall bracing, the length adjustments for the elimination of the gypsum wallboard, or equivalent, shall be applied as directed in Tables R602.10.3(2) and R602.10.3(4) to the length of cripple wall bracing required. This adjustment shall be taken in addition to the 1.15 increase.

**NEW SECTION**

**WAC 51-51-0608 Section 608—Exterior concrete wall construction.**

**R608.1 General.** Exterior concrete walls shall be designed and constructed in accordance with the provisions of this section or in accordance with the provisions of PCA 100, ACI 318, or ACI 332. Where PCA 100, ACI 318, or ACI 332, or the provisions of this section are used to design concrete walls, project drawings, typical details and specifications are not required to bear the seal of the architect or engineer responsible for design, unless otherwise required by the state law of the jurisdiction having authority.

**R608.5.1 Concrete and materials for concrete.** Materials used in concrete, and the concrete itself, shall conform to requirements of this section, PCA 100, ACI 318, or ACI 332.

**AMENDATORY SECTION** (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-0703 Section R703—Exterior covering.**

**R703.1 General.** Exterior walls shall provide the building with a weather-resistant exterior wall envelope. The exterior wall envelope shall include flashing as described in Section R703.4.

**EXCEPTION:** Log walls designed and constructed in accordance with the provisions of ICC 400.

**R703.1.1 Water resistance.** The exterior wall envelope shall be designed and constructed in a manner that prevents the accumulation of water within the wall assembly by providing a water-resistant barrier behind the exterior veneer as required by Section R703.2 and a means of draining water that enters the assembly to the exterior. Protection against condensation in the exterior wall assembly shall be provided in accordance with Section R702.7 of this code.

**EXCEPTIONS:**

1. A weather-resistant exterior wall envelope shall not be required over concrete or masonry walls designed in accordance with Chapter 6 and flashed according to Section R703.4 or R703.8.
2. Compliance with the requirements for a means of drainage, and the requirements of Sections R703.2 and R703.4, shall not be required for an exterior wall envelope that has been demonstrated to resist wind-driven rain through testing of the exterior wall envelope, including joints, penetrations and intersections with dissimilar materials, in accordance with ASTM E 331 under the following conditions:

2.1. Exterior wall envelope test assemblies shall include at least one opening, one control joint, one wall/eave interface and one wall sill. All tested openings and penetrations shall be representative of the intended end-use configuration.

2.2. Exterior wall envelope test assemblies shall be at least 4 feet (1219 mm) by 8 feet (2438 mm) in size.

2.3. Exterior wall assemblies shall be tested at a minimum differential pressure of 6.24 pounds per square foot (299Pa).

2.4. Exterior wall envelope assemblies shall be subjected to a minimum test exposure duration of 2 hours.

The exterior wall envelope design shall be considered to resist wind-driven rain where the results of testing indicate that water did not penetrate control joints in the exterior wall envelope; joints at the perimeter of opening penetration; or intersections of terminations with dissimilar materials.

3. The requirement for a means of drainage shall not be construed to mean an air space cavity under the exterior cladding for an exterior wall clad with panel or lapped siding made of plywood, engineered wood, hardboard, or fiber cement. A water-resistive barrier as required by Section R703.2 will be required on exterior walls.

**R703.2 Water-resistive barrier. Not fewer than one layer of water-resistive barrier shall be applied over studs or sheathing with flashing as indicated in Section R703.4, in such a manner as to provide a continuous water resistive barrier behind the exterior wall veneer. Water-resistive barrier materials shall comply with one of the following:**

1. No. 15 felt complying with ASTM D226, Type 1.

2. ASTM E2556, Type 1 or 2.

3. ASTM E331 in accordance with Section R703.1.1; or

4. Other approved materials in accordance with the manufacturer's installation instructions.

**R703.4 Flashing.** Approved corrosion-resistant flashing shall be applied shingle-fashion in a manner to prevent entry of water into the wall cavity or penetration of water to the building structure framing components. Self-adhered membranes used as flashing shall comply with AAMA 711. Fluid-applied membranes used as flashing in exterior walls shall comply with AAMA 714. The flashing shall extend to the surface of the exterior wall finish. Approved corrosion-resistant flashing shall be installed at all of the following locations:

1. Exterior window and door openings. Flashing at exterior window and door openings shall extend to the surface of the exterior wall finish or to the water resistive barrier complying with Section 703.2 for subsequent drainage. Mechanically attached flexible flashings shall comply with AAMA 712.

2. At the intersection of chimneys or other masonry construction with frame or stucco walls, with projecting lips on both sides under stucco copings.

3. Under and at the ends of masonry, wood or metal copings and sills.

4. Continuously above all projecting wood trim.

5. Where exterior porches, decks or stairs attach to a wall or floor assembly of wood-frame construction.

6. At wall and roof intersections.

7. At built-in gutters.

**R703.10.2 Lap siding.** Fiber-cement lap siding having a maximum width of 12 inches (305 mm) shall comply with the requirements of ASTM C 1186, Type A, minimum Grade II or ISO 8336, Category A, minimum Class 2. Lap siding shall be lapped a minimum of 1 1/4 inches (32 mm) and lap siding shall be installed in accordance with the manufacturer's installation instructions or shall be designed to comply with Section R703.1. Lap siding courses shall be installed with the fastener heads exposed or concealed, in accordance with Table R703.3(1) or approved manufacturer's instructions.

**AMENDATORY SECTION** (Amending WSR 13-04-068, filed 2/1/13, effective 7/1/13)

**WAC 51-51-1006 Section R1006—Exterior air supply.**

**~~(R1006.2)~~ R1006.4 Passageway. This section is not adopted.**

**R1006.6 Solid fuel burning appliances and fireplaces.** Solid fuel burning appliances and fireplaces shall be provided with tight fitting metal or ceramic glass doors, and:

1. A source from outside the structure of primary combustion air, connected to the appliance as per manufacturer's specification. The air inlet shall originate at a point below the fire box. The duct shall be 4 inches or greater in diameter, not exceed 20 feet in length, and be installed as per manufacturer's instructions; or

2. The appliance and manufacturer's recommended combustion air supply, as an installed unit, shall be certified by an independent testing laboratory to have passed Test No. 11-Negative Pressure Test, Section 12.3, of ULC S627-M1984 "Space Heaters for Use with Solid Fuels," modified as follows:

Negative pressure of 8 Pascal shall be initially established with the chamber sealed and the air supply, if not directly connected to the appliance, closed off.

The air supply if not directly connected to the appliance, shall then be opened.

The maximum allowable air exchange rate from chamber leakage and intentional air supply for the unit (appliance with combustion air supply) in the test chamber is 3.5 air changes per hour, or 28 cfm (cubic feet of air per minute), whichever is less.

**EXCEPTION:** Combustion air may be supplied to the room in which the solid fuel burning appliance is located in lieu of direct ducting, provided that one of the following conditions is met:

1. The solid fuel burning appliance is part of a central heating plant and installed in an unconditioned space in conformance with the International Mechanical Code; or

2. The solid fuel burning appliance is installed in existing construction directly on a concrete floor or surrounded by masonry materials as in a fireplace. The combustion air terminus shall be located as close to the solid fuel burning appliance as possible and shall be provided with a barometric damper or equivalent. The combustion air source shall be specified by the manufacturer or no less than 4 inches in diameter or the equivalent in area or as approved.

**~~(R1006.4 Passageway. This section is not adopted.)~~**

NEW SECTION

**WAC 51-51-1504 Section 1504—Exhaust ducts and exhaust openings.**

**M1504.3 Exhaust openings.** Air exhaust openings shall terminate as follows:

1. Not less than 3 feet (914 mm) from property lines.
2. Not less than 3 feet (914 mm) from gravity air intake openings, operable windows and doors.
3. Not less than 10 feet (3048 mm) from mechanical air intake openings except where either of the following apply:
  - 3.1. The exhaust opening is located not less than 3 feet (914 mm) above the air intake opening.
  - 3.2. The exhaust opening is part of a factory-built intake/exhaust combination termination fitting installed in accordance with the manufacturer's instructions, and the exhaust air is drawn from a living space.
4. Openings shall comply with Sections R303.5.2 and R303.6.

AMENDATORY SECTION (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-1507 Section M1507—Mechanical ventilation.**

**M1507.1 General.** Local exhaust and whole-house mechanical ventilation systems and equipment shall be designed in accordance with this section.

**M1507.2 Recirculation of air.** Exhaust air from bathrooms and toilet rooms shall not be recirculated within a residence or to another dwelling unit and shall be exhausted directly to the outdoors. Exhaust air from bathrooms and toilet rooms shall not discharge into an attic, crawl space or other areas of the building.

**M1507.3 Whole-house mechanical ventilation system.** Whole-house mechanical ventilation systems shall be designed in accordance with Sections M1507.3.1 through M1507.3.3.

**M1507.3.1 System design.** Each dwelling unit or guestroom shall be equipped with a ventilation system complying with Section M1507.3.4, M1507.3.5, M1507.3.6 or M1507.3.7. Compliance is also permitted to be demonstrated through compliance with the International Mechanical Code or ASHRAE Standard 62.2.

**M1507.3.2 Control and operation.**

1. Location of controls. Controls for all ventilation systems shall be readily accessible by the occupant.

2. Instructions. Operating instructions for whole-house ventilation systems shall be provided to the occupant by the installer of the system.

3. Local exhaust systems. Local exhaust systems shall be controlled by manual switches, dehumidistats, timers, or other approved means.

4. Continuous whole-house ventilation systems. Continuous whole-house ventilation systems shall operate continuously and be equipped with an override control. A "fan on" switch shall be permitted as an override control. Controls shall be capable of operating the ventilation system without energizing other energy-consuming appliances. A clearly visible label shall be affixed to the controls that reads "Whole House Ventilation (see operating instructions)."

5. Intermittent whole-house ventilation systems. Intermittent whole-house ventilation systems shall comply with the following:

- 5.1. They shall be capable of operating intermittently and continuously.

- 5.2. They shall have controls capable of operating the exhaust fans, forced-air system fans, or supply fans without energizing other energy-consuming appliances.

- 5.3. The ventilation rate shall be adjusted according to the exception in Section 403.8.5.1.

- 5.4. The system shall be designed so that it can operate automatically based on the type of control timer installed.

- 5.5. The intermittent mechanical ventilation system shall operate at least one hour out of every four.

- 5.6. The system shall have a manual control and automatic control, such as a 24-hour clock timer.

- 5.7. At the time of final inspection, the automatic control shall be set to operate the whole-house fan according to the schedule used to calculate the whole-house fan sizing.

- 5.8. A label shall be affixed to the control that reads "Whole House Ventilation (see operating instructions)."

**M1507.3.2.1 Operating instructions.** Installers shall provide the manufacturer's installation, operating instructions, and a whole-house ventilation system operation description.

**M1507.3.3 Mechanical ventilation rate.** The whole-house mechanical ventilation system shall provide outdoor air to each dwelling unit at a continuous rate of not less than that determined in accordance with Table M1507.3.3(1).

**EXCEPTION:** The whole-house mechanical ventilation system is permitted to operate intermittently where the system has controls that enable operation for not less than 25 percent of each 4-hour segment and the ventilation rate prescribed in Table M1507.3.3(1) is multiplied by the factor determined in accordance with Table M1507.3.3(2).

**Table M1507.3.3(1)  
Continuous Whole-House Mechanical Ventilation System Airflow Rate Requirements**

Dwelling Unit Floor Area (square feet)	NUMBER OF BEDROOMS				
	0 - 1	2 - 3	4 - 5	6 - 7	> 7
	<b>Airflow in CFM</b>				
< 1,500	30	45	60	75	90

	NUMBER OF BEDROOMS				
1,501 - 3,000	45	60	75	90	105
3,001 - 4,500	60	75	90	105	120
4,501 - 6,000	75	90	105	120	135
6,001 - 7,500	90	105	120	135	150
> 7,501	105	120	135	150	165

For SI: 1 square foot = 0.0929 m<sup>2</sup>, 1 cubic foot per minute = 0.0004719 m<sup>3</sup>/S.

**Table M1507.3.3(2)**  
**Intermittent Whole-House Mechanical Ventilation Rate Factors<sup>a, b</sup>**

Run-Time Percentage in Each 4-Hour Segment	25%	33%	50%	66%	75%	100%
Factor <sup>a</sup>	4	3	2	1.5	1.3	1.0

<sup>a</sup> For ventilation system run time values between those given, the factors are permitted to be determined by interpolation.

<sup>b</sup> Extrapolation beyond the table is prohibited.

**M1507.3.4 Whole-house ventilation using exhaust fans.** This section establishes minimum prescriptive requirements for whole-house ventilation systems using exhaust fans. A system which meets all the requirements of this section shall be deemed to satisfy the requirements for a whole-house ventilation system.

**M1507.3.4.1 Whole-house ventilation fans.** Exhaust fans providing whole-house ventilation shall have a flow rating at 0.25 inches water gauge as specified in Table M1507.3.3(1). Manufacturers' fan flow ratings shall be determined according to HVI 916 or AMCA 210.

**M1507.3.4.2 Fan noise.** Whole-house fans located 4 feet or less from the interior grille shall have a sone rating of 1.0 or less measured at 0.1 inches water gauge. Manufacturer's noise ratings shall be determined as per HVI 915 (March 2009). Remotely mounted fans shall be acoustically isolated from the structural elements of the building and from attached duct work using insulated flexible duct or other approved material.

**M1507.3.4.3 Fan controls.** The whole-house ventilation fan shall meet the requirements of Section M1507.3.2 and M1507.3.2.1.

**M1507.3.4.4 Ventilation openings.** Each habitable space shall be provided with outdoor air inlets or operable windows with an openable area not less than 4 square inches of net free area of opening for each 10 cfm of outdoor air required by Table M1507.3.3(1). Where outdoor air supplies are separated from exhaust points by doors, provisions shall be made to ensure air flow by installation of distribution ducts, undercutting doors, installation of grilles, transoms, or similar means. Doors shall be undercut to a minimum of 1/2 inch above the surface of the finish floor covering.

Individual room outdoor air inlets shall:

1. Have controllable and secure openings;
2. Be sleeved or otherwise designed so as not to compromise the thermal properties of the wall or window in which they are placed;

3. Any inlet or combination of inlets which provide 10 cfm at 10 Pascals are deemed equivalent to 4 square inches net free area.

Ventilation opening shall be screened or otherwise protected from entry by leaves or other material. Openings shall be controllable, securable and shall be designed to not compromise the thermal properties of the building envelope. Ventilation openings shall be located so as not to take air from the following areas:

1. Closer than 10 feet from an appliance vent outlet, unless such vent outlet is 3 feet above the outdoor air inlet.
2. Where it will pick up objectionable odors, fumes or flammable vapors.
3. A hazardous or unsanitary location.
4. A room or space having any fuel-burning appliances therein.
5. Closer than 10 feet from a vent opening of a plumbing drainage system unless the vent opening is at least 3 feet above the air inlet.
6. Attic, crawl spaces, or garages.
7. Asphalt roofs unless it is shown that no other location is permissible. In such cases the inlet opening shall be located a minimum of 2 feet from the nearest surface of the asphalt roofing, measured from the intake opening.

**M1507.3.5 Whole-house ventilation integrated with a forced-air system.** This section establishes minimum prescriptive requirements for whole-house ventilation systems integrated with forced-air ventilation systems. A system which meets all the requirements of this section shall be deemed to satisfy the requirements for a whole-house ventilation system.

**M1507.3.5.1 Integrated whole-house ventilation systems.** Integrated whole-house ventilation systems shall provide outdoor air at the rate calculated using Section M1507.3.3. Integrated forced-air ventilation systems shall distribute outdoor air to each habitable space through the forced-air system ducts. Integrated forced-air ventilation systems shall have an outdoor air inlet duct connecting a terminal element on the outside of the building to the return air plenum of the forced-

air system, at a point within 4 feet upstream of the air handler. The outdoor air inlet duct connection to the return air stream shall be located upstream of the forced-air system blower and shall not be connected directly into a furnace cabinet to prevent thermal shock to the heat exchanger. The system will be equipped with a motorized damper connected to the automatic ventilation control as specified in Section M1507.3.2. The required flow rate shall be verified by field testing with a flow hood or a flow measuring station.

**M1507.3.5.2 Ventilation duct insulation.** All supply ducts in the conditioned space shall be insulated to a minimum of R-4.

**M1507.3.5.3 Outdoor air inlets.** Inlets shall be screened or otherwise protected from entry by leaves or other material. Outdoor air inlets shall be located so as not to take air from the following areas:

1. Closer than 10 feet from an appliance vent outlet, unless such vent outlet is 3 feet above the outdoor air inlet.
2. Where it will pick up objectionable odors, fumes or flammable vapors.
3. A hazardous or unsanitary location.
4. A room or space having any fuel-burning appliances therein.
5. Closer than 10 feet from a vent opening of a plumbing drainage system unless the vent opening is at least 3 feet above the air inlet.
6. Attic, crawl spaces, or garages.

**M1507.3.6 Whole-house ventilation using a supply fan.** This section establishes minimum prescriptive requirements for whole-house ventilation systems using an inline supply fan. A system which meets all the requirements of this section shall be deemed to satisfy the requirements for a whole-house ventilation system.

**M1507.3.6.1 Outdoor air.** Supply fan ventilation systems shall distribute outdoor air to each habitable space through the forced-air system ducts or through dedicated ducts to each habitable space. Supply fans shall have the capacity to provide the amount of outdoor air specified in Table M1507.3.3(1) at 0.40 inches water gauge as per HVI 916. The outdoor air must be filtered before it is delivered to habitable spaces. The filter may be located at the intake device, in line with the fan, or, in the case of a connection to the return plenum of the air handler, using the furnace filter. An outdoor air inlet shall be connected to either the supply or return air stream.

**M1507.3.6.2 Ducts.** An outdoor air inlet duct connection to the supply air stream shall be located downstream of the forced-air system blower. An outdoor air inlet duct connection to the return air stream shall be located at least 4 feet upstream of the forced-air system blower and its filter. Neither type of duct shall be connected directly into a furnace cabinet to prevent thermal shock to the heat exchanger. The outdoor air inlet duct shall be prescriptively sized in accordance with Table M1507.3.6.2. The terminal element on the outside of the building shall be sized 2 inches in diameter larger than the outdoor air inlet duct.

**Table M1507.3.6.2  
Prescriptive Supply Fan Duct Sizing**

Supply Fan Tested cfm at 0.40" wg		
Specified Volume from Table 1507.3.3(1)	Minimum Smooth Duct Diameter	Minimum Flexible Duct Diameter
50 - 90 cfm	4 inch	5 inch
90 - 150 cfm	5 inch	6 inch
150 - 250 cfm	6 inch	7 inch
250 - 400 cfm	7 inch	8 inch

**M1507.3.6.3 Dampers.** The system shall be equipped with a back-draft damper and one of the following:

1. A calibrated manual volume damper installed and set to meet the measured flow rates specified in Table M1507.3.3(1) by field testing with a pressure gauge and/or following manufacturer's installation instructions; or
2. A manual volume damper installed and set to meet the measured flow rates specified in Table M1507.3.3(1) by field testing with a flow hood or a flow measuring station; or
3. An automatic flow-regulating device sized to the specified flow rates in Table M1507.3.3(1) which provides constant flow over a pressure range of 0.20 to 0.60 inches water gauge.

**M1507.3.6.4 Ventilation duct insulation.** All supply ducts in the conditioned space shall be insulated to a minimum of R-4.

**M1507.3.6.5 Outdoor air inlets.** Inlets shall be screened or otherwise protected from entry by leaves or other material. Outdoor air inlets shall be located so as not to take air from the following areas:

1. Closer than 10 feet from an appliance vent outlet, unless such vent outlet is 3 feet above the outdoor air inlet.
2. Where it will pick up objectionable odors, fumes or flammable vapors.
3. A hazardous or unsanitary location.
4. A room or space having any fuel-burning appliances therein.
5. Closer than 10 feet from a vent opening of a plumbing drainage system unless the vent opening is at least 3 feet above the air inlet.
6. Attic, crawl spaces, or garages.

**M1507.3.7 Whole-house ventilation using a heat recovery ventilation system.** This section establishes minimum prescriptive requirements for whole-house ventilation using a heat recovery ventilation system.

**M1507.3.7.1 Heat recovery ventilation systems.** All duct work in heat recovery systems shall be sized and installed per the manufacturer's instructions. System minimum flow rating shall be not less than that specified in Table M1507.3.3(1). Heat recovery ventilation systems shall have a filter on the upstream side of the heat exchanger in both the intake and exhaust airstreams with a minimum efficiency rating value (MERV) of 6.



**M1507.3.7.2 Ventilation duct insulation.** All supply ducts in the conditioned space installed upstream of the heat exchanger shall be insulated to a minimum of R-4.

**M1507.3.7.3 Outdoor air inlets.** Inlets shall be screened or otherwise protected from entry by leaves or other material. Outdoor air inlets shall be located so as not to take air from the following areas:

1. Closer than 10 feet from an appliance vent outlet, unless such vent outlet is 3 feet above the outdoor air inlet.
2. Where it will pick up objectionable odors, fumes or flammable vapors.
3. A hazardous or unsanitary location.
4. A room or space having any fuel-burning appliances therein.
5. Closer than 10 feet from a vent opening of a plumbing drainage system unless the vent opening is at least 3 feet above the air inlet.
6. Attic, crawl spaces, or garages.

**M1507.4 Local exhaust.** Local exhaust shall be provided in each kitchen, bathroom, water closet, laundry room, indoor swimming pool, spa, and other rooms where water vapor or cooking odor is produced. *Local exhaust systems* shall be designed to have the capacity to exhaust the minimum air flow rate determined in accordance with Table M1507.4.

**Table M1507.4**

**Minimum Required Local Exhaust Rates  
For One- and Two-Family Dwellings**

Area to Be Exhausted	Exhaust Rates
Kitchens	100 cfm intermittent or 25 cfm continuous
Bathrooms - Toilet rooms Laundry rooms, indoor swimming pools, and spas	Mechanical exhaust capacity of 50 cfm intermittent or 20 cfm continuous

For SI: 1 cubic foot per minute = 0.0004719 m<sup>3</sup>/s.

**M1507.4.1 Local exhaust fans.** Exhaust fans providing local exhaust shall have a minimum fan flow rating not less than 50 cfm at 0.25 inches water gauge for bathrooms, laundries, or similar rooms and 100 cfm at 0.25 inches water gauge for kitchens. Manufacturers' fan flow ratings shall be determined as per HVI 916 (April 1995) or AMCA 210.

**EXCEPTION:** Where a range hood or down draft exhaust fan is used to satisfy the local exhaust requirements for kitchens, the range hood or down draft exhaust shall not be less than 100 cfm at 0.10 inches water gauge.

**M1507.4.2 Local exhaust controls.** Local exhaust systems shall be controlled by manual switches, dehumidistats, timers, or other approved means. Local exhaust system controls shall be readily accessible.

AMENDATORY SECTION (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-4400 ((Reserved)) Referenced standards.**

**ANCE**

**NMX-J-521/2-40-ANCE—2019/CAN/CSA-22.2 No. 60335-2-40—19/UL 60335-2-40-2019 Household and Similar Electrical Appliances Safety-Part 2-40-Safety: Particular Requirements for Electric Heat Pumps, Air-Conditioners and Dehumidifiers.**

M1403.1, M1412.1, M1413.1

**ANSI**

**LC 1/CSA 6.26—18: Fuel Gas Piping Systems Using Corrugated Stainless Steel Tubing (CSST)**

G2414.5.4, G2411.3, G2415.5  
403.5.5

**ASHRAE**

**34—2019: Designation and Safety Classification of Refrigerants**

**ASTM**

**E2556/E2556M-10: Standard Specification for Vapor Permeable Flexible Sheet Water-Resistive Barriers Intended for Mechanical Attachment.**

M1411.1

**CSA**

**CAN/CSA/C22.2 No. 60335-2-40—2012 60335-2-40—2019**

**NMX-J-521/2-40-ANCE—2019/CAN/CSA-22.2 No. 60335-2-40—19/UL 60335-2-40-2019 Household and Similar Electric Appliances, Part 2-40-Safety: Particular Requirements for Electric Heat Pumps, Air-Conditioners and Dehumidifiers.**

M2006.1

**UL**

**UL/CSA/ANCE 60335-2-40—2019 Household and Similar Electrical Appliances Safety- Part 2-40: Particular Requirements for Electrical Heat Pumps, Air Conditioners and Dehumidifiers.**

M1403.1, M1412.1, M1413.1

AMENDATORY SECTION (Amending WSR 07-01-090, filed 12/19/06, effective 7/1/07)

**WAC 51-51-60103 Section AF103—Requirements.**

**AF103.1 General.** The following construction techniques are intended to resist radon entry and prepare the building for post-construction radon mitigation, if necessary (see Figure ((AF102)) AF103). These techniques are required in high radon potential counties designated in Table AF101(1).

NEW SECTION**WAC 51-51-60104 Appendix Q—Tiny houses.****AQ102 Definitions.**

**EGRESS ROOF ACCESS WINDOW.** See Chapter 2.

**LANDING PLATFORM.** See Chapter 2.

**LOFT.** This definition is not adopted.

**SLEEPING LOFT.** See Chapter 2.

**TINY HOUSE.** A *dwelling unit* that is 400 square feet (37 m<sup>2</sup>) or less in floor area excluding *sleeping lofts*.

**AQ103.1 Minimum ceiling height.** Habitable space in tiny houses shall have a ceiling height of not less than 6 feet 8 inches (2032 mm). Bathrooms, toilet rooms and kitchens shall have a ceiling height of not less than 6 feet 4 inches (1930 mm). Obstructions including, but not limited to, beams, girders, ducts and lighting, shall not extend below these minimum ceiling heights.

**EXCEPTION:** Ceiling heights in *sleeping lofts* shall be in accordance with Section R326.

**AQ103 Ceiling height.** This section is not adopted.

**AQ104 Energy conservation.**

**AQ104.1 Air leakage testing.** The air leakage rate for tiny houses shall not exceed 0.30 cfm at 50 Pascals of pressure per foot of the dwelling unit enclosure area. Testing shall be conducted in accordance with RESNET/ICC 380, ASTM E 779 or ASTM E 1827 and reported at a pressure of 0.2 inch w.g. (50 Pascals). Where required by the code official, testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the code official. Testing shall be performed after the continuous air barrier, including all penetrations, is completed and sealed.

During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed, beyond the intended weather stripping or other infiltration control measures.
2. Dampers including exhaust, intake, makeup air, back-draft and flue dampers shall be closed, but not sealed beyond intended infiltration control measures.
3. Interior doors, if installed at the time of the test, shall be open.
4. Exterior louvers for continuous ventilation systems and heat recovery ventilators shall be closed and sealed.
5. Heating and cooling systems, if installed at the time of the test, shall be turned off.
6. Supply and return registers, if installed at the time of the test, shall be fully open.

**AQ104 Lofts.** This section is not adopted.

**AQ104.1.1 Whole house mechanical ventilation.** Where an air leakage rate not exceeding 0.30 cfm per ft of the dwelling unit enclosure area in accordance with Section AQ106.1 is provided, the tiny house shall be provided with whole house mechanical ventilation in accordance with Section M1505.4.

**AQ105 Emergency escape and rescue openings.** This section is not adopted.

AMENDATORY SECTION (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-60105 Appendix ((Q)) U—Dwelling unit fire sprinkler systems.** The design and installation of residential fire sprinkler systems shall be in accordance with the ((2015)) 2018 International Residential Code Section P2904 Dwelling Unit Fire Sprinkler Systems.

AMENDATORY SECTION (Amending WSR 16-03-025, filed 1/11/16, effective 7/1/16)

**WAC 51-51-60107 Appendix V—Fire sprinklers.** The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

**AV107.1 Fire sprinklers.** An approved automatic fire sprinkler system shall be installed in new one-family and two-family dwellings and townhouses in accordance with Appendix ((Q)) U.

**WSR 20-03-024****PERMANENT RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed January 6, 2020, 3:53 p.m., effective April 1, 2020]

Effective Date of Rule: April 1, 2020.

Purpose: The department of social and health services, division of child support (DCS) is amending the following sections in chapter 388-14A WAC to streamline procedures regarding the use of a form called the notice to payee: WAC 388-14A-3304 The division of child support may serve a notice of support debt and demand for payment when it is enforcing a support order issued in Washington state, a foreign court order or a foreign administrative order for support, 388-14A-3310 What notice does the division of child support serve to establish a fixed dollar amount under an existing child support order?, and 388-14A-3315 When DCS serves a notice of support debt or a notice of support owed, we notify the other party to the child support order.

DCS uses the notice to payee to do the following: (1) Provide notice to a custodial parent when DCS serves a notice of support debt or notice of support owed to establish the amount of back support debt or proportionate share of expenses owed by a noncustodial parent; or (2) provide notice to a noncustodial parent when DCS serves a notice of support owed to establish the amount of back support debt or proportionate share of expenses owed by a custodial parent. The change will allow DCS to send the notice to payee at the same time DCS starts the process to serve the notice of support debt or notice of support owed, instead of waiting until after service.

Citation of Rules Affected by this Order: Amending WAC 388-14A-3304, 388-14A-3310, and 388-14A-3315.

Statutory Authority for Adoption: RCW 26.09.105, 26.18.170, 26.23.110, 34.05.220, 74.04.055, 74.08.090, 74.20.040, 74.20A.310.

Adopted under notice filed as WSR 19-15-036 on July 11, 2019.

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 0, Repealed 0.

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 3, 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 3, Repealed 0.

Date Adopted: January 6, 2020.

Katherine I. Vasquez  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 11-22-116, filed 11/2/11, effective 12/3/11)

**WAC 388-14A-3304 The division of child support may serve a notice of support debt and demand for payment when it is enforcing a support order issued in Washington state, a foreign court order or a foreign administrative order for support.** (1) The division of child support (DCS) may serve a notice of support debt and demand for payment on a noncustodial parent (NCP) under RCW 74.20A.040 to provide notice that DCS is enforcing a support order entered in Washington state, a foreign court order or a foreign administrative order for support.

(a) A "foreign" order is one entered in a jurisdiction other than a Washington state court or administrative forum.

(b) DCS uses the notice of support debt and demand for payment when there is only one current child support order for the NCP and the child or children in the case.

(c) When there are multiple current support orders for the same obligor and child or children, DCS determines which order to enforce as provided under WAC 388-14A-3307.

(2) DCS serves a notice of support debt and demand for payment like a summons in a civil action or by certified mail, return receipt requested.

(3) In a notice of support debt and demand for payment, DCS includes the information required by RCW 74.20A.040, the amount of current and future support, accrued support debt, interest (if interest is being assessed under WAC 388-14A-7110), any health insurance coverage obligation, and any day care or child care costs under the court or administrative order.

(4) After service of a notice of support debt and demand for payment, the NCP must make all support payments to the Washington state support registry. DCS does not credit payments made to any other party after service of a notice of support debt and demand for payment except as provided in WAC 388-14A-3375.

(5) A notice of support debt and demand for payment becomes final and subject to immediate wage withholding and enforcement without further notice under chapters 26.18, 26.23, and 74.20A RCW, subject to the terms of the order, unless, within twenty days of service of the notice in Washington, or within sixty days of service of the notice outside of Washington, the NCP:

(a) Files a request with DCS for a conference board under WAC 388-14A-6400. The effective date of a conference board request is the date DCS receives the request;

(b) Obtains a stay from the superior court; or

(c) Objects to either the validity of the foreign support order or the administrative enforcement of the foreign support order, in which case DCS proceeds with registration of the foreign support order under WAC 388-14A-7100.

(6) RCW 26.21A.515 controls the calculation of the debt on a notice of support debt and demand for payment.

(7) Enforcement of the following are not stayed by a request for a conference board or hearing under this section or WAC 388-14A-6400:

(a) Current and future support stated in the order; and

(b) Any portion of the support debt that the NCP and custodial parent (CP) fail to claim is not owed.

(8) ~~((Following service of))~~ At the same time that DCS sends the notice of support debt and demand for payment for service on the NCP, DCS notifies either the CP or the payee under the order, or both if appropriate, by mailing a form called the notice to payee, which is described in WAC 388-14A-3315.

(a) DCS does not wait to confirm service of the notice of support debt and demand for payment before mailing out the notice to payee;

(b) DCS mails to the last known address of the CP ((and/or)) or the payee under the order, as appropriate;

(c) The notice to payee contains:

~~((a))~~ (i) A copy of the notice of support debt and demand for payment; and

~~((b) A notice to payee under WAC 388-14A-3315 regarding))~~ (ii) A statement that:

(A) The ((payee's rights)) payee has the right to contest the notice of support debt((-The)); and

(B) A CP who is not the payee under the order has the same rights to contest the notice of support debt and demand for payment.

(9) If the NCP requests a conference board under subsection (5)(a) of this section, DCS mails a copy of the notice of conference board to the CP informing the CP of the CP's right to:

(a) Participate in the conference board; or

(b) Request a hearing under WAC 388-14A-3321 within twenty days of the date of a notice of conference board that was mailed to a Washington address. If the notice of conference board was mailed to an out-of-state address, the CP may request a hearing within sixty days of the date of the notice of conference board. The effective date of a hearing request is the date DCS receives the request.

(10) If the CP requests a hearing under subsection ~~((8)(b))~~ (8)(c) of this section, DCS must:

(a) Stay enforcement of the notice of support debt and demand for payment except as required under subsection ~~((6))~~ (7) of this section; and

(b) Notify the NCP of the hearing.

(11) If a CP requests a late hearing under subsection ~~((7))~~ (8)(c) of this section, the CP must show good cause for filing the late request.

(12) The NCP is limited to a conference board to contest the notice and may not request a hearing on a notice of support debt and demand for payment. However, if the CP requests a hearing, the NCP may participate in the hearing.

(13) A notice of support debt and demand for payment must fully and fairly inform the NCP of the rights and responsibilities in this section.

**AMENDATORY SECTION** (Amending WSR 11-22-116, filed 11/2/11, effective 12/3/11)

**WAC 388-14A-3310 What notice does the division of child support serve to establish a fixed dollar amount under an existing child support order?** (1) The division of child support (DCS) may serve a notice of support owed under RCW 26.23.110 on either the noncustodial parent (NCP) or the custodial parent (CP) whenever it is necessary to establish a fixed dollar amount owed under a child support order that was entered in Washington or by any other tribunal. This section provides general information regarding the notice of support owed.

(a) WAC 388-14A-3311 describes the procedures for service of a notice of support owed on the NCP to determine the fixed dollar amount of the support debt or the fixed dollar amount of the current and future support obligation, including:

(i) The NCP's proportionate share of daycare or child care expenses incurred on behalf of the ~~((child(ren)))~~ the child or children; and

(ii) Converting a support order set in foreign currency using the current rate of exchange to fix the amount of support in U.S. dollars, if necessary; and

(b) WAC 388-14A-3312 describes the procedures for service of a notice of support owed on either parent to establish that parent's share of medical expenses ~~((and/or))~~ or medical support, or both, owed for the child or children covered by a support order.

(2) The notice of support owed contains an initial finding, showing DCS' calculation of the fixed dollar amount of:

(a) The current and future support obligation;

(b) Any support debt owed; or

(c) Both amounts.

(3) The notice of support owed facilitates enforcement of the underlying support order by implementing the terms of the order, but it cannot modify the terms of the order.

(4) The reasons that DCS may serve a notice of support owed include, but are not limited to:

(a) The underlying support order sets a support obligation but does not state the monthly support obligation as a fixed dollar amount;

(b) The underlying support order sets a support obligation stated in foreign currency and DCS seeks to convert that

amount using the current rate of exchange to fix the amount of support stated in U.S. dollars;

(c) DCS is implementing the adjustment or escalation provision of a court order;

(d) The support order provides that the NCP is responsible for paying for a portion of daycare or child care expenses incurred on behalf of the ~~((child(ren)))~~ child or children, but does not reduce the amount owed to a fixed dollar amount. DCS serves the notice of support owed to determine the NCP's proportionate share of those expenses; or

(e) The support order provides that either the NCP or the CP must provide medical support as required under either RCW 26.19.105 or 74.20A.300, but does not reduce the medical support obligation to a fixed dollar amount.

(5) Because of the different purposes for which DCS may serve a notice of support owed under RCW 26.23.110, DCS has developed two separate forms to use for the notice of support owed:

(a) The basic form used by DCS to establish a fixed dollar amount owed by an NCP under an existing child support order is called the notice of support owed.

(b) DCS developed a special form called the "notice of support owed - Medical support" which is used only for the following purposes:

(i) To notify an obligated parent of the obligation to pay a portion of the premium for health insurance provided by the other parent or state of Washington; or

(ii) To determine a fixed dollar amount for uninsured medical expenses incurred on behalf of the child or children and to demand payment of the obligated parent's proportionate share when a support order requires the obligated parent to pay a specific percentage of uninsured medical expenses.

(6) For the purposes of this chapter, the term "notice of support owed" includes "notice of support owed" and "notice of support owed - Medical support."

(7) DCS serves a notice of support owed on the NCP or the CP, as appropriate, like a summons in a civil action or by certified mail, return receipt requested.

(8) WAC 388-14A-3315 provides that, when DCS serves a notice of support owed on one party, DCS notifies the other party to the support order by sending a form called the notice to payee, and encloses a copy of the notice ~~((that was served))~~.

(a) ~~((After service on))~~ If DCS is serving a notice of support owed on the NCP, DCS mails ((a)) the notice to payee to the CP and to the payee under the order, if the CP is not the payee under the order.

(b) ~~((After service on))~~ If DCS is serving a notice of support owed on the CP, DCS mails ((a)) the notice to payee to the NCP.

(9) In a notice of support owed, DCS includes:

(a) The information required by RCW 26.23.110;

(b) Any provision or factors contained in the underlying order regarding how to calculate the monthly support or the amounts claimed for medical support;

(c) Any other information not contained in the order that DCS used to calculate the amounts in the notice; and

(d) Notice of the right to request an annual review of the order or a review on the date given in the order for an annual

review, if any. WAC 388-14A-3330 describes the procedures for the annual review of a notice of support owed.

(10) A notice of support owed fully and fairly informs the parties of the rights and responsibilities in this section.

(11) After service of a notice of support owed, the recipient of the notice (which could be either the CP or the NCP, as appropriate,) must make all support payments required by the notice to the Washington state support registry (WSSR). DCS does not credit payments made to any other party after service of a notice of support owed except as provided in WAC 388-14A-3375.

(12) The need to serve a notice of support owed does not require DCS to cease all enforcement actions on a case. At any time, DCS may enforce:

(a) A fixed or minimum dollar amount for monthly support stated in the court order or a prior administrative order entered under this section;

(b) Any part of a support debt that has been reduced to a fixed dollar amount by a court or administrative order; and

(c) Any part of a support debt that neither party claims is incorrect.

(13) A notice of support owed becomes final and subject to immediate income withholding and enforcement as provided in WAC 388-14A-3316.

(14) An objection or request for hearing on a notice of support owed may be timely or untimely:

(a) WAC 388-14A-3317 discusses what happens if a parent makes a timely request for hearing; and

(b) WAC 388-14A-3318 discusses what happens if a parent makes an untimely request for hearing.

(15) WAC 388-14A-3320 provides general information regarding an administrative hearing on a notice of support owed.

(16) WAC 388-14A-3330 provides information regarding the annual review of a notice of support owed.

(17) For the purposes of this section and WAC 388-14A-3311 through 388-14A-3330, the term "payee" includes "physical custodian," "custodial parent," or "party seeking reimbursement."

**AMENDATORY SECTION** (Amending WSR 11-12-006, filed 5/19/11, effective 6/19/11)

**WAC 388-14A-3315 When DCS serves a notice of support debt or a notice of support owed, we notify the other party to the child support order.** (1) When the division of child support (DCS) needs to notify the parties that DCS is enforcing a previously entered support order, DCS serves the appropriate notice under WAC 388-14A-3302. DCS may serve a notice of support owed on either the non-custodial parent (NCP) or the custodial parent (CP), as provided in WAC 388-14A-3310.

(2) ~~((After))~~ At the same time that DCS ((serves)) sends a notice of support debt or a notice of support owed for service on one party, DCS notifies the other party ~~((to the order))~~ by sending a form called the notice to payee, with a copy of the notice ~~((that was served, when DCS receives proof of service)).~~

(3) DCS serves a notice of support debt or a notice of support owed on the NCP when DCS is enforcing an order

that sets the NCP's support obligation. ~~((After service of))~~ At the same time that DCS sends the notice for service on the NCP:

(a) DCS sends the notice to payee to the CP, if the CP is the payee under the order; and

(b) DCS sends the notice to payee to the CP and to the payee under the order, if the CP is not also the payee under the order.

(4) When DCS serves a notice of support owed on the CP ~~((when))~~ because DCS is enforcing an order that sets the CP's medical support obligation ~~((After service of the notice on the CP)),~~ DCS sends the notice to payee to the NCP.

(5) DCS sends the notice to payee by first class mail to the last known address DCS has on file, and encloses a copy of the notice that was ~~((served))~~ sent for service on the obligated parent.

(a) In a notice to payee, DCS informs the payee of the right to file a request with DCS for a hearing on the notice of support owed or the notice of support debt within twenty days of the date of a notice to payee that was mailed to a Washington address.

(b) If the notice to payee was mailed to an out-of-state address, the payee may request a hearing within sixty days of the date of the notice to payee.

(6) The effective date of a hearing request is the date DCS receives the request.

**WSR 20-03-031**  
**PERMANENT RULES**  
**SOUTHWEST CLEAN**  
**AIR AGENCY**

[Filed January 7, 2020, 8:19 a.m., effective February 7, 2020]

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

Purpose: SWCAA 491-020 Definitions. The proposed rule changes add definitions for enhanced conventional (ECO) nozzles, low permeation hoses, and onboard refueling vapor recovery.

SWCAA 491-030 Registration. The proposed rule changes correct rule references that will no longer be valid as a result of proposed changes to SWCAA 491-040.

SWCAA 491-040 Gasoline Vapor Control Requirements. The proposed rule changes:

- Correct an incorrect emission standard applicable to vapor control systems at gasoline loading terminals;
- Remove a requirement that two-point Stage I fittings be used with vacuum assist type Stage II systems;
- Add pressure and leak rate standards for pressure/vacuum valves;
- Add a requirement to install ECO nozzles by January 1, 2023;
- Add a requirement that low permeation hoses be installed at higher volume gasoline dispensing facilities (GDF), without balance type Stage II vapor recovery equipment, by no later than January 1, 2023;
- Require annual testing of Stage I vapor recovery systems;

- Allow the use of an approved continuous pressure monitoring system in lieu of annual Stage I vapor recovery system testing;
- Add a requirement that spill containers be maintained free of liquid and solid materials;
- Add a requirement that all gasoline dispenser hoses be equipped with emergency breakaway devices;
- Add a requirement that new or upgraded gasoline storage tanks be equipped with Stage I enhanced vapor recovery equipment;
- Remove a requirement that GDF install Stage II vapor recovery equipment;
- Allow removal from service of Stage II vapor recovery equipment compatible with onboard refueling vapor recovery (ORVR) on or after January 1, 2023;
- Allow removal from service of Stage II vapor recovery equipment incompatible with ORVR on or after January 3, 2020;
- Require removal from service of Stage II vapor recovery equipment incompatible with ORVR no later than January 1, 2023;
- Clarify construction approval and permitting requirements;
- Correct an outdated fee reference;
- Remove the applicability threshold for low flow nozzles to align SWCAA rules with federal rules; and
- Correct rule references that will no longer be valid as a result of proposed changes to SWCAA 491-040.

SWCAA 491-050 Failures, Certification, Testing and Recordkeeping. The proposed rule changes correct rule references that will no longer be valid as a result of proposed changes to SWCAA 491-040.

Citation of Rules Affected by this Order: Amending SWCAA 491-020, SWCAA 491-030, SWCAA 491-040, SWCAA 491-050.

Statutory Authority for Adoption: RCW 70.94.141.

Adopted under notice filed as WSR 19-21-005 on October 3, 2019.

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 0, Repealed 0.

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, 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 0, Repealed 0.

Date Adopted: January 2, 2019 [2020].

Uri Papish  
Executive Director

AMENDATORY SECTION (Amending WSR 01-05-067 filed 2/15/01, effective 3/18/01)

### SWCAA 491-020 Definitions

The definitions of terms contained in SWCAA 400 are by this reference incorporated into this regulation. Unless a different meaning is clearly required by context, the following words and phrases, as used in this regulation, shall have the following meanings:

(1) "Bottom loading" means the filling of a tank through a line entering the bottom of the tank.

(2) "Bulk gasoline plant" means a gasoline storage and transfer facility that receives more than ninety percent of its annual gasoline throughput by transport tank, and reloads gasoline into transport tanks.

(3) "Bunkering" means, for purpose of this rule, refueling a vessel with a fuel product where the intended use of that gasoline or fuel product is for combustion in the onboard engine of the marine vessel.

(4) "Canister capture rate" means canister effectiveness times the percent of light duty vehicles that have onboard vapor recovery systems.

(5) "Canister effectiveness" means the percent of refueling vapors recovered by a representative onboard vapor recovery system.

(6) "Centroid" means the geometric center of a gas pump or a bank of gas pumps or, if a station has more than one bank of pumps, the geometric center of each bank of pumps.

(7) "Certified vapor recovery system" means a vapor recovery system that has been certified by the California Air Resources Board (CARB). Only Stage II vapor recovery systems with a single coaxial hose can be certified. SWCAA may certify vapor recovery systems in addition to those certified by the California Air Resources Board as of the effective date of the regulation.

(8) "Enhanced Conventional (ECO) Nozzle" means a nozzle that is used to dispense gasoline and complies with the California Air Resources Board performance standards in CP-207.

~~((8))~~ (9) "Gas freed" means a marine vessel's cargo tank has been certified by a Marine Chemist as "Safe for Workers" according to the requirements outlined in the National Fire Protection Association Rule 306.

~~((9))~~ (10) "Gasoline" means a petroleum distillate that is a liquid at standard conditions and has a true vapor pressure greater than four pounds per square inch absolute (4.0 psia) at twenty degrees C (20°C), and is used as a fuel for internal combustion engines. Also any liquid sold as a vehicle fuel with a true vapor pressure greater than four pounds per square inch absolute at twenty degrees C (20°C) shall be considered "gasoline" for purpose of this regulation.

~~((10))~~ (11) "Gasoline dispensing facility" means any site dispensing gasoline into motor vehicle fuel tanks from stationary storage tanks (above ground or underground).

~~((11))~~ (12) "Gasoline loading terminal" means a gasoline transfer facility that receives more than ten percent of its annual gasoline throughput solely or in combination by pipeline, ship or barge, and loads gasoline into transport tanks.

~~((12))~~ (13) "Leak free" means a liquid leak of less than four drops per minute.

~~((13))~~ (14) "Lightering" means the transfer of fuel product into a cargo tank from one marine tank vessel to another.

~~((14))~~ (15) "Loading event" means the loading or lightering of gasoline into a marine tank vessel's cargo tank, or the loading of any product into a marine tank vessel's cargo tank where the prior cargo was gasoline. The event begins with the connection of a marine tank vessel to a storage or cargo tank by means of piping or hoses for the transfer of a fuel product from the storage or cargo tank(s) into the receiving marine tank vessel. The event ends with disconnection of the pipes and/or hoses upon completion of the loading process.

(16) "Low Permeation Hose" means a hose that is used to dispense gasoline and complies with the permeation performance standard as determined by UL 330 (seventh edition).

~~((15))~~ (17) "Marine tank vessel" means any marine vessel constructed or converted to carry liquid bulk cargo that transports gasoline.

~~((16))~~ (18) "Marine terminal" means any facility or structure used to load or unload any fuel product cargo into or from marine tank vessels.

~~((17))~~ (19) "Marine vessel" means any tugboat, tanker, freighter, passenger ship, barge or other boat, ship or watercraft.

~~((18))~~ (20) "Modified" means any physical change in equipment, or change in the method of operation, of a gasoline dispensing facility, terminal, or loading or unloading facility, that increases the amount of any air contaminant emitted by such source or that results in the emission of any air contaminant not previously emitted. The term modified shall be construed consistent with the definitions of modification in Section 7411, Title 42, United States Code, and with rules implementing that section. Section 7411 exempts changes in gasoline throughput not resulting directly from a physical change.

~~((19))~~ (21) "NAAQS" means National Ambient Air Quality Standard.

(22) "ORVR" refers to the Onboard Refueling Vapor Recovery system incorporated into the design of a vehicle that captures the gasoline vapors displaced from the vehicle fuel tank during refueling.

~~((20))~~ (23) "Ozone contributing county" means a county in which the emissions have contributed to the formation of ozone in any county or area where violation of federal ozone standards have been measured, and includes: Cowlitz, Island, Kitsap, Lewis, Skagit, Thurston, Wahkiakum, and Whatcom counties.

~~((21))~~ (24) "Permanent residence" means a single-family or multi-family dwelling or any other facility designed for use as permanent housing.

~~((22))~~ (25) "SWCAA" means the Southwest Clean Air Agency.

~~((23))~~ (26) "Stage I" means gasoline vapor recovery during all gasoline marketing transfer operations except motor vehicle refueling.

~~((24))~~ (27) "Stage II" means gasoline vapor recovery during motor vehicle refueling operations from stationary tanks.

~~((25))~~ (28) "Submerged fill line" means any discharge pipe or nozzle which meets either of the following conditions:

- Where the tank is filled from the top, the end of (upper cut of the bevel on) the discharge pipe or nozzle must be totally submerged when the liquid level is six inches from the bottom of the tank, or;

- Where the tank is filled from the side, the discharge pipe or nozzle must be totally submerged when the liquid level is eighteen inches from the bottom of the tank.

~~((26))~~ (29) "Submerged loading" means the filling of a tank with a submerged fill line.

~~((27))~~ (30) "Suitable cover" means a door, hatch, cover, lid, pipe cap, pipe blind, valve, or similar device that prevents the accidental spilling or emitting of gasoline. Pressure relief valves, aspirator vents, or other devices specifically required for safety and fire protection are not included.

~~((28))~~ (31) "Throughput" means the amount of material passing through a facility.

~~((29))~~ (32) "Top off" means to attempt to dispense gasoline to a motor vehicle fuel tank after a vapor recovery dispensing nozzle has shut off automatically.

~~((30))~~ (33) "Transport tank" means a container used for shipping gasoline over roadways.

~~((31))~~ (34) "True vapor pressure" means the equilibrium partial pressure of a petroleum liquid as determined by methods described in American Petroleum Institute (API) Bulletin 2517, 1980.

~~((32))~~ (35) "Upgraded" means the modification of a gasoline storage tank, including tank installation or replacement, or piping to add cathodic protection, tank lining or spill and overfill protection that involved removal of ground or ground cover above a portion of the product piping.

~~((33))~~ (36) "Vapor balance system" means a system consisting of the transport tank, gasoline vapor transfer lines, storage tank, and all tank vents designed to route displaced gasoline vapors from a tank being filled with liquid gasoline.

~~((34))~~ (37) "Vapor collection system" means a closed system to conduct vapors displaced from a tank being filled into the tank being emptied, a vapor holding tank, or a vapor control system.

~~((35))~~ (38) "Vapor control system" means a system designed and operated to reduce or limit the emission of gasoline vapors emission into the ambient air.

~~((36))~~ (39) "Vapor-mounted seal" means a primary seal mounted continuously around the circumference of the tank so there is an annular vapor space underneath the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank wall, the liquid surface, and the floating roof.

~~((37))~~ (40) "Vapor tight" means a leak of less than one hundred percent of the lower explosive limit on a combustible gas detector measured at a distance of one inch from the source or no visible evidence of air entrainment in the sight glasses of liquid delivery hoses.

~~((38))~~ (41) "WDOE" or "Ecology" means the Washington Department of Ecology.

~~((39))~~ (42) "Western Washington counties" means the following counties: Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific,

Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom.

AMENDATORY SECTION (Amending WSR 17-11-080 filed 5/18/17, effective 6/18/17)

### SWCAA 491-030 Registration

(1) The owner or operator of a gasoline loading terminal, bulk gasoline plant, or gasoline dispensing facility subject to the provisions of SWCAA 491-040 (2) through ~~((5))~~ (4) shall register the facility annually with SWCAA. Facilities subject to registration under this section shall be assessed fees as provided in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098.

(2) Administration of the registration program shall be consistent with the Registration Program requirements of SWCAA 400-100.

(3) SWCAA will provide a written verification of registration to owners or operators of facilities subject to the provisions of SWCAA 491-040 (2) through ~~((6))~~ (4). Such verification shall be available for inspection by SWCAA personnel during normal business hours.

(4) The owner or operator of a gasoline loading terminal or a gasoline dispensing facility (non-major source) shall maintain total annual gasoline throughput records for the most recent three calendar years. Such records shall be available for inspection by SWCAA personnel during normal business hours.

AMENDATORY SECTION (Amending WSR 01-05-067 filed 2/15/01, effective 3/18/01)

### SWCAA 491-040 Gasoline Vapor Control Requirements

#### (1) Fixed-roof gasoline storage tanks.

(a) All fixed-roof gasoline storage tanks having a nominal storage capacity greater than forty thousand (40,000) gallons shall comply with one of the following:

(i) Meet the equipment specifications and maintenance requirements of the federal standards of performance for new stationary sources - Storage Vessels for Petroleum Liquids (40 CFR 60, subparts K, Ka and Kb).

(ii) Be retrofitted with a floating roof or internal floating cover using a metallic seal or a nonmetallic resilient seal at least meeting the equipment specifications of the federal standards referred to in (a)(i) of this subsection or its equivalent.

(iii) Be fitted with a floating roof or internal floating cover meeting the manufacturer's equipment specifications in effect when it was installed.

(b) All seals used in (a)(ii) and (iii) of this subsection are to be maintained in good operating condition and the seal fabric shall contain no visible holes, tears, or other openings consistent with 40 CFR 60 subparts Ka and Kb.

(c) All openings not related to safety are to be sealed with suitable closures.

(d) Tanks used for the storage of gasoline in bulk gasoline plants and equipped with vapor balance systems as required in subsection (3)(b) of this section shall be exempt from the requirements of subsection (1) of this section.

(e) All fixed roof gasoline storage tanks subject to this section shall comply no later than December 31, 1993 or at the time that the throughput is exceeded.

#### (2) Gasoline loading terminals.

(a) This section shall apply to all gasoline loading terminals with an average annual gasoline throughput greater than 7.2 million gallons on a calendar basis and shall comply no later than December 31, 1993 or when the throughput is exceeded.

(b) Facilities loading gasoline into any transport tank shall be equipped with a vapor control system (VCS) as described in (c) of this subsection and comply with the following conditions:

(i) The loading facility shall employ submerged or bottom loading for all transport tanks.

(ii) The VCS shall be connected during the entire loading of all transport tanks.

(iii) The loading of all transport tanks shall be performed such that the transfer is at all times vapor tight. Emissions from pressure relief valves shall not be included in the controlled emissions when the back pressure in the VRS collection lines is lower than the relief pressure setting of the transport tank's relief valves.

(iv) All loading lines and vapor lines shall be equipped to close automatically when disconnected. The point of closure shall be on the tank side of any hose or intermediate connecting line.

(c) The VCS shall be designed and built according to accepted industrial practices and meet the following conditions:

(i) The VCS shall not allow organic vapors emitted to the ambient air to exceed thirty-five milligrams per liter (35 mg/l) ~~((three hundred twenty-two milligrams per gallon or 322 mg/gal))~~ of gasoline loaded.

(ii) The VCS shall be equipped with a device to monitor the system while the VCS is in operation.

(iii) The back pressure in the VCS collection lines shall not exceed the transport tank's pressure relief settings.

#### (3) Bulk gasoline plants and transport tanks.

(a) This section shall apply to all bulk gasoline plants with an average annual gasoline throughput greater than 7.2 million gallons on a calendar basis and shall comply no later than December 31, 1993, or when the throughput is exceeded, and gasoline transport tanks.

(b) Deliveries to bulk gasoline plant storage tanks.

(i) The owner or operator of a bulk gasoline plant shall not permit the loading of gasoline into a storage tank equipped with vapor balance fittings unless the vapor balance system is attached to the transport tank and operated properly. The vapor balance system shall prevent at least ninety percent of the displaced gasoline vapors from entering the ambient air. A vapor balance system that is designed, built, and operated according to accepted industrial practices will satisfy this requirement.

(ii) Storage tank requirements. All storage tanks with a nominal capacity greater than five hundred fifty (550) gallons and used for the storage of gasoline shall comply with the following conditions:

(A) Each storage tank shall be equipped with a submerged fill line.



(B) Each storage tank shall be equipped for vapor balancing of gasoline vapors with transport tanks during gasoline transfer operations.

(C) The vapor line fittings on the storage tank side of break points with the transport tank vapor connection pipe or hose shall be equipped to close automatically when disconnected.

(D) The pressure relief valves on storage tanks shall be set at the highest possible pressure consistent with local and state codes for fire and safety but in no case greater than ninety percent of the tank's safe working pressure.

(iii) Transport tank requirements. All transport tanks transferring gasoline to storage tanks in a bulk gasoline plant shall comply with the following conditions:

(A) The transport tank shall be equipped with the proper attachment fittings to make vapor tight connections for vapor balancing with storage tanks.

(B) The vapor line fittings on the transport tank side of break points with the storage tank connection pipe or hose shall be equipped to close automatically when disconnected.

(C) The pressure relief valves on transport tanks shall be set at the highest possible pressure consistent with local and state codes for fire and safety.

(c) Gasoline transfer operations.

(i) No owner or operator of a bulk gasoline plant or transport tank shall allow the transfer of gasoline between a stationary storage tank and a transport tank except when the following conditions exist:

(A) The transport tanks are being submerged filled or bottom loaded.

(B) The loading of all transport tanks, except those exempted under (c)(ii) of this subsection are being performed using a vapor balance system.

(C) The transport tanks are equipped to balance vapors and maintained in a leak tight condition in accordance with subsection ~~((6))~~ (5) of this section.

(D) The vapor return lines are connected between the transport tank and the stationary storage tank and the vapor balance system is operated properly.

(ii) Transport tanks used for gasoline that meet all of the following conditions shall be exempt from the requirement to be equipped with any attachment fitting for vapor balance lines if:

(A) The transport tank is used exclusively for the delivery of gasoline into storage tanks of a facility exempt from the vapor balance requirements of subsection (4) of this section; and

(B) The transport tank has a total nominal capacity less than four thousand gallons and is constructed so that it would require the installation of four or more separate vapor balance fittings.

**(4) Gasoline dispensing facilities ~~((Stage I))~~.**

(a) This section shall apply to the delivery of gasoline to gasoline dispensing facilities with an annual gasoline throughput greater than three hundred sixty thousand gallons in Cowlitz, Lewis, Skamania and Wahkiakum Counties. For Clark County, this section applies to gasoline dispensing facilities with greater than 200,000 gallons annual throughput on a calendar year basis. All facilities subject to this section shall comply when the throughput is exceeded.

(b) All gasoline storage tanks of the facilities defined in (a) of this subsection shall be equipped with submerged or bottom fill lines and fittings to vapor balance gasoline vapors with the delivery transport tank.

(c) Gasoline storage tanks with offset fill lines shall be exempt from the requirement of (b) of this subsection if installed prior to January 1, 1979.

(d) The owner or operator of a gasoline dispensing facility shall not permit the loading of gasoline into a storage tank equipped with vapor balance fittings unless the vapor balance system is attached to the transport tank and operated satisfactorily. In addition, no owner or operator of a transport tank shall load gasoline into a storage tank equipped with vapor balance fittings unless the vapor balance system is attached to the transport tank and operated satisfactorily.

(e) All gasoline dispensing facilities subject to this section shall be equipped with CARB or SWCAA certified Stage I vapor recovery fittings or equipment.

~~((f) Only two point Stage I fittings shall be used with vacuum assist type Stage II systems. Coaxial Stage I fittings may continue to be used for balance type Stage II systems and systems without Stage II gasoline vapor recovery controls.))~~

(f) All new or upgraded gasoline storage tanks subject to this section shall be equipped with CARB certified Stage I Enhanced Vapor Recovery equipment or an equivalent approved by SWCAA.

(g) All Stage I gasoline vapor recovery equipment shall be maintained in proper working order at all times. All Stage I gasoline vapor recovery equipment shall be maintained in accordance with the CARB Executive Order(s) certifying the equipment or system. Whenever a Stage I gasoline vapor recovery system or component is determined to be defective or not operating properly, the owner or operator shall immediately take the system out of service until repairs are made. Systems shall not be returned to service until the defective system is operating properly.

(h) Any alteration of the equipment, parts, design, or operation of the Stage I gasoline vapor recovery system as certified by CARB is prohibited, and shall not be performed without submittal of an ~~((Notice of Construction))~~ Air Discharge Permit application and prior approval from SWCAA.

(i) All new gasoline dispensing facilities shall have a tank tightness test performed at the time of installation to ensure proper connection and absence of leaks ~~((refer to WDOE publication 91-43 "Tank Owner/Operator's Guide to Tightness Testing"))~~. Results of the testing shall be submitted to SWCAA within 14 calendar days of testing.

(j) Until January 1, 2023, ((P)) pressure/vacuum valves shall be installed as required by the CARB Executive Order that certified the particular Stage I or Stage II vapor recovery system or equipment. Relief set points shall be as provided in the applicable CARB Executive Order and local fire ordinances.

(k) Effective January 1, 2023, pressure/vacuum valves shall be installed on all gasoline storage tanks. Pressure/vacuum valve(s) shall be installed and maintained with a positive pressure setting of 2.5 - 6.0 inches water column, and a negative pressure setting of 6.0 - 10.0 inches water column. The leak rate of each pressure/vacuum valve, including connec-

tions, shall not exceed 0.05 cubic foot per hour at a pressure of 2.0 inches water column and 0.21 cubic foot per hour at a vacuum of 4 inches water column. The total leak rate for all pressure/vacuum valves, including connections, shall not exceed 0.17 cubic foot per hour at a pressure of 2.0 inches water column and 0.63 cubic foot per hour at a vacuum of 4 inches water column.

(l) All gasoline dispensing nozzles at a facility not in Stage II vapor recovery service shall be Enhanced Conventional Nozzles by no later than January 1, 2023.

(m) All gasoline dispensing hoses that carry liquid fuel against the outermost hose wall at a gasoline dispensing facility with greater than 1,400,000 gallons annual gasoline throughput on a calendar year basis shall permeate no more than 10.0 grams per square meter per day, as determined by Underwriters Laboratories' Standard 330, by no later than January 1, 2023.

(n) Effective January 1, 2023 the testing listed in Table 1 shall be conducted and passed for each Stage I vapor recovery system. For new Stage I systems, initial testing shall be conducted and passed prior to placing new systems into service. For existing systems that have not yet conducted initial testing, initial testing shall be completed before January 1, 2023. The results of all testing shall be reported to SWCAA within 14 days of test completion.

Table 1 - Stage I Vapor Recovery System Testing

Test	Frequency <sup>1</sup>
CARB Test Procedure 201.3 (TP-201.3) "Determination of 2 Inch w.c. Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities"	Annually
CARB Test Procedure 201.1B (TP-201.1B) "Static Torque of Rotatable Phase I Adaptors"	Annually <sup>2</sup>
Depending on the system configuration, either Test Procedure 201.1C (TP-201.1C) "Leak Rate of Drop Tube/Drain Valve Assembly" or Test Procedure 201.1D (TP-201.1D) "Leak Rate of Drop Tube Overfill Prevention Devices and Spill Container Drain Valves."	Annually <sup>3</sup>
CARB Test Procedure 201.1E (TP-201.1E) "Leak Rate and Cracking Pressure of Pressure/Vacuum Vent Valves" adopted October 8, 2003	Every 3 calendar years

- 1 All tests shall be conducted at the frequency indicated in Table 1 no later than the end of the calendar month during which the initial test was conducted unless otherwise approved by SWCAA.
- 2 Only applicable to EVR system with rotatable adaptors.
- 3 Only applicable to EVR system with drop tube/drain valve assembly, overfill prevention devices, and/or spill container drain valves.

(o) In lieu of (n) of this subsection, SWCAA may approve a continuous pressure monitoring system that is installed and maintained in accordance with CARB Vapor Recovery Test Procedures CP-201 and TP-201.7 and manufacturer instructions. An Air Discharge Permit application is required if requesting SWCAA approval of a continuous pressure monitoring system.

(p) Spill containers shall be maintained free of liquid and solid materials.

(q) Dispenser hoses shall be equipped with a CARB or SWCAA approved emergency breakaway device designed to retain liquid on both sides of a breakaway point. When hoses

are attached to a hose-retrieving mechanism, the emergency breakaway device shall be located between the hose nozzle and the point of attachment of the host retrieval mechanism to the hose.

~~((5) Gasoline dispensing facilities (Stage II):)~~

~~((a) This section shall apply to the refueling of motor vehicles for the general public from stationary tanks at all gasoline dispensing facilities as follows:))~~

~~((1) For Clark County, all facilities dispensing 600,000 gallons in a calendar year or greater;))~~

~~((2) For Cowlitz County, all facilities dispensing 1.2 million gallons in a calendar year or greater;))~~

~~((3) For Lewis, Skamania and Wahkiakum Counties, Stage II vapor control equipment is not required unless the facility exceeds the throughput and distance requirements below:))~~

Gallons Throughput (millions)	Distance to Property Line (meters)
1.5	20
2.0	25
2.5	28
3.0	32
3.5	35
4.0	38
5.0	43
6.0	49
8.0	58
10.0	66
12.0	75
16.0	90
20.0	103
25.0	118

~~((i) When the throughput is not shown in the chart, interpolate to get the distance for that throughput.))~~

~~((ii) The allowable distance shall be measured from the centroid of the pumps to the nearest point on the property line of the nearest lot on which a permanent residence is located. However, if the permanent residence is located at least twice the allowable distance from the centroid of the pumps, the requirements of (3) of this subsection shall not apply.))~~

~~((b) Stage II vapor control equipment may be removed from any gasoline dispensing facility located in Lewis, Wahkiakum or Skamania County as in (a) above, or from any facility in Cowlitz County dispensing less than 1.2 million gallons annually, by submittal of a complete Notice of Construction and receipt of an Order of Approval, provided that the requirements of subsection (a) above are met.))~~

~~((c)(i) Beginning on July 1, 2001, and each year thereafter, the Department of Ecology will publish the canister capture rate for use with this rule.))~~

~~((ii) When the canister capture rate reaches 15% and there are no major exceptions, waivers, or other adjustments to the EPA onboard canister regulations or program imple-~~

mentation, the Department of Ecology will revise the state rules and incorporate the effect of canisters.)

(r) New gasoline dispensing facilities, or existing gasoline dispensing facilities without Stage II vapor recovery, are not required to install Stage II vapor recovery equipment. Owners or operators of new or existing facilities that wish to install Stage II vapor recovery systems may request to install ORVR-compatible Stage II vapor recovery systems by submittal of an Air Discharge Permit in accordance with SWCAA 400-109.

(s) Stage II vapor recovery equipment compatible with ORVR may be removed from service on or after January 1, 2023. An Air Discharge Permit application must be submitted in accordance with SWCAA 400-109 for approval to remove the Stage II vapor recovery equipment from service.

(t) Stage II vapor recovery equipment not compatible with ORVR may be removed from service on or after the effective date of this rule and must be removed from service no later than January 1, 2023. An Air Discharge Permit application must be submitted in accordance with SWCAA 400-109 for approval to remove the Stage II vapor recovery equipment from service.

~~((d))~~ (u) The owner or operator of a new or modified gasoline dispensing facility shall file ~~((a Notice of Construction))~~ an Air Discharge Permit application as provided in SWCAA 400-109 ~~((110))~~, and obtain an ~~((Order of Approval))~~ Air Discharge Permit prior to commencing construction or modification.

~~((e))~~ The owner or operator of any gasoline dispensing facility may elect to submit a site-specific analysis of the requirement for a Stage II vapor recovery system under (a) of this subsection and request the Department of Ecology to evaluate it subject to the fees described in (f) of this subsection. The Department of Ecology will review and evaluate a second-tier analysis described under WAC 173-460-090 within 45 days of determining that the analysis submitted is complete and no additional information is needed. The requirements for gasoline vapor control shall be determined as a result of that process.)

~~((f))~~ (v) The fee for new source review of a gasoline dispensing facility under this section shall be the same as the fee under SWCAA's consolidated fee schedule ~~((400-110))~~ except, if a site-specific review is elected under (e) of this subsection, the fee shall be as provided under WAC 173-400-116 (3)(e) for a tier two analysis).

~~((g))~~ All gasoline dispensing facilities subject to this section shall be equipped with a CARB or SWCAA certified Stage II vapor recovery system.)

~~((h))~~ The owner or operator of a gasoline dispensing facility subject to this section shall not transfer or allow the transfer of gasoline from stationary tanks into motor vehicle fuel tanks unless a certified Stage II vapor recovery system is used.)

~~((i))~~ (w) All Stage II vapor recovery equipment shall be installed in accordance with the system's certification requirements and shall be maintained to be leak free, vapor tight, and in good working order.

~~((j))~~ (x) Whenever a Stage II vapor recovery system component is determined to be defective, the owner or oper-

ator shall take the system out of service until it has been repaired, replaced, or adjusted, as necessary.

~~((k))~~ The owner or operator of each gasoline dispensing facility utilizing a Stage II system shall conspicuously post operating instructions for the system in the gasoline dispensing area. The instructions shall clearly describe how to fuel vehicles correctly using the vapor recovery nozzles and include a warning against topping off. Additionally, the instructions shall include a prominent display of SWCAA's or Department of Ecology's toll free telephone number (800-633-0709 or 800-272-3780) for complaints regarding the operation and condition of the vapor recovery system.)

~~((l))~~ (y) Every retailer and wholesale purchaser-consumer (gasoline dispensing facility) ~~((handling over 10,000 gallons per month))~~ shall equip each pump from which gasoline or methanol is introduced into motor vehicles with a nozzle that dispenses fuel at a flowrate not to exceed 10 gallons per minute as provided in 40 CFR 80.22(j) ~~((Subpart B))~~.

~~((m))~~ (z) All new or upgraded facilities with Stage II gasoline vapor recovery controls shall conduct a performance test upon installation prior to placing in service. For balance type systems, the owner/operator shall conduct and pass a back pressure/blockage test. ~~((For vacuum assist systems, the owner/operator shall conduct and pass performance testing every 12 months.))~~ Results of all testing shall be submitted to SWCAA within 14 calendar days of test completion.

~~((n))~~ Pressure/vacuum valves shall be installed as required by the CARB Executive Order that certified the particular Stage I or Stage II vapor recovery system or equipment. Relief set points shall be as provided in the applicable CARB Executive Order and local fire ordinances.)

#### ~~((o))~~ (5) Loading or Unloading Gasoline into Marine Tank Vessels

(a) Applicability. This rule applies to loading events at any location within the Vancouver ozone air quality maintenance area when gasoline is placed into a marine tank vessel cargo tank; or when any liquid is placed into a marine tank vessel cargo tank that had previously held gasoline. The owner or operator of each marine terminal and marine tank vessel is responsible for and must comply with this rule. All facilities shall be in compliance no later than June 1, 2001.

(b) Exemptions. The following activities are exempt from the marine vapor control emission limits of this rule:

(i) Marine vessel bunkering (refueling);  
(ii) Lightering when neither vessel is berthed at a marine terminal dock,

(iii) Loading when both of the following conditions are met: The vessel has been gas freed (regardless of the prior cargo), and ~~W~~when loading any products other than gasoline.

(c) Vapor Collection System. The owner or operator of a marine terminal subject to this rule must equip each loading berth with a vapor collection system that is designed to collect all displaced VOC vapors during the loading of marine tank vessels. The owner or operator of a marine tank vessel subject to this rule must equip each marine tank vessel with a vapor collection system that is designed to collect all displaced VOC vapors during the loading of marine tank vessels. The collection system must be designed such that all displaced VOC vapors collected during any loading event are vented only to the control device.

(d) Marine Vapor Control Emission Limits. Vapors that are displaced and collected during marine tank vessel loading events must meet one of the following:

(i) Vapors must be reduced from the uncontrolled condition by at least 95 percent by weight, as determined by EPA Method 25 or other methods approved in writing by SWCAA, or

(ii) Vapor emissions shall not exceed 5.7 grams per cubic meter (2 pounds per 1000 barrels) of liquid loaded.

(e) Operating Practice and Maintenance.

(i) All hatches, pressure relief valves, connections, gauging ports and vents associated with the loading of fuel product into marine tank vessels must be maintained to be leak free and vapor tight.

(ii) The owner or operator of any marine tank vessel must certify to SWCAA that the vessel is leak free, vapor tight, and in good working order based on an annual inspection using EPA Method 21 or other methods approved in writing by SWCAA.

(iii) Gaseous leaks must be detected using EPA Method 21 or other methods approved in writing by SWCAA.

(iv) Loading must cease any time gas or liquid leaks are detected. Loading may continue only after leaks are repaired or if documentation is provided to SWCAA that the repair of leaking components is technically infeasible without dry-docking the vessel or cannot otherwise be undertaken safely. Subsequent loading events involving the leaking components are prohibited until the leak is repaired. Any liquid or gaseous leak detected by SWCAA staff is a violation of this rule.

(f) Monitoring and Record(~~(K)~~)keeping.

Marine terminal operators must maintain operating records for at least five years of each loading event at their terminal. Marine tank vessel owners and operators are responsible for maintaining operating records for at least five years for all loading events involving each of their vessels. Records must be made available to SWCAA upon request. These records must include but are not limited to:

(i) The location of each loading event.

(ii) The date of arrival and departure of the vessel.

(iii) The name, registry and legal owner of each marine tank vessel participating in the loading event.

(iv) The type and amount of fuel product loaded into the marine tank vessel.

(v) The prior cargo carried by the marine tank vessel. If the marine tank vessel has been gas freed, then the prior cargo can be recorded as gas freed.

(vi) The description of any gaseous or liquid leak, date and time of leak detection, leak repair action taken and screening level after completion of the leak repair.

(g) Lightering exempted from controls by subsection ~~((6))~~(5)(b) of this rule must be curtailed from 2:00 AM until 2:00 PM when SWCAA declares a Clean Air Action (CAA) day. If SWCAA declares a second CAA day before 2:00 PM of the first curtailment period, then such uncontrolled lightering must be curtailed for an additional 24 hours until 2:00 PM on the second day. If a third CAA day in a row is declared, then uncontrolled lightering is permissible for a 12 hour period starting at 2 PM on the second CAA day and ending at 2 AM on the third CAA day. Uncontrolled lightering must be curtailed from 2 AM until 2 PM on the third CAA day. If

SWCAA continues to declare CAA days consecutively after the third day, the curtailment and loading pattern used for the third CAA day will apply.

(h) Safety/Emergency Operations. Nothing in this rule is intended to:

(i) Require any act or omission that would be in violation of any regulation or other requirement of the United States Coast Guard; or

(ii) Prevent any act that is necessary to secure the safety of a vessel or the safety of passengers or crew.

**Reviser's note:** The typographical errors in the above material occurred in the copy filed by the Southwest Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 01-05-067 filed 2/15/01, effective 3/18/01)

### **SWCAA 491-050 Failures, Certification, Testing and Recordkeeping**

This section shall apply to all gasoline transport tanks equipped for gasoline vapor collection and all vapor collection systems at gasoline loading terminals, and bulk gasoline plants as described in subsections (2) and (3) of SWCAA 491-040.

(1) Failures.

During the months of May, June, July, August, and September any failure of a vapor collection system at a bulk gasoline plant or gasoline loading terminal to comply with this section requires the immediate discontinuation of gasoline transfer operations for the failed part of the system. Other transfer points that can continue to operate in compliance may be used. The loading or unloading of the transport tank connected to the failed part of the vapor collection system may be completed during the other months of the year. Upon completion of loading or unloading of a transport tank connected at the time of the failure, gasoline transfer operations shall be discontinued for the failed part of the system.

(2) Certification.

(a) The owner or operator of a gasoline loading terminal or bulk gasoline plant shall only allow the transfer of gasoline between the facility and a transport tank or a marine vessel if a current leak test certification for the transport tank is on file with the facility or a valid inspection sticker is displayed on the vehicle or marine vessel. Certification is required annually as provided in SWCAA 490-202 for transport tanks and SWCAA 491-040 ~~((6))~~(5)(e) for marine vessels.

(b) The owner or operator of a transport tank shall not make any connection to the tank or marine vessel for the purpose of loading or unloading gasoline, except in the case of an emergency, unless the gasoline transport tank or marine vessel has successfully completed the annual certification testing requirements in (3) of this subsection, and such certification is confirmed either by:

(i) Having on file with each gasoline loading or unloading facility at which gasoline is transferred a current leak test certification for the transport tank; or

(ii) For transport tanks (tanker trucks), displaying a sticker near the Department of Transportation certification plate required by 49 CFR 178.340-10b which:

(A) Shows the date that the gasoline tank truck last passed the test required in (3) of this subsection;

(B) Shows the identification number of the gasoline tank truck tank; and

(C) Expires not more than one year from the date of the leak tight test.

(iii) For marine vessels, displaying a sticker/certification with the other Coast Guard required certifications (e.g. in the vessel ecology box, ship's bridge or tankerman's shack) which:

(A) Shows the date that the marine vessel last passed the test required in (3) of this subsection;

(B) Shows the identification number of the marine vessel; and

(C) Expires not more than one year from the date of the leak tight test.

(c) The owner or operator of a vapor collection system shall:

(i) Operate the vapor collection system and the gasoline loading equipment during all loadings and unloadings of transport tanks and marine vessels equipped for emission control such that:

(A) The tank pressure will not exceed a pressure of eighteen inches of water or a vacuum of six inches of water;

(B) The concentration of gasoline vapors is below the lower explosive limit (LEL, measured as propane) at all points a distance of one inch from potential leak sources; and

(C) There are no visible liquid leaks except for a liquid leak of less than four drops per minute at the product loading connection during delivery.

(D) Upon disconnecting transfer fittings, liquid leaks do not exceed ten milliliters (0.34 fluid ounces) per disconnect averaged over three disconnects.

(ii) Repair and retest a vapor collection system that exceeds the limits of (2)(c)(i) of this subsection within fifteen days.

(d) SWCAA may, at any time, monitor a gasoline transport tank, marine vessel and vapor collection system during loading or unloading operations by the procedure in (3) of this subsection to confirm continuing compliance with this section.

(3) Testing and monitoring.

(a) The owner or operator of a gasoline transport tank, marine vessel or vapor collection system shall, at his own expense, demonstrate compliance with (1) and (2) of this subsection, respectively. All tests shall be made by, or under the direction of, a person qualified to perform the tests and approved by WDOE or SWCAA.

(b) Testing to determine compliance with this section shall use procedures approved by SWCAA. See testing requirements in SWCAA 490 for transport tanks and section 491-040 ~~((6))~~(5)(e) for marine vessels.

(c) Monitoring to confirm continuing leak tight conditions shall use procedures approved by SWCAA.

(4) Recordkeeping.

(a) The owner or operator of a gasoline transport tank, marine vessel or vapor collection system shall maintain records of all certification tests and repairs for at least two years after the test or repair is completed.

(b) The records of certification tests required by this section shall, as a minimum, contain:

(i) The transport tank or marine vessel identification number;

(ii) The transport tank or marine vessel capacity;

(iii) The transport tank initial test pressure and the time of the reading;

(iv) The transport tank final test pressure and the time of the reading;

(v) The transport tank initial test vacuum and the time of the reading;

(vi) The transport tank final test vacuum and the time of the reading;

(vii) At the top of each report page the company name, date, and location of the tests on that page; and

(viii) Name and title of the person conducting the test.

(c) The owner or operator of a gasoline transport tank shall annually certify that the transport tank or marine vessel passed the required tests.

(d) Copies of all records required under this section shall immediately be made available to SWCAA, upon written request, at any reasonable time.

(5) Preventing evaporation. All persons shall take reasonable measures to prevent the spilling, discarding in sewers, storing in open containers, or handling of gasoline in a manner that will result in evaporation to the ambient air.

**Reviser's note:** The typographical errors in the above material occurred in the copy filed by the Southwest Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

## WSR 20-03-036

### PERMANENT RULES

#### TREE FRUIT RESEARCH COMMISSION

[Filed January 8, 2020, 7:05 a.m., effective February 8, 2020]

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

Purpose: The Washington tree fruit research commission is adding rules to implement the provisions of the Public Records Act (chapter 42.56 RCW). These rules establish the procedures the tree fruit research commission will follow in response to requests for public records, including the schedule used by the commission for recovering the costs of producing public records.

Citation of Rules Affected by this Order: New WAC 16-560-006, 16-560-070, 16-560-080, 16-560-090, 16-560-100, 16-560-105, 16-560-110, 16-560-115, 16-560-120 and 16-560-125; and amending WAC 16-560-005.

Statutory Authority for Adoption: Chapter 42.56 RCW.

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 19-22-037 on October 31, 2019.

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 0, Repealed 0.

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

Number of Sections Adopted on the Agency's own Initiative: New 10, Amended 1, 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 0, Repealed 0.

Date Adopted: January 8, 2020.

Ines Hanrahan  
Executive Director

AMENDATORY SECTION (Amending Order 4, filed 4/30/70)

**WAC 16-560-005 Authority and purpose.** These rules are promulgated by the Washington tree fruit research commission pursuant to the authority granted by chapter 15.26 RCW and in accordance with procedures required under chapter 1-12 WAC. The purpose of administrative rules and regulations adopted under this chapter is to administer and carry out the provisions of chapter 15.26 RCW, tree fruit research act, and chapter 42.56 RCW, Public Records Act.

NEW SECTION

**WAC 16-560-006 Definitions.** "Commission" means the Washington tree fruit research commission.

"Disclosure" means inspection or copying.

"Public records" include any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by the department regardless of physical form or characteristics.

"Writing" means handwriting, typewriting, printing, photostating, telefaxing, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents, including existing data compilations from which information may be obtained or translated.

NEW SECTION

**WAC 16-560-070 Public records officer.** The commission's public records shall be in the charge of the public records officer designated by the commission. The commission or its executive director may appoint a temporary public records officer to serve during the absence of the designated records officer. The public records officer shall be responsible for implementing the commission's rules regarding disclosure of public records, coordination of staff regarding disclosure of public records, and generally ensuring compliance by staff with public records disclosure requirements.

NEW SECTION

**WAC 16-560-080 Requests for public records.** (1) All requests for disclosure of public records must be submitted in writing directly to the commission's public records officer by mail at 1719 Springwater Avenue, Wenatchee, WA 98801, or by email at kathy@treefruitresearch.com. The written request should include:

- (a) The name of the person requesting the record and his or her contact information;
- (b) The calendar date on which the request is made; and
- (c) Sufficient information to readily identify the records being requested.

(2) Any person wishing to inspect the commission's public records may make an appointment with the public records officer to inspect the records at the commission office during regular business hours. In order to adequately protect the commission's public records, the following will apply:

(a) Public records made available for inspection may not be removed from the area the commission makes available for inspection.

(b) Inspection of any public record will be conducted in the presence of the public records officer or designee.

(c) Public records may not be marked or altered in any manner during inspection.

(d) The commission has the discretion to designate the means and the location for the inspection of records. The viewing of those records that require specialized equipment shall be limited to the availability of that equipment located at the commission office and the availability of authorized staff to operate that equipment.

NEW SECTION

**WAC 16-560-090 Response to public records requests.** (1) The public records officer shall respond to public records requests within five business days by:

- (a) Providing the record;
- (b) Providing a link or address for a record available on the internet under RCW 42.56.520;

(c) Acknowledging receipt of the request and providing a reasonable estimate of the time the commission will require to respond to the request; or

(d) Denying the public record request. Responses refusing in whole or in part the inspection of a public record shall include a statement of the specific exemption authorizing the withholding of the record (or any part) and a brief explanation of how the exemption applies to the records withheld or to any redactions in records produced.

(2) Additional time to respond to the request may be based upon the need to:

- (a) Clarify the intent of the request;
- (b) Locate and assemble the information requested;
- (c) Notify third persons or agencies affected by the request; or

(d) Determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request.

(3) In acknowledging receipt of a public record request that is unclear, the public records officer may ask the requestor to clarify what records the requestor is seeking. The

public records officer is not obligated to provide further response if the requestor fails to clarify the request.

#### NEW SECTION

**WAC 16-560-100 Fees—Inspection and copying.** (1) No fee shall be charged for the inspection of public records.

(2) Pursuant to RCW 42.56.120(2), the commission declares for the following reasons that it would be unduly burdensome for it to calculate the actual costs it charges for providing copies of public records:

(a) Funds were not allocated for performing a study to calculate actual costs and the commission lacks the necessary funds to perform a study and calculations;

(b) Staff resources are insufficient to perform a study and to calculate such actual costs; and

(c) A study would interfere with and disrupt other essential agency functions.

(3) The commission may charge fees for production of copies of public records consistent with the fee schedule established in RCW 42.56.120.

(4) For all copying or duplicating service charges incurred, an invoice will be sent to the requestor. Reimbursement is payable within fifteen days of receipt of invoice payable to the Washington tree fruit research commission. The commission may require that all charges be paid in advance of release of the copies of the records.

(5) The commission or its designee may waive the fee when the expenses of processing payment exceeds the costs of providing copies.

#### NEW SECTION

**WAC 16-560-105 Processing of public records requests—Electronic records.** (1) The process for requesting electronic public records is the same as for requesting paper public records.

(2) Providing electronic records:

(a) The commission has the discretion to determine whether to provide records electronically or in paper form.

(b) When a requestor requests records in an electronic format, the public records officer will endeavor to provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the commission and is generally commercially available, or in a format that is reasonably translatable from the format in which the commission keeps the record.

#### NEW SECTION

**WAC 16-560-110 Protection of public records.** In order to adequately protect the commission's public records, the following will apply:

(1) Public records made available for inspection may not be removed from the area the commission makes available for inspection. The commission has the discretion to designate the means and the location for the inspection of records.

(2) Inspection of any public record will be conducted in the presence of a designated commission employee.

(3) Public records may not be marked or altered in any manner during inspection.

(4) After inspection is complete, the public records officer or designee will make requested copies or arrange for copying.

(5) Public records that are maintained in a file or jacket, or in chronological order, may not be dismantled except by a designated commission employee for purposes of copying.

(6) Whenever a public records request involves an entire file, a group of records, or a large number of records, the commission is allowed a reasonable time to review the records to determine whether information is exempt from disclosure under chapter 42.56 RCW or other law.

#### NEW SECTION

**WAC 16-560-115 Exemptions.** The commission's public records are available for disclosure except as otherwise provided under chapter 42.56 RCW or any other law. Requestors should be aware of the following exemptions to public disclosure specific to commission records. This list is not exhaustive and other exemptions may apply:

(1) Production or sales records required to determine assessment levels and actual assessment payments to the commission under chapter 15.26 RCW (reference RCW 42.56.380(3)).

(2) Financial and commercial information and records supplied by persons:

(a) To the commission for the purpose of conducting a referendum for the establishment of the commission; or

(b) To the commission under chapter 15.26 RCW, with respect to domestic or export marketing activities or individual producer's production information (reference RCW 42.56.380(5)).

(3) Lists of individuals requested for commercial purposes (reference RCW 42.56.070(8)).

(4) Records which are relevant to a controversy to which the commission is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts, including records involving attorney-client communications between the department and the office of the attorney general privileged under RCW 5.60.060(2).

#### NEW SECTION

**WAC 16-560-120 Review of denials of public records requests.** (1) Any person who objects to the denial of a request to copy or inspect public records may petition the commission for review of such decision by submitting a written request to the commission. The request shall specifically refer to the statement which constituted or accompanied the denial.

(2) The commission's executive director or designee shall immediately consider the matter and either affirm or reverse such denial. In any case, the request shall be returned with a final decision, within ten business days following receipt of the written request for review of the original denial.

(3) Under RCW 42.56.530, if the commission denies a requestor access to public records because it claims the record is exempt in whole or in part from disclosure, the requestor may request the attorney general's office to review the matter.

(4) Any person may obtain court review of a denial of a public records request under RCW 42.56.550.

#### NEW SECTION

**WAC 16-560-125 Records index.** The commission shall establish a records index, which shall be made available for public review.

### **WSR 20-03-040**

#### **PERMANENT RULES**

#### **HEALTH CARE AUTHORITY**

[Filed January 8, 2020, 1:08 p.m., effective February 8, 2020]

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

Purpose: The agency is amending WAC 182-513-1205 to change "department-contracted" to "medicaid-contracted" when referring to alternate living facilities.

Citation of Rules Affected by this Order: Amending WAC 182-513-1205.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Other Authority: Not applicable.

Adopted under notice filed as WSR 19-24-075 on December 2, 2019.

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 0, Repealed 0.

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, 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: January 8, 2020.

Wendy Barcus  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 17-23-039, filed 11/8/17, effective 1/1/18)

**WAC 182-513-1205 Determining eligibility for non-institutional coverage in an alternate living facility (ALF).**

(1) This section describes the eligibility determination for noninstitutional coverage for a client who lives in (~~(a department-contracted)~~) an agency-contracted alternate living facility (ALF) defined under WAC 182-513-1100.

(2) The eligibility criteria for noninstitutional Washington apple health (medicaid) coverage in an ALF follows SSI-related rules under WAC 182-512-0050 through 182-512-

0960, with the exception of the higher income standard under subsection (3) of this section.

(3) A client is eligible for noninstitutional coverage under the categorically needy (CN) program if the client's monthly income after allowable exclusions under chapter 182-512 WAC:

(a) Does not exceed the special income level (SIL) defined under WAC 182-513-1100; and

(b) Is less than or equal to the client's assessed state rate at (~~(a department-contracted)~~) an agency-contracted facility. To determine the CN standard:  $((y \times 31) + \$38.84)$ , where "y" is the state daily rate. \$38.84 is based on the cash payment standard for a client living in an ALF setting under WAC 388-478-0006.

(4) A client is eligible for noninstitutional coverage under the medically needy (MN) program if the client's monthly income after allowable exclusions under chapter 182-512 WAC is less than or equal to the client's private rate at (~~(a department-contracted)~~) an agency-contracted facility. To determine the MN standard:  $((z \times 31) + \$38.84)$ , where "z" is the facility's private daily rate. To determine MN spenddown liability, see chapter 182-519 WAC.

(5) For both CN and MN coverage, a client's countable resources cannot exceed the standard under WAC 182-512-0010.

(6) The agency or the agency's designee approves CN noninstitutional coverage for twelve months.

(7) The agency or the agency's designee approves MN noninstitutional coverage for a period of months described in WAC 182-504-0020 for an SSI-related client, provided the client satisfies any spenddown liability under chapter 182-519 WAC.

(8) Clients who receive medicaid personal care (MPC) or community first choice (CFC) pay all of their income to the ALF except a personal needs allowance under WAC 182-513-1105.

(9) A client may have to pay third-party resources as defined under WAC 182-513-1100 in addition to the payment under this subsection.

### **WSR 20-03-041**

#### **PERMANENT RULES**

#### **BUILDING CODE COUNCIL**

[Filed January 8, 2020, 1:25 p.m., effective July 1, 2020]

Effective Date of Rule: July 1, 2020.

Purpose: The purpose of this permanent rule making is to amend the 2018 International Mechanical Code, as directed by the state building code council on November 8, 2019. The implementation date is July 1, 2020.

Citation of Rules Affected by this Order: New 3; and amending 20.

Statutory Authority for Adoption: RCW 19.27.031.

Other Authority: RCW 19.27.074.

Adopted under notice filed as WSR 19-16-155 on August 7, 2019.

Changes Other than Editing from Proposed to Adopted Version:



SUMMARY OF CHANGES

2018 International Mechanical Code  
Amendments to WAC 51-52-\*

\*

	WAC	Section	Changes in 2018	Discussion
1	51-52-403	403.4	Renumbered all of 403.8 to 403.4	Edit
2	51-52-403	Table 403.4.1	Strike Table	Edit
3	51-52-403	Table 403.4.2	Relocated and renumbered	Edit
4				
5	51-52-403	Table 403.4.3	Relocated and renumbered	Edit
6	51-52-403	Table 403.4.4	Strike Table	Edit
7	51-52-403	Table 403.4.5	Strike Table	Edit
8	51-52-403	403.8.5 - 403.8.5.2	Strike sections	These are covered in other sections of the code now.
9	51-52-403	Table 403.4.6.5	Renumbered and relocated	Edit
10	51-52-403	Table 403.4.7	Renumbered and relocated	Edit
11	51-52-403	403.8.7.1 Outdoor air	Strike	Edit
12	51-52-403	Table 403.4.7.2	Relocated and renumbered	Edit
13	51-52-403	403.8.8.1 - 403.8.11	Strike	These are covered in other sections of the code now.
14	51-52-1500	15-2019	Refrigeration standards	Addition

A final cost-benefit analysis is available by contacting Richard Brown, 1500 Jefferson Street S.E., phone 360-407-9277, email Richard.Brown@des.wa.gov, website www.sbcc.wa.gov.

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 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 3, Amended 20, 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 0, Repealed 0.

Date Adopted: November 8, 2019.

Doug Orth  
Chair

**Chapter 51-52 WAC**

**STATE BUILDING CODE ADOPTION AND AMENDMENT OF THE ((2015)) 2018 EDITION OF THE INTERNATIONAL MECHANICAL CODE**

AMENDATORY SECTION (Amending WSR 16-01-148, filed 12/21/15, effective 7/1/16)

**WAC 51-52-003 International Mechanical Code.** The ((2015)) 2018 edition of the *International Mechanical Code* published by the International Code Conference is hereby adopted by reference with the exceptions noted in this chapter of the Washington Administrative Code (WAC).

AMENDATORY SECTION (Amending WSR 16-01-148, filed 12/21/15, effective 7/1/16)

**WAC 51-52-008 Implementation.** The International Mechanical Code adopted by chapter 51-52 WAC shall become effective in all counties and cities of this state on July 1, ((2016)) 2020.

AMENDATORY SECTION (Amending WSR 17-17-159, filed 8/23/17, effective 10/1/17)

**WAC 51-52-0101 Section 101—General.**

**101.2 Scope.** This code shall regulate the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This code shall also regulate those mechan-

ical systems, system components, equipment and appliances specifically addressed herein. The installation of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems shall be regulated by the *International Fuel Gas Code*. References in this code to Group R shall include Group I-1, Condition 2 assisted living facilities licensed by Washington state under chapter 388-78A WAC and Group I-1, Condition 2 residential treatment facilities licensed by Washington state under chapter 246-337 WAC.

EXCEPTIONS:

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the *International Residential Code*.
2. The standards for liquefied petroleum gas installations shall be the ((2014)) 2017 Edition of NFPA 58 (Liquefied Petroleum Gas Code) and the ((2015)) 2018 Edition of ANSI Z223.1/NFPA 54 (National Fuel Gas Code).

**AMENDATORY SECTION** (Amending WSR 16-01-148, filed 12/21/15, effective 7/1/16)

**WAC 51-52-0202 Section 202—General definitions.**

**BALANCED WHOLE HOUSE VENTILATION.** Any combination of concurrently operating residential unit mechanical exhaust and mechanical supply whereby the total mechanical exhaust airflow rate is within 10 percent or 5 cfm, whichever is greater, of the total mechanical supply airflow rate. Intermittent dryer exhaust, intermittent range hood exhaust, and intermittent toilet room exhaust airflow rates above the residential dwelling or sleeping unit minimum ventilation rate are exempt from the balanced airflow calculation.

**DISTRIBUTED WHOLE HOUSE VENTILATION.** A whole house ventilation system shall be considered distributed when it supplies outdoor air directly (not transfer air) to each dwelling or sleeping unit habitable space, (living room, den, office, interior adjoining spaces or bedroom), and exhausts air from all kitchens and bathrooms directly outside.

**LOCAL EXHAUST.** An exhaust system that uses one or more fans to exhaust air from a specific room or rooms within a residential dwelling or sleeping unit.

**PERMANENT CONSTRUCTION.** Construction that, if removed, would disturb the structural integrity of the building or the fire-resistance rating of a building assembly.

**RELIEF AIR.** Exhausted return air from a system that provides ventilation for human usage.

**REPLACEMENT AIR.** Outdoor air that is used to replace air removed from a building through an exhaust system. Replacement air may be derived from one or more of the following: Makeup air, supply air, transfer air, and infiltration. However, the ultimate source of all replacement air is outdoor air. When replacement air exceeds exhaust, the result is exfiltration.

**WHOLE HOUSE VENTILATION SYSTEM.** A mechanical ventilation system, including fans, controls, and ducts, which

replaces, by direct ((or indirect)) means, air from the habitable rooms with *outdoor air*.

**VENTILATION ZONE.** Any indoor area that requires ventilation and comprises one or more spaces with the same occupancy category (see Table 403.3.1.1), occupant density, zone air distribution effectiveness (see Section 403.3.1.1.2), and design zone primary airflow per unit area.

**AMENDATORY SECTION** (Amending WSR 16-01-148, filed 12/21/15, effective 7/1/16)

**WAC 51-52-0301 Section 301—((General)) Reserved.**

**AMENDATORY SECTION** (Amending WSR 16-01-148, filed 12/21/15, effective 7/1/16)

**WAC 51-52-0306 Section 306—Access and service space.**

**306.5 Equipment and appliances on roofs or elevated structures.** Where equipment requiring access or appliances are located on an elevated structure or the roof of a building such that personnel will have to climb higher than 16 feet (4877 mm) above grade to access such equipment or appliances, an interior or exterior means of access shall be provided. Such access shall not require climbing over obstructions greater than 30 inches (762 mm) in height or walking on roofs having a slope greater than 4 units vertical in 12 units horizontal (33 percent slope). Such access shall not require the use of portable ladders. Where access involves climbing over parapet walls, the height shall be measured to the top of the parapet wall.

Permanent ladders installed to provide the required access shall comply with the following minimum design criteria:

1. The side railing shall extend above the parapet or roof edge not less than 42 inches (1067 mm).
2. Ladders shall have rung spacing not to exceed 12 inches (305 mm) on center. The uppermost rung shall be a maximum of 24 inches below the upper edge of the roof hatch, roof or parapet, as applicable.
3. Ladders shall have a toe spacing not less than 7 inches (178 mm) deep.
4. There shall be a minimum of 18 inches (457 mm) between rails.
5. Rungs shall have a minimum 0.75-inch (19 mm) diameter and be capable of withstanding a 300-pound (136.1 kg) load.
6. Ladders over 30 feet (9144 mm) in height shall be provided with offset sections and landings capable of withstanding 100 pounds (488.2 kg/m<sup>2</sup>) per square foot. Landing dimensions shall be not less than 18 inches and not less than the width of the ladder served. A guardrail shall be provided on all open sides of the landing.
7. Climbing clearances. The distance from the centerline of the rungs to the nearest permanent object on the climbing side of the ladder shall be a minimum of 30 inches measured perpendicular to the rungs. This distance shall be maintained from the point of ladder access to the bottom of the roof hatch. A minimum clear width of 15 inches shall be provided

on both sides of the ladder measured from the midpoint of and parallel with the rungs except where cages or wells are installed.

8. Landing required. The ladder shall be provided with a clear and unobstructed bottom landing area having a minimum dimension of 30 inches by 30 inches centered in front of the ladder.

9. Ladders shall be protected against corrosion by approved means.

10. Access to ladders shall be provided at all times.

Catwalks installed to provide the required access shall be not less than 24 inches (610 mm) wide and shall have railings as required for service platforms.

EXCEPTION: This section shall not apply to Group R-3 occupancies.

**306.6 Appliances above ceilings.** Appliances that are located above the ceiling shall (~~be accessible~~) have ready access for inspection, service and repair without removing *permanent construction*. Appliances shall be (~~accessible from an access~~) provided with access to panel or removable ceiling tile with minimum nominal dimensions of 24 inches by 24 inches (609 mm x 609 mm).

The appliance is not required to be removable or replaceable through the access panel or removable ceiling tile. The appliance may be removed or replaced by removing the ceiling or wall assemblies adjacent to the appliance as long as they *are not permanent construction*.

EXCEPTIONS:

1. This section shall not apply to replacement appliances installed in existing compartments and alcoves where the working space clearances are in accordance with the equipment or appliance manufacturer's installation instructions.
2. A smaller access panel or removable ceiling tile shall be permitted when allowed by the equipment or appliance manufacturer's installation instructions.

AMENDATORY SECTION (Amending WSR 16-01-148, filed 12/21/15, effective 7/1/16)

**WAC 51-52-0401 Section 401—General.**

**401.2 Ventilation required.** Every occupied space other than enclosed parking garages and buildings used for repair of automobiles shall be ventilated in accordance with Section 401.2.1, 401.2.2 or 401.2.3. Enclosed parking garages and buildings used for repair of automobiles shall be ventilated by mechanical means in accordance with Sections 403 and 404.

**401.2.1 Group R occupancies.** Ventilation in Group R occupancies shall be provided in accordance with Section ~~((403.8))~~ 403.4.

**401.2.2 Ambulatory care facilities and Group I-2 occupancies.** Ambulatory care facilities and Group I-2 occupancies shall be ventilated by mechanical means in accordance with Section 407.

**401.2.3 All other occupancies.** Ventilation in all other occupancies shall be provided by natural means in accordance with Section 402 or by mechanical means in accordance with Sections 403.1 to 403.7.

**401.3 When required.** Group R occupancies shall be vented continuously or intermittently in accordance with Section ~~((403.8))~~ 403.4. Ventilation in all other occupancies shall be provided during the periods that the room or space is occupied.

**401.4 Intake opening location.** Air intake openings shall comply with all of the following:

1. Intake openings shall be located not less than 10 feet (3048 mm) from lot lines or buildings on the same lot. Lot lines shall not be defined as a separation from a street or public way.

2. Mechanical and gravity outdoor air intake openings shall be located not less than 10 feet (3048 mm) horizontally from any hazardous or noxious contaminant source, such as vents, streets, alleys, parking lots, and loading docks, except as specified in Item 3 or Section 501.3.1. Outdoor air intake openings shall be permitted to be located less than 10 feet (3048 mm) horizontally from streets, alleys, parking lots, and loading docks provided that the openings are located not less than 25 feet (7620 mm) vertically above such locations. Where openings front on a street or public way, the distance shall be measured from the closest edge of the street or public way.

3. Intake openings shall be located not less than 3 feet (914 mm) below contaminant sources where such sources are located within 10 feet (3048 mm) of the opening.

EXCEPTION: Separation is not required between intake air openings and living space environmental air exhaust air openings of an individual dwelling unit or sleeping unit where a factory-built intake/exhaust combination termination fitting is used to separate the air streams in accordance with the manufacturer's instructions. A minimum of 3 feet (914 mm) separation shall be maintained between other environmental air exhaust outlets and other dwelling or sleeping unit factory-built intake/exhaust combination termination fittings.

4. Intake openings on structures in flood hazard areas shall be at or above the elevation required by Section 1612 of the *International Building Code* for utilities and attendant equipment.

EXCEPTION: Enclosed parking garage and repair garage ventilation air intakes are permitted to be located less than 10 feet horizontally from or 25 feet vertically above a street, alley, parking lot, and loading dock.

**401.7 Testing and balancing.** At the discretion of the building official, flow testing may be required to verify that the mechanical system(s) satisfies the requirements of this chapter. Flow testing may be performed using flow hood measuring at the intake or exhaust points of the system, in-line pitot tube, or pitot-traverse type measurement systems in the duct, short term tracer gas measurements, or other means approved by the building official.

AMENDATORY SECTION (Amending WSR 17-10-075, filed 5/3/17, effective 6/3/17)

**WAC 51-52-0403 Section 403—Mechanical ventilation.**

**403.1 Ventilation system.** Mechanical ventilation shall be provided by a method of supply air and return or *exhaust air*. The amount of supply air shall be approximately equal to the amount of return and *exhaust air*. The system shall not be prohibited from producing negative or positive pressure. The system to convey ventilation air shall be designed and installed in accordance with Chapter 6.

**403.2 Outdoor air required.** The minimum *outdoor airflow rate* shall be determined in accordance with Section 403.3.

- EXCEPTIONS:
1. Where the registered design professional demonstrates that an engineered ventilation system design will prevent the maximum concentration of contaminants from exceeding that obtainable by the rate of *outdoor air* ventilation determined in accordance with Section 403.3, the minimum required rate of *outdoor air* shall be reduced in accordance with such engineered system design.
  2. Alternate systems designed in accordance with ASHRAE Standard 62.1 Section 6.2, Ventilation Rate Procedure, shall be permitted.

**403.2.1 Recirculation of air.** The air required by Section 403.3 shall not be recirculated. Air in excess of that required by Section 403.3 shall not be prohibited from being recirculated as a component of supply air to building spaces, except that:

1. Ventilation air shall not be recirculated from one dwelling to another or to dissimilar occupancies.
2. Supply air to a swimming pool and associated deck areas shall not be recirculated unless such air is dehumidified to maintain the relative humidity of the area at 60 percent or less. Air from this area shall not be recirculated to other spaces where 10 percent or more of the resulting supply airstream consists of air recirculated from these spaces.
3. Where mechanical exhaust is required by Note b in Table 403.3.1.1, recirculation of air from such spaces shall be prohibited. All air supplied to such spaces shall be exhausted, including any air in excess of that required by Table 403.3.1.1.
4. ~~Where mechanical exhaust is required by Note g in Table 403.3.1.1, mechanical exhaust is required and recirculation from such spaces is prohibited where more than 10 percent of the resulting supply airstream consists of air recirculated from these spaces. Return air from such spaces shall only be permitted to be recirculated when returned to an energy recovery ventilation system complying~~

with Section 514. Recirculation of air that is contained completely within such spaces shall not be prohibited.

**403.3 Outdoor air and local exhaust airflow rates.** Group ~~((R-2, R-3 and R-4))~~ R occupancies ~~((three stories and less in height above grade plane))~~ shall be provided with outdoor air and local exhaust in accordance with Section ~~((403-8))~~ 403.4. All other buildings intended to be occupied shall be provided with outdoor air and local exhaust in accordance with Section 403.3.1.

**403.3.1.1 Outdoor airflow rate.** Ventilation systems shall be designed to have the capacity to supply the minimum outdoor airflow rate determined in accordance with this section. In each occupiable space, the ventilation system shall be designed to deliver the required rate of outdoor airflow to the breathing zone. Outdoor air shall be supplied directly to each occupiable space from an air handling unit through a fully ducted path or ducted to within 12 inches of the return air opening of a fan-powered terminal unit used to transfer the outdoor air to the occupiable space. The occupant load utilized for design of the ventilation system shall not be less than the number determined from the estimated maximum occupant load rate indicated in Table 403.3.1.1. Ventilation rates for occupancies not represented in Table 403.3.1.1 shall be those for a listed occupancy classification that is most similar in terms of occupant density, activities and building construction; or shall be determined by an approved engineering analysis. The ventilation system, including transfer fan-powered terminal units shall be designed to supply the required rate of ventilation air continuously during the period the building is occupied, except as otherwise stated in other provisions of the code.

With the exception of smoking lounges, the ventilation rates in Table 403.3.1.1 are based on the absence of smoking in occupiable spaces. Where smoking is anticipated in a space other than a smoking lounge, the ventilation system serving the space shall be designed to provide ventilation over and above that required by Table 403.3.1.1 in accordance with accepted engineering practice.

- EXCEPTION: Where occupancy density is known and documented in the plans, the outside air rate may be based on the design occupant density. Under no circumstance shall the occupancies used result in outside air less than one-half that resulting from application of Table 403.3.1.1 estimated maximum occupancy rates.

**Table 403.3.1.1  
REQUIRED OUTDOOR VENTILATION AIR**

Occupancy Classification	Occupant Density #/1000 ft <sup>2a</sup>	People Outdoor Airflow Rate in Breathing Zone <i>R<sub>p</sub></i> cfm/Person	Area Outdoor Airflow Rate in Breathing Zone <i>R<sub>a</sub></i> cfm/ft <sup>2a</sup>	Exhaust Airflow Rate cfm/ft <sup>2a</sup>
<b>Offices</b>				
Conference rooms	50	5	0.06	—
Kitchenettes <sup>k</sup>	<del>((—))</del> <u>25</u>	<del>((—))</del> <u>5</u>	<del>((—))</del> <u>0.06</u>	0.30
Office spaces	5	5	0.06	—
Reception areas	30	5	0.06	—
Telephone/data entry	60	5	0.06	—
Main entry lobbies	10	5	0.06	—

Occupancy Classification	Occupant Density #/1000 ft <sup>2a</sup>	People Outdoor Airflow Rate in Breathing Zone R <sub>p</sub> cfm/Person	Area Outdoor Airflow Rate in Breathing Zone R <sub>a</sub> cfm/ft <sup>2a</sup>	Exhaust Airflow Rate cfm/ft <sup>2a</sup>
<b>Private dwellings, single and multiple</b>				
Garages, common for multiple units <sup>b</sup>	—	—	—	0.75
(Kitchens <sup>b</sup> )	—	—	—	25/100 <sup>f</sup> ) See Table 403.4.7
Living areas <sup>c</sup>	((Based on the number of bedrooms. First bedroom, 2; each additional bedroom, 1	See Tables 403.8.1 and 403.8.5.1)) See Table 403.4.2	—	—
Toilet rooms, bathrooms and laundry areas <sup>b, i</sup>	—	—	—	((20/50 <sup>f</sup> ) See Table 403.4.7
<b>Public spaces</b>				
Corridors serving other than Group R occupancies	—	—	0.06	—
Corridors serving Group R dwelling or sleeping units with whole house exhaust system	—	—	0.12	—
Corridors serving Group R dwelling or sleeping units with other than whole house exhaust system	—	—	0.06	—
Courtrooms	70	5	0.06	—
Elevator car	—	—	—	1
Elevator lobbies in parking garage	—	—	1.0	—
Legislative chambers	50	5	0.06	—
Libraries	10	5	0.12	—
Museums (children's)	40	7.5	0.12	—
Museums/galleries	40	7.5	0.06	—
Places of religious worship	120	5	0.06	—
Shower room (per showerhead) <sup>g((r-k))</sup>	—	—	—	50/20 <sup>f</sup>
Smoking lounges <sup>b</sup>	70	60	—	—
Toilet rooms—Public <sup>g((r-k))</sup>	—	—	—	50/70 <sup>e</sup>
<b>Sports and amusement</b>				
Disco/dance floors	100	20	0.06	—
Bowling alleys (seating areas)	40	10	0.12	—
Game arcades	20	7.5	0.18	—
Ice arenas, without combustion engines <sup>j</sup>	—	—	0.30	0.5
Gym, stadium, arena (play area) <sup>j</sup>	—	—	0.30	—
Spectator areas	150	7.5	0.06	—
Swimming pools (pool and deck area)	—	—	0.48	—
Health club/aerobics room	40	20	0.06	—
Health club/weight room	10	20	0.06	—
<b>Storage</b>				
Janitor closets, trash rooms, recycling rooms	—	—	—	1.0
Repair garages, enclosed parking garage <sup>b, d</sup>	—	—	—	0.75
Storage rooms, chemical	—	—	—	1.5
Warehouses	—	—	0.06	—
<b>Workrooms</b>				
Bank vaults/safe deposit	5	5	0.06	—
Darkrooms	—	—	—	1.0
Copy, printing rooms	4	5	0.06	0.5
Freezer and refrigerated spaces (<50°F)	0	10	0	0
Meat processing <sup>e</sup>	10	15	—	—

Occupancy Classification	Occupant Density #/1000 ft <sup>2a</sup>	People Outdoor Airflow Rate in Breathing Zone R <sub>p</sub> cfm/Person	Area Outdoor Airflow Rate in Breathing Zone R <sub>a</sub> cfm/ft <sup>2a</sup>	Exhaust Airflow Rate cfm/ft <sup>2a</sup>
Pharmacy (prep. area)	10	5	0.18	—
Photo studios	10	5	0.12	—
Computer (without printing)	4	5	0.06	—

For SI: 1 cubic foot per minute = 0.0004719 m<sup>3</sup>/s, 1 ton = 908 kg, 1 cubic foot per minutes per square foot = 0.00508 m<sup>3</sup>/(s•m<sup>2</sup>), °C = [(°F) -32]/1.8, 1 square foot = 0.0929 m<sup>2</sup>.

- a. Based upon *net occupiable floor area*.
- b. Mechanical exhaust required and the recirculation of air from such spaces is prohibited. Recirculation of air that is contained completely within such spaces shall not be prohibited (see Section 403.2.1, Item 3).
- c. Spaces unheated or maintained below 50°F are not covered by these requirements unless the occupancy is continuous.
- d. Ventilation systems in enclosed parking garages shall comply with Section 404.
- e. Rates are per water closet or urinal. The higher rate shall be provided where the exhaust system is designed to operate intermittently. The lower rate shall be permitted only where the exhaust system is designed to operate continuously while occupied.
- f. Rates are per room unless otherwise indicated. The higher rate shall be provided where the exhaust system is designed to operate intermittently. The lower rate shall be permitted only where the exhaust system is designed to operate continuously while occupied.
- g. Mechanical exhaust is required and recirculation (~~is prohibited~~) from such spaces is prohibited except that recirculation shall be permitted where the resulting supply airstream consists of not more than 10 percent air recirculated from these spaces. Return air from such spaces only be permitted to be recirculated when returned to an energy recovery ventilation system complying with Section 514. Recirculation of air that is contained completely within such spaces shall not be prohibited (see Section 403.2.1, Items 2 and 4).
- h. For nail salons, each manicure and pedicure station shall be provided with a *source capture system* capable of exhausting not less than 50 cfm per station. Exhaust inlets shall be located in accordance with Section 514.20. Where one or more required source capture systems operate continuously during occupancy, the exhaust rate from such systems shall be permitted to be applied to the exhaust flow rate required by Table 403.3.1.1 for the nail salon.
- i. A laundry area within a kitchen or bathroom is not required to have local exhaust. For the laundry area to qualify as being within the kitchen, the laundry room door must open directly into the kitchen and not into an adjacent corridor. Where there are doors that separate the laundry area from the kitchen or bathroom the door shall be louvered.
- j. When combustion equipment is intended to be used on the playing surface, additional dilution ventilation and/or source control shall be provided.
- k. Kitchenettes require exhaust when they contain a domestic cooking appliance range or oven that is installed in accordance with Table ~~((507.2.2))~~ 507.2.1. Kitchenettes that only contain a microwave ~~((oven))~~ cooking appliance are not required to have ~~((mechanical))~~ exhaust. A kitchenette may not contain commercial cooking appliances that require Type I or Type II exhaust as these occupancies are required to be exhausted to the kitchen category in Table 403.3.1.1.

**403.3.1.1.2.3 Multiple zone recirculating systems.** For ventilation systems wherein one or more air handlers supply a mixture of outdoor air and recirculated air to more than one ventilation zone, the outdoor air intake flow (V<sub>ot</sub>) shall be determined in accordance with Sections 403.3.1.1.2.3.1 through 403.3.1.1.2.3.4.

**403.3.1.1.2.3.1 Uncorrected outdoor air intake.** The uncorrected outdoor air intake flow (V<sub>ot</sub>) shall be determined in accordance with Equation 4-5.

$$V_{ou} = D \sum_{all\ zones} (R_p \times P_z) + \sum_{all\ zones} (R_a \times A_z) \text{ (Equation 4-5)}$$

**403.3.1.1.2.3.1.1 Occupant diversity.** The occupant diversity ratio (D) shall be determined in accordance with Equation 4-6 to account for variations in population within the ventilation zones served by the system.

$$D = P_s / \sum_{all\ zones} P_z \text{ (Equation 4-6)}$$

where:

P<sub>s</sub> = System population: The total population in the area served by the system.

EXCEPTION: Alternative methods to account for occupant diversity shall be permitted, provided the resulting V<sub>ou</sub> value is no less than that determined using Equation 4-5.

**403.3.1.1.2.3.1.2 Design system population.** Design system population (P<sub>s</sub>) shall equal the largest (peak) number of people expected to occupy all ventilation zones served by the ventilation system during use.

Note: Design system population is always equal to or less than the sum of design zone population for all zones in the area served by the system because all zones may or may not be simultaneously occupied at design population.

**403.3.1.1.2.3.2 System ventilation efficiency.** The system ventilation efficiency (E<sub>v</sub>) shall be determined in accordance with Section 403.3.1.1.2.3.3 for the Simplified Procedure or Appendix A of ASHRAE 62.1 for the Alternative Procedure.

Note: These procedures also establish zone minimum primary airflow rates for VAV systems.

**403.3.1.1.2.3.3 Simplified procedure.**

**403.3.1.1.2.3.3.1 System ventilation efficiency.** System ventilation efficiency (E<sub>v</sub>) shall be determined in accordance with Equation 4-6a or 4-6b.

$$E_v = 0.88 \times D + 0.22 \text{ for } D < 0.60 \text{ (Equation 4-6a)}$$

$$E_v = 0.75 \text{ for } D \geq 0.60 \text{ (Equation 4-6b)}$$

**403.3.1.1.2.3.3.2 Zone minimum primary airflow.** For each zone, the minimum primary airflow (V<sub>pz-min</sub>) shall be determined in accordance with Equation 4-7.

$$V_{pz-min} = V_{oz} \times 1.5 \text{ (Equation 4-7)}$$

**403.3.1.1.2.3.4 Outdoor air intake.** The design outdoor air intake flow ( $V_{ot}$ ) shall be determined in accordance with Equation 4-8.

$$V_{ot} = V_{out}/E_v \text{ (Equation 4-8)}$$

**403.3.2 Group R-2, R-3 and R-4 occupancies.** This section is not adopted. See Section ((403-8)) 403.4.

**403.3.2.1 Outdoor air for dwelling units.** This section is not adopted.

**403.3.2.2 Outdoor air for other spaces.** This section is not adopted.

**403.3.2.3 Local exhaust.** This section is not adopted.

~~((403.8 Ventilation systems for Group R occupancies. Each dwelling unit or sleeping unit shall be equipped with local exhaust and whole house ventilation systems and shall comply with Sections 403.8.1 through 403.8.11. All occupied spaces, including public corridors, other than the Group R dwelling and sleeping unit, that support the Group R occupancy shall meet the ventilation requirements of Section 402 or the applicable rates from Table 403.3.1.1.~~

**403.8.1 Minimum ventilation performance.** Ventilation systems shall be designed and installed to satisfy the ventilation requirements of Table 403.3.1.1 or Table 403.8.1. Breathing zone ventilation rates from Table 403.3.1.1 shall be calculated per Section 403.3.1.1 and corrected per zone air distribution effectiveness requirements per Section 403.3.1.2.

**Table 403.8.1**

**VENTILATION RATES FOR ALL GROUP R PRIVATE DWELLINGS, SINGLE AND MULTIPLE (CONTINUOUSLY OPERATING SYSTEMS)**

Floor Area (ft <sup>2</sup> )	Bedrooms <sup>†</sup>				
	0-1	2-3	4-5	6-7	≥8
<500	30	40	45	55	60
500-1000	45	55	60	70	75
1001-1500	60	70	75	85	90
1501-2000	75	85	90	100	105
2001-2500	90	100	105	115	120
2501-3000	105	115	120	130	135
3001-3500	120	130	135	145	150
>3500	135	145	150	160	165

<sup>†</sup>Ventilation rates in table are minimum outdoor airflow rates measured in cfm.

**403.8.2 Control and operation:**

1. Location of controls. Controls for all ventilation systems shall be readily accessible by the occupant.

2. Instructions. Operating instructions for whole house ventilation systems shall be provided to the occupant by the installer of the system.

3. Local exhaust ventilation systems. Local exhaust ventilation systems shall be controlled by manual switches, dehumidistats, timers, or other approved means.

4. Continuous whole house ventilation systems. Continuous whole house ventilation systems shall operate continuously and be equipped with an override control. A "fan on" switch shall be permitted as an override control. Controls shall be capable of operating the ventilation system without energizing other energy-consuming appliances. A clearly visible label shall be affixed to the controls that reads "Whole House Ventilation (see operating instructions)."

5. Intermittent whole house ventilation systems. Intermittent whole house ventilation systems shall comply with the following:

5.1 They shall be capable of operating intermittently and continuously.

5.2 They shall have controls capable of operating the exhaust fans, forced air system fans, or supply fans without energizing other energy-consuming appliances.

5.3 The ventilation rate shall be adjusted according to the exception in Section 403.8.5.1.

5.4 The system shall be designed so that it can operate automatically based on the type of control timer installed.

5.5 The intermittent mechanical ventilation system shall operate at least one hour out of every four.

5.6 The system shall have a manual control and automatic control, such as a 24-hour clock timer.

5.7 At the time of final inspection, the automatic control shall be set to operate the whole house fan according to the schedule used to calculate the whole house fan sizing.

5.8 A label shall be affixed to the control that reads "Whole House Ventilation (see operating instructions)."

EXCEPTION: Engineered central ventilation systems serving dwelling units or sleeping units are not required to have individual controls for each dwelling unit or sleeping unit when designed for continuous operation and approved by the code official.

**403.8.3 Outdoor air intake locations.** Outdoor air intakes shall be classified as either operable openings or mechanical air intakes and shall be located per the following criteria. The intake locations for operable openings and mechanical air intakes shall comply with the following:

1. Openings for mechanical air intakes shall comply with Section 401.4. Operable openings shall comply with Section 401.4 items 2 and 4 only.

2. Intake openings shall not be located closer than 10 feet from an appliance vent outlet unless such vent outlet is 3 feet above the *outdoor air* inlet. The vent shall be permitted to be closer if specifically allowed by Chapter 8 or by the International Fuel Gas Code.

3. Intake openings shall be located where they will not pick up objectionable odors, fumes, or flammable vapors.

4. Intake openings shall be located where they will not take air from a hazardous or unsanitary location.

5. Intake openings shall be located where they will not take air from a room or space having a fuel burning appliances:

6. Intake openings shall not be located closer than 10 feet from a vent opening of a plumbing drainage system unless the vent opening is at least 3 feet above the air inlet.

7. Intake openings shall not be located where they will take air from an attic, crawl space, or garage.

8. Intake openings shall not be located on asphalt roofs unless it is shown that no other location is permissible. In such cases, the inlet opening shall be located a minimum of 2 feet from the nearest surface of the asphalt roofing, measured from the intake opening.

**403.8.4 Local exhaust ventilation requirements.** Local exhaust ventilation systems shall exhaust at least the volume of air required for exhaust in Table 403.3.1.1. Exhaust shall be provided in each kitchen, bathroom, water closet, laundry area, indoor swimming pool, spa, and other room where water vapor or cooking odor is produced.

**403.8.4.1 Local exhaust systems.** Exhaust systems shall be designed and installed to meet all of the criteria below:

1. Local exhaust shall be discharged outdoors.
2. Exhaust outlets shall comply with Section 501.3.
3. Pressure equalization shall comply with Section 501.4.
4. Exhaust ducts in systems which are designed to operate intermittently shall be equipped with back-draft dampers.

5. All exhaust ducts in unconditioned spaces shall be insulated to a minimum of R-4.

6. Terminal outlet elements shall have at least the equivalent net free area of the ductwork.

7. Terminal outlet elements shall be screened or otherwise protected as required by Section 501.3.2.

8. Exhaust fans in separate dwelling units or sleeping units shall not share common exhaust ducts unless the system is engineered for this operation.

9. Where permitted by Chapter 5, multiple local exhaust ducts may be combined. If more than one of the exhaust fans in a dwelling unit or sleeping unit shares a common exhaust duct then each exhaust fan shall be equipped with a back-draft damper to prevent the recirculation of exhaust air from one room to another room via the exhaust ducting system.

**403.8.4.2 Local exhaust fans.** Exhaust fan construction and sizing shall meet the following criteria:

1. Exhaust fans shall be tested and rated in accordance with the airflow and sound rating procedures of the Home Ventilating Institute (HVI 915, HVI Loudness Testing and Rating Procedure, HVI 916, HVI Airflow Test Procedure, and HVI 920, HVI Product Performance Certification Procedure):

EXCEPTION: Where a range hood or down draft exhaust fan is used for local exhaust for a kitchen, the device is not required to be rated per these standards.

2. Installation of the system or equipment shall be carried out in accordance with manufacturers' installation instructions.

3. Fan airflow rating and duct system shall be designed and installed to deliver at least the exhaust airflow required by Table 403.3.1.1. The airflows required refer to the delivered airflow of the system as installed and tested using a flow hood, flow grid, or other airflow measurement device.

- EXCEPTIONS:
1. An exhaust airflow rating at a pressure of 0.25 in. w.g. may be used, provided the duct sizing meets the prescriptive requirements of Table 403.8.4.2.
  2. Where a range hood or down draft exhaust fan is used to satisfy the local exhaust requirements for kitchens, the range hood or down draft exhaust shall not be less than 100 cfm at 0.10 in. w.g.

**TABLE 403.8.4.2  
PRESCRIPTIVE EXHAUST DUCT SIZING**

Fan Tested cfm at 0.25 inches w.g.	Minimum Flex Diameter	Maximum Length in Feet	Minimum Smooth Diameter	Maximum Length in Feet	Maximum Elbows*
50	4 inches	25	4 inches	70	3
50	5 inches	90	5 inches	100	3
50	6 inches	No Limit	6 inches	No Limit	3
80	4 inches <sup>b</sup>	NA	4 inches	20	3
80	5 inches	15	5 inches	100	3
80	6 inches	90	6 inches	No Limit	3
100	5 inches <sup>b</sup>	NA	5 inches	50	3
100	6 inches	45	6 inches	No Limit	3
125	6 inches	15	6 inches	No Limit	3
125	7 inches	70	7 inches	No Limit	3

\* For each additional elbow, subtract 10 feet from length.

b. Flex ducts of this diameter are not permitted with fans of this size.



**403.8.5 Whole house ventilation requirements.** Each dwelling unit or sleeping unit shall be equipped with one of the following four types of mechanical whole house ventilation systems: A system using exhaust fans (see Section 403.8.6); a system integrated with forced air systems (see Section 403.8.7); a system using supply fans (see Section 403.8.8); or a heat or energy recovery ventilation system (see Section 403.8.9). The whole house exhaust system is permitted to be one of the local exhaust systems required by Section 403.8.4 as long as the requirements of this section, in addition to the requirements of Section 403.8.5, are met.

**EXCEPTION:** Additions, alterations, renovations or repairs to a mechanical system that is part of a building addition with less than 500 square feet of conditioned floor area are exempt from the requirements for whole house ventilation systems, Section 403.8.5.

**403.8.5.1 Outdoor air.** *Outdoor air* shall be distributed to each habitable space.

**TABLE 403.8.5.1  
INTERMITTENT WHOLE HOUSE MECHANICAL VENTILATION RATE FACTORS<sup>a,b</sup>**

<b>RUN-TIME PERCENTAGE IN EACH 4-HOUR SEGMENT</b>	<b>25%</b>	<b>33%</b>	<b>50%</b>	<b>66%</b>	<b>75%</b>	<b>100%</b>
<b>Factor<sup>a</sup></b>	4	3	2	1.5	1.3	1.0

<sup>a</sup> For ventilation system run-time values between those given, the factors are permitted to be determined by interpolation.

<sup>b</sup> Extrapolation beyond the table is prohibited.

**403.8.5.2 Whole house supply system general requirements.** Whole house ventilation systems integrated with a forced air system, systems using supply fans and systems using a heat or energy recovery ventilation system shall comply with the following:

1. *Outdoor air* louvers shall be adequately sized for the required airflow and shall comply with Section 401.5. *Outdoor air* intake locations shall comply with mechanical air intakes requirements of Section 403.8.3.

2. *Outdoor air* ducts for dedicated or central supply systems and exhaust ducts for heat or energy recovery systems shall be provided with a means for balancing the system to the required airflow via balance dampers or other devices.

3. *Outdoor air* ducts for dedicated or central systems shall be provided with motorized dampers.

**EXCEPTIONS:** 1. *Outdoor air* ducts at heat or energy recovery ventilation systems are not required to have motorized dampers.  
2. *Outdoor air* ducts at continuous ventilation systems are not required to have motorized dampers.

4. *Outdoor air* ducts in the conditioned space shall be insulated to a minimum of R-4. In heat or energy recovery ventilation systems, ducts upstream of the heat exchanger shall also be insulated to at least R-4.

5. All *outdoor air* ducts shall be designed and installed to deliver at least the outdoor airflow required by Section 403.8.5.1. The airflows required refer to the delivered airflow of the system as installed and tested using a flow hood, flow grid, or other airflow measurement device.

Where *outdoor air* supply intakes are separated from exhaust vents by doors, means shall be provided to ensure airflow to all separated habitable spaces by installing distribution ducts, installed grilles, transoms, doors undercut to a minimum of 1/2-inch above the surface of the finish floor covering, or other similar means where permitted by the *International Building Code*.

The mechanical system shall operate continuously to supply at least the volume of *outdoor air* required in Table 403.3.1.1 or Table 403.8.1.

**EXCEPTION:** Intermittently operating ventilation systems: The whole house mechanical ventilation system is permitted to operate intermittently where the system has controls that enable operation for not less than 25 percent of each 4-hour segment and the ventilation rate prescribed in Table 403.3.1.1 or Table 403.8.1 is multiplied by the factor determined in accordance with Table 403.8.5.1.

**EXCEPTION:** The *outdoor air* duct for supply fan systems and heat or energy recovery systems may be prescriptively sized per Table 403.8.5.2 for dedicated *outdoor air* ducts upstream of the supply fan. Supply fans shall have the capacity to provide the amount of *outdoor air* required by Section 403.8.5.1 at 0.40 in. w.g. as per HVI 916 (April 1995). When prescriptively sized the system shall be tested and balanced using a flow hood, flow grid, or other airflow measurement device.

6. Whole house ventilation controls for intermittent operation shall allow concurrent operation of the forced air fan and the associated outdoor air motorized damper.

7. Whole house ventilation controls for continuous operation shall be provided at the forced air fan.

**EXCEPTION:** Engineered central ventilation systems serving dwelling units or sleeping units are not required to have individual controls for each dwelling or sleeping unit when designed for continuous operation and approved by the code official.

**TABLE 403.8.5.2  
PRESCRIPTIVE SUPPLY FAN DUCT SIZING**

<b>Supply Fan Tested cfm at 0.40" w.g.</b>		
<b>Specified Volume from Table 408.1</b>	<b>Minimum Smooth-Duct Diameter</b>	<b>Minimum Flexible-Duct Diameter</b>
50 - 90 cfm	4-inch	5-inch
90 - 150 cfm	5-inch	6-inch
150 - 250 cfm	6-inch	7-inch
250 - 400 cfm	7-inch	8-inch

**403.8.6 Whole house ventilation with exhaust fan systems.** This section establishes minimum requirements for mechanical whole house ventilation systems using exhaust fans.

**403.8.6.1 Outdoor air.** Exhaust fan only ventilation systems shall provide *outdoor air* to each occupiable space through one of the following methods:

1. *Outdoor air* may be drawn through air inlets installed in exterior walls or windows. The air inlets shall comply with all of the following:

1.1. Inlets shall have controllable, secure openings and shall be designed to not compromise the thermal properties of the building envelope.

1.2. Inlets shall be accessible to occupants, including compliance with Section 1109.13 of the *International Building Code* for designated accessible units, Type A units and Type B units.

1.3. Inlets shall be screened or otherwise protected from entry by insects, leaves, or other material.

1.4. Inlets shall provide not less than 4 square inches of net free area of opening for each 10 cfm of *outdoor air* required in Table 403.3.1.1 or Table 403.8.1.

1.5. Any inlet or combination of inlets which provide 10 cfm at 10 Pascals as determined by the Home Ventilation Institute Air Flow Test Standard (HVI 901 (November 1996)) are deemed equivalent to 4 square inches of net free area.

1.6. Each occupiable space shall have a minimum of one air inlet that has a minimum of 4 square inches of net free area.

2. *Outdoor air* may be drawn in through operable openings to the outdoors. Each habitable space shall be provided with operable openings with an openable area of not less than 4 square inches of net free area of opening for each 10 cfm of outdoor air required by Table 403.3.1.1 or Table 403.8.1. Doors exiting to a corridor, court or public way shall not be used to provide *outdoor air*. The operable openings shall comply with the following:

2.1. Openings shall be controllable, securable, and shall be designed to not compromise the thermal properties of the building envelope.

2.2. Openings shall be accessible to occupants, including compliance with Section 1109.13 of the *International Building Code* for designated accessible units, Type A units and Type B units.

2.3. Openings shall be screened or otherwise protected from entry by leaves or other material.

3. For interior adjoining spaces without *outdoor air* openings, one of the following two options shall be used to ventilate the interior adjoining space:

3.1. Provide a whole house transfer fan at the interior adjoining space sized to provide a minimum of the ventilation rate required per Section 403.8.5.1. The transfer fan shall circulate air between the interior room or space and the adjacent habitable space. The transfer fan may operate continuously or intermittently using controls per Section 403.8.2.

3.2. Provide a permanent opening to the interior adjoining space. Opening shall be unobstructed and shall have an area of not less than 8 percent of the floor area of the interior adjoining space, but not less than 25 square feet.

**403.8.6.2 Outside air intake locations.** All *outside air* intake opening types described in Section 403.8.6.1 shall be classified operable openings and shall not be classified as

mechanical air intakes. The intake locations shall comply with Section 403.8.3.

**403.8.6.3 Whole house exhaust system.** Whole house exhaust system shall be designed and installed to meet all of the applicable criteria below:

1. Whole house ventilation exhaust shall be discharged outdoors.

2. Exhaust outlets shall comply with Section 501.2.

3. Exhaust ducts in systems which are designed to operate intermittently shall be equipped with back-draft dampers.

4. All exhaust ducts in unconditioned spaces shall be insulated to a minimum of R-4.5. Terminal outlet elements shall have at least the equivalent net free area of the ductwork.

5. Terminal outlet elements shall be screened or otherwise protected as required by Section 501.2.2.

6. One of the required local exhaust fans for the laundry room or bathroom may be designated as the whole house exhaust fan.

7. Exhaust fans in separate dwelling units or sleeping units shall not share common exhaust ducts unless the system is engineered for this operation.

8. Where permitted by Chapter 5 whole house exhaust ducts may be combined with other local exhaust ducts. If more than one of the exhaust fans in a dwelling unit or sleeping unit shares a common exhaust duct then each exhaust fan shall be equipped with a back-draft damper to prevent the recirculation of exhaust air from one room to another room via the exhaust ducting system.

**403.8.6.4 Whole house exhaust and transfer fans.** Exhaust fan construction and sizing shall meet the following criteria:

1. Exhaust and transfer fans shall be tested and rated in accordance with the airflow and sound rating procedures of the Home Ventilating Institute (HVI 915, HVI Loudness Testing and Rating Procedure, HVI 916, HVI Airflow Test Procedure, and HVI 920, HVI Product Performance Certification Procedure).

2. Installation of system or equipment shall be carried out in accordance with manufacturers' design requirements and installation instructions.

3. Fan airflow rating and duct system shall be designed and installed to deliver at least the outdoor airflow required by Table 403.3.1.1 or Table 403.8.1. The airflows required refer to the delivered airflow of the system as installed and tested using a flow hood, flow grid, or other airflow measurement device.

EXCEPTION: An airflow rating at a pressure of 0.25 in. w.g. may be used, provided the duct sizing meets the prescriptive requirements of Table 403.8.5.2.

**403.8.6.5 Fan noise.** Whole house exhaust and transfer fans located 4 feet or less from the interior grille shall have a sone rating of 1.0 or less measured at 0.10 inches water gauge. Manufacturer's noise ratings shall be determined as per HVI 915. Remotely mounted fans shall be acoustically isolated from the structural elements of the building and from attached ductwork using insulated flexible duct or other approved material.

**403.8.7 Whole house ventilation integrated with forced-air systems.** This section establishes minimum requirements for mechanical whole house ventilation systems using forced-air system fans.

**403.8.7.1 Outdoor air.** Forced-air system fan ventilation systems shall provide *outdoor air* through one of the following methods:

1. A dedicated *outdoor air* louver and *outdoor air* duct for each dwelling unit or sleeping unit shall supply *outdoor air* to the return side of the forced-air system fan; or

2. A central *outdoor air* delivery system that supplies multiple dwelling units or sleeping units shall supply *outdoor air* to the return side of the forced-air system fan.

3. For interior adjoining spaces without *outdoor air* openings, one of the following two options shall be used to ventilate the interior adjoining space:

3.1. Provide a whole house transfer fan at the interior adjoining space sized to provide a minimum of the ventilation rate required per Section 403.8.5.1. The transfer fan shall circulate air between the interior room or space and the adjacent habitable space. The transfer fan may operate continuously or intermittently using controls per Section 403.8.2.

3.2. Provide a permanent opening to the interior adjoining space. Opening shall be unobstructed and shall have an area of not less than 8 percent of the floor area of the interior adjoining space, but not less than 25 square feet.

**403.8.7.2 Whole house forced-air system.** Where *outdoor air* is provided to each habitable dwelling unit or sleeping unit by a forced-air system, the *outdoor air* duct shall be connected to the return air stream at a point within 4 feet upstream of the forced-air unit. It shall not be connected directly to the forced-air unit cabinet in order to prevent thermal shock to the heat exchanger. At a minimum, filtration of the *outdoor air* shall be provided at the forced-air unit. The filter shall be accessible for regular maintenance and replacement. The filter shall have a Minimum Efficiency Rating Value (MERV) of at least 6.

Each habitable space in the dwelling or sleeping unit shall be served by a forced-air system with outdoor air connection.

**403.8.8 Whole house ventilation with supply fan systems.** This section establishes minimum requirements for mechanical whole house ventilation systems using supply fan systems.

**403.8.8.1 Outdoor air.** Supply fan ventilation systems shall provide *outdoor air* through one of the following methods:

1. A dedicated *outdoor air* louver and *outdoor air* duct for each dwelling unit or sleeping unit shall supply *outdoor air* to a supply fan; or

2. A central *outdoor air* supply fan system shall distribute unconditioned or conditioned air to multiple dwelling units or sleeping units.

3. For interior adjoining spaces without *outdoor air* openings, one of the following two options shall be used to ventilate the interior adjoining space:

3.1. Provide a whole house transfer fan at the interior adjoining space sized to provide a minimum of the ventilation rate required per Section 403.8.5.1. The transfer fan shall

circulate air between the interior room or space and the adjacent habitable space. The transfer fan may operate continuously or intermittently using controls per Section 403.8.2.

3.2. Provide a permanent opening to the interior adjoining space. Opening shall be unobstructed and shall have an area of not less than 8 percent of the floor area of the interior adjoining space, but not less than 25 square feet.

**403.8.8.2 Whole house supply system.** Where *outdoor air* is provided to each habitable dwelling unit or sleeping unit by supply fan systems the *outdoor air* shall be filtered.

The system filter may be located at the intake device or inline with the fan. The filter shall be accessible for regular maintenance and replacement. The filter shall have a Minimum Efficiency Rating Value (MERV) of at least 6.

**403.8.9 Whole house ventilation with heat recovery or energy recovery ventilation systems.** This section establishes minimum requirements for mechanical whole house ventilation systems using heat recovery or energy recovery ventilation systems.

**403.8.9.1 Outdoor air.** Heat recovery or energy recovery ventilation systems shall provide *outdoor air* through one of the following methods:

1. A dedicated *outdoor air* louver and *outdoor air* duct for each dwelling unit or sleeping unit shall supply *outdoor air* to the heat recovery or energy recovery ventilator; or

2. A central *outdoor air* heat recovery or energy recovery unit shall distribute conditioned air to multiple dwelling units or sleeping units.

3. For interior adjoining spaces without *outdoor air* openings, one of the following two options shall be used to ventilate the interior adjoining space:

3.1. Provide a whole house transfer fan at the interior adjoining space sized to provide a minimum of the ventilation rate required per Section 403.8.5.1. The transfer fan shall circulate air between the interior room or space and the adjacent habitable space. The transfer fan may operate continuously or intermittently using controls per Section 403.8.2.

3.2. Provide a permanent opening to the interior adjoining space. Opening shall be unobstructed and shall have an area of not less than 8 percent of the floor area of the interior adjoining space, but not less than 25 square feet.

**403.8.9.2 Whole house heat recovery ventilator system.** Where *outdoor air* is provided to each habitable dwelling unit or sleeping unit by heat recovery or energy recovery ventilator the *outdoor air* shall be filtered. The filter shall be located on the upstream side of the heat exchanger in both the intake and exhaust airstreams with a Minimum Efficiency Rating Value (MERV) of at least 6. The system filter may be located at the intake device or inline with the fan. The filter shall be accessible for regular maintenance and replacement.

Each habitable space in the dwelling or sleeping unit shall be served by a heat recovery ventilator with outdoor air connection.

**403.8.10 Local exhaust ventilation and whole house ventilation alternate performance or design requirements.** In lieu of complying with Sections 403.8.4 or 403.8.5 compliance with the section shall be demonstrated through engi-

neering calculations by an engineer licensed to practice in the state of Washington or by performance testing. Documentation of calculations or performance test results shall be submitted to and approved by the building official. Performance testing shall be conducted in accordance with approved test methods.

**403.8.11 Alternate systems.** When approved by the code official, systems designed in accordance with ASHRAE Standard 62.2 shall be permitted.) **403.4 Group R whole house mechanical ventilation system.** Each dwelling unit or sleeping unit shall be equipped with a whole house mechanical ventilation system that complies with Sections 403.4.1 through 403.4.6. Each dwelling unit or sleeping unit shall be equipped with local exhaust complying with Section 403.4.7. All occupied spaces, including public corridors, other than the Group R dwelling units and/or sleeping units, that support

these Group R occupancies shall meet the ventilation requirement of natural ventilation requirements of Section 402 or the mechanical ventilation requirements of Sections 403.1 through 403.3.

**403.4.1 System design.** The whole house ventilation system shall consist of one or more supply fans, one or more exhaust fans, or an ERV/HRV with integral fans; and the associated ducts and controls. Local exhaust fans shall be permitted to serve as part of the whole house ventilation system when provided with the proper controls in accordance with Section 403.4.5. The systems shall be designed and installed to supply and exhaust the minimum outdoor airflow rates per Section 403.4.2 as corrected by the balanced and/or distributed whole house ventilation system coefficients in accordance with Section 403.4.3 where applicable.

**Table 403.4.2**  
**WHOLE HOUSE MECHANICAL VENTILATION AIRFLOW RATE**  
**(CONTINUOUSLY OPERATING SYSTEMS)**

Floor Area (ft <sup>2</sup> )	Bedrooms <sup>1</sup>				
	1	2	3	4	≥5
<500	30	30	35	45	50
500 - 1000	30	35	40	50	55
1001 - 1500	30	40	45	55	60
1501 - 2000	35	45	50	60	65
2001 - 2500	40	50	55	65	70
2501 - 3000	45	55	60	70	75
3001 - 3500	50	60	65	75	80
3501 - 4000	55	65	70	80	85
4001 - 4500	60	70	75	85	90
4501 - 5000	65	75	80	90	95

<sup>1</sup> Minimum airflow (Q<sub>v</sub>) is set at not less than 30 cfm for each dwelling units.

**403.4.2 Whole house mechanical ventilation rates.** The sleeping unit whole house mechanical ventilation minimum outdoor airflow rate shall be determined in accordance with the breathing zone ventilation rates minimum outdoor airflow rate shall be determined in accordance with the breathing zone ventilation rates requirements of Section 403.3.1.1.1.2 using Equation 4-2. The dwelling unit whole house mechanical ventilation minimum outdoor airflow rate shall be determined in accordance with Equation 4-10 or Table 403.4.2.

$$Q_r = 0.01 * A_{\text{floor}} + 7.5 * (N_{\text{br}} + 1) \text{ (Equation 4-10)}$$

where:

$Q_r$  = Ventilation airflow rate, cubic feet per minute (cfm) but not less than 30 cfm for each dwelling unit.

$A_{\text{floor}}$  = Conditioned floor area, square feet (ft<sup>2</sup>)

$N_{\text{br}}$  = Number of bedrooms, not less than one.

**Table 403.4.3**  
**SYSTEM COEFFICIENT (C<sub>system</sub>)**

System Type	Distributed	Not Distributed
Balanced	1.0	1.25
Not Balanced	1.25	1.5

**403.4.3 Ventilation quality adjustment.** The minimum whole house ventilation rate from Section 403.4.2 shall be adjusted by the system coefficient in Table 403.4.3 based on the system type not meeting the definition of a balanced whole house ventilation system and/or not meeting the definition of a distributed whole house ventilation system.

$$Q_v = Q_r * C_{\text{system}} \text{ (Equation 4-11)}$$

where:

$Q_v$  = Quality-adjusted ventilation airflow rate in cubic feet per minute (cfm)

$Q_r$  = Ventilation airflow rate, cubic feet per minute (cfm) from Equation 4-10 or Table 403.4.1

$C_{\text{system}}$  = System coefficient from Table 403.4.3

**403.4.4 Whole house ventilation residential occupancies.** Residential dwelling and sleeping unit whole house ventilation systems shall meet the requirements of Sections 403.4.4.1 or 403.4.4.2 depending on the occupancy of the residential unit.

**403.4.4.1 Whole house ventilation in Group R-2 occupancies.** Residential dwelling and sleeping units in Group R-2 occupancies system shall include supply and exhaust fans and be a balanced whole house ventilation system in accordance with Section 403.4.6.3. The system shall include a heat or energy recovery ventilator with a sensible heat recovery effectiveness as prescribed in Section C403.3.6 of the *Washington State Energy Code*. The whole house ventilation system shall operate continuously at the minimum ventilation rate determined in accordance with Section 403.4. The whole house supply fan shall provide ducted outdoor ventilation air to each habitable space within the residential unit.

**403.4.4.2 Whole house ventilation for other than Group R-2 occupancies.** Residential dwelling and sleeping units in other than Group R-2 occupancies, including I-1 condition 2 occupancies, shall have a whole house mechanical ventilation system with supply and exhaust fans in accordance with Section 403.4.6.1, 403.4.6.2, 403.4.6.3, or 403.4.6.4. The whole house ventilation system shall operate continuously at the minimum ventilation rate determined in accordance with Section 403.4.2 unless configured with intermittent off controls in accordance with Section 403.4.6.5. The whole house supply fan shall provide ducted outdoor ventilation air to each habitable space within the residential unit.

**403.4.6 Whole house ventilation system component requirements.** Whole house ventilation supply and exhaust fans specified in this section shall have a minimum efficacy as prescribed in the *Washington State Energy Code*. The fans shall be rated for sound at a maximum of 1.0 sone at design airflow and static pressure conditions. Design and installation of the system or equipment shall be carried out in accordance with manufacturer's installation instructions.

**EXCEPTIONS:**

1. Central supply or exhaust fans serving multiple residential units do not need to comply with the maximum fan sone requirements.
2. Interior joining spaces provided with a 30 cfm transfer fan or a 25 square foot permanent opening do not require supply ventilation air directly to the space. Transfer fans shall meet the sone rating above and have whole house ventilation controls in accordance with Section 403.4.5.

**403.4.6.1 Exhaust fans.** Exhaust fans required shall be ducted directly to the outside in accordance with Section 501.3. Exhaust air outlets shall be designed to limit the pressure difference to the outside to limiting the outlet free area maximum velocity to 500 feet per minute and equipped with backdraft dampers or motorized dampers in accordance with *Washington State Energy Code*. Exhaust fans shall be tested and rated in accordance with HVI 915, HVI 916, and HVI 920. Exhaust fans required in this section may be used to provide local ventilation. Exhaust fans that are designed for intermittent exhaust airflow rates higher than the continuous exhaust airflow rates in Table 403.4.3 shall be provided with occupancy sensors or humidity sensors to automatically over-

ride the fan to the high speed airflow rate. The exhaust fans shall be tested and the testing results shall be submitted and posted in accordance with Section 403.4.6.7.

**EXCEPTION:** Central exhaust fans serving multiple residential units do not need to comply with the HVI testing requirements.

**403.4.6.2 Supply fans.** Supply fans used in meeting the requirements of this section shall supply outdoor air from intake openings in accordance with Sections 401.4 and 401.5. Intake air openings shall be designed to limit the pressure difference to the outside to limiting the inlet free area maximum velocity to 500 feet per minute and when designed for intermittent off operation shall be equipped with motorized dampers in accordance with the *Washington State Energy Code*. Supply fans shall be tested and rated in accordance with HVI 915, HVI 916, and HVI 920. Where outdoor air is provided to each habitable dwelling unit or sleeping unit by supply fan systems the outdoor air shall be filtered. The filter shall be provided with access for regular maintenance and replacement. The filter shall have a Minimum Efficiency Rating Value (MERV) of at least 8.

**EXCEPTION:** Central supply fans serving multiple residential units do not need to comply with the HVI testing requirements.

**403.4.6.3 Balanced whole house ventilation system.** A balanced whole house ventilation system shall include both supply and exhaust fans. The supply and exhaust fans shall have airflow that is within 10 percent of each other. The tested and balanced total mechanical exhaust airflow rate is within 10 percent or 5 cfm, whichever is greater, of the total mechanical supply airflow rate. The flow rate test results shall be submitted and posted in accordance with Section 403.4.6.6. The exhaust fan shall meet the requirements of Section 403.4.6.2. The supply fan shall meet the requirements of Section 403.4.6.3. For R-2 dwelling and sleeping units, the system is required to have balanced whole house ventilation but is not required to have distributed whole house ventilation where the not distributed system coefficient from Table 403.4.2 is utilized to correct the whole house mechanical ventilation rate. The system shall be design and balanced to meet the pressure equalization requirements of Section 501.4. Intermittent dryer exhaust, intermittent range hood exhaust, and intermittent toilet room exhaust airflow rates above the residential dwelling or sleeping unit minimum ventilation rate are exempt from the balanced airflow calculation.

**403.4.6.4 Furnace integrated supply.** Systems using space condition heating and/or cooling air handler fans for outdoor air supply air distribution are not permitted.

**EXCEPTION:** Air handler fans shall be permitted that have multi-speed or variable speed supply airflow control capability with a low speed operation not greater than 25 percent of the rated supply air flow capacity during ventilation only operation. Outdoor air intake openings must meet the provisions of Sections 401.4 and 401.5 and must include a motorized damper that is activated by the whole house ventilation system controller. Intake air openings shall be designed to limit the pressure difference to the outside to limiting the inlet free area maximum velocity to 500 ft per min. The motorized damper must be controlled to maintain the outdoor airflow intake airflow within 10 percent of the whole house mechanical exhaust airflow rate. The supply air handler shall provide supply air to each habitable space in the residential unit. The whole house ventilation system shall include exhaust fans in accordance with Section 403.4.6.2 to meet the pressure equalization requirements of Section 501.4. The flow rate for the outdoor air intake must be tested and verified at the minimum ventilation fan speed and the maximum heating or cooling fan speed. The results of the test shall be submitted and posted in accordance with Section 403.4.6.6.

**403.4.6.5 Intermittent off operation.** Whole house mechanical ventilation systems shall be provided with advanced controls that are configured to operate the system with intermittent off operation and shall operate for a least two hours in each four-hour segment. The whole house ventilation airflow rate determined in accordance with Section 403.4.2 as corrected by Section 403.4.3 shall be multiplied by the factor determined in accordance with Table 403.4.6.5.

**Table 403.4.6.5**

**INTERMITTENT WHOLE HOUSE MECHANICAL VENTILATION RATE FACTORS<sup>a,b</sup>**

<b>Run-time Percentage in Each 4-hour Segment</b>	<b>50%</b>	<b>66%</b>	<b>75%</b>	<b>100%</b>
<b>Factor<sup>a</sup></b>	<u>2</u>	<u>1.5</u>	<u>1.3</u>	<u>1.0</u>

<sup>a</sup> For ventilation system run-time values between those given, the factors are permitted to be determined by interpolation.

<sup>b</sup> Extrapolation beyond the table is prohibited.

**403.4.6.6 Testing.** Whole house mechanical ventilation systems shall be tested, balanced and verified to provide a flow rate not less than the minimum required by Sections 403.4.2 and 403.4.3. Testing shall be performed according to the ventilation equipment manufacturer's instructions, or by using a flow hood, flow grid, or other airflow measuring device at the mechanical ventilation fan's inlet terminals, outlet terminals or grilles or in the connected ventilation ducts. Where required by the building official, testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the building official and shall be posted in the residential unit in accordance with Section 403.4.6.7.

**403.4.6.7 Certificate.** A permanent certificate shall be completed by the mechanical contractor, test and balance contrac-

tor or other approved party and posted on a wall in the space where the furnace is located, a utility room, or an *approved location* inside the building. When located on an electrical panel, the certificate shall not cover or obstruct the visibility of the circuit directory label, service disconnect label, or other required labels. The certificate shall list the flow rate determined from the delivered airflow of the whole house mechanical ventilation system as installed and the type of mechanical whole house ventilation system used to comply with Section 403.4.3.

**403.4.7 Local exhaust.** Bathrooms, toilet rooms and kitchens shall include a local exhaust system. Such local exhaust systems shall have the capacity to exhaust the minimum airflow rate in accordance with Table 403.4.7 and Table 403.3.1.1, including notes. Fans required by this section shall be provided with controls that enable manual override or automatic occupancy sensor, humidity sensor or pollutant sensor controls. An "on/off" switch shall meet this requirement for manual controls. Manual fan controls shall be provided with ready access in the room served by the fan.

**Table 403.4.7**  
**MINIMUM EXHAUST RATES**

<b>Area to be exhausted</b>	<b>Exhaust Rate</b>	
	<b>Intermittent</b>	<b>Continuous</b>
<b>Kitchens</b>	<u>100 cfm</u>	<u>30 cfm</u>
<b>Bathrooms - Toilet rooms</b>	<u>50 cfm</u>	<u>20 cfm</u>

**403.4.7.1 Whole house exhaust controls.** If the local exhaust fan is included in a whole house ventilation system in accordance with Section 403.4.6, the exhaust fan shall be controlled to operate as specified in Section 403.4.5.

**403.4.7.2 Local exhaust fans.** Exhaust fans shall meet the following criteria.

1. Exhaust fans shall be tested and rated in accordance with HVI 915, HVI 916, and HVI 920.

**EXCEPTION:** Where a range hood or down draft exhaust fan is used for local exhaust for a kitchen, the device is not required to be rated per these standards.

2. Fan airflow rating and duct system shall be designed and installed to deliver at least the exhaust airflow required by Table 403.4.4. The airflows required refer to the delivered airflow of the system as installed and tested using a flow hood, flow grid, or other airflow measurement device. Local exhaust systems shall be tested, balanced and verified to provide a flow rate not less than the minimum required by this section.

3. Design and installation of the system or equipment shall be carried out in accordance with manufacturers' installation instructions.

4. Fan airflow rating and duct system shall be designed and installed to deliver at least the exhaust airflow required by Table 403.4.3.

**EXCEPTIONS:** 1. An exhaust airflow rating at a pressure of 0.25 in. w.g. may be used, provided the duct sizing meets the prescriptive requirements of Table 403.4.7.2.

2. Where a range hood or down draft exhaust fan is used to satisfy the local ventilation requirements for kitchens, the range hood or down draft exhaust shall not be less than 100 cfm at 0.10 in. w.g.

**Table 403.4.7.2**  
**PRESCRIPTIVE EXHAUST DUCT SIZING**

<u>Fan Tested cfm at 0.25 inches w.g.</u>	<u>Minimum Flex Diameter</u>	<u>Maximum Length in Feet</u>	<u>Minimum Smooth Diameter</u>	<u>Maximum Length in Feet</u>	<u>Maximum Elbows<sup>a</sup></u>
50	4 inches	25	4 inches	70	3
50	5 inches	90	5 inches	100	3
50	6 inches	No Limit	6 inches	No Limit	3
80	4 inches <sup>b</sup>	NA	4 inches	20	3
80	5 inches	15	5 inches	100	3
80	6 inches	90	6 inches	No Limit	3
100	5 inches <sup>b</sup>	NA	5 inches	50	3
100	6 inches	45	6 inches	No Limit	3
125	6 inches	15	6 inches	No Limit	3
125	7 inches	70	7 inches	No Limit	3

- a. For each additional elbow, subtract 10 feet from length.
- b. Flex ducts of this diameter are not permitted with fans of this size.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending WSR 13-04-053, filed 2/1/13, effective 7/1/13)

**WAC 51-52-0501 Section 501—General.**

**501.3.1 Location of exhaust outlets.** The termination point of exhaust outlets and ducts discharging to the outdoors shall be located with the following minimum distances:

1. **For ducts conveying explosive or flammable vapors, fumes or dusts:** 30 feet (9144 mm) from the property line; 10 feet (3048 mm) from operable openings into the building; 6 feet (1829 mm) from exterior walls and roofs; 30 feet (9144 mm) from combustible walls and operable openings into the building which are in the direction of the exhaust discharge; 10 feet (3048 mm) above adjoining grade.

2. **For other product-conveying outlets:** 10 feet (3048 mm) from property lines; 3 feet (914 mm) from exterior walls and roofs; 10 feet (3048 mm) from operable openings into the building; 10 feet (3048 mm) above adjoining grade.

3. **For environmental air exhaust other than enclosed parking garage and transformer vault exhaust:** 3 feet (914 mm) from property lines, 3 feet (914 mm) from operable openings into buildings for all occupancies other than Group U, and 10 feet (3048 mm) from mechanical air intakes. Such exhaust shall not be considered hazardous or noxious.

- EXCEPTIONS:
- 1. The separation between an air intake and exhaust outlet on a single listed package HVAC unit.
  - 2. Exhaust from environmental air systems other than garages may be discharged into an open parking garage.
  - 3. Except for Group I occupancies, where ventilation system design circumstances require building HVAC air to be relieved, such as during economizer operation, such air may be relieved into an open or enclosed parking garage within the same building.

4. Exhaust outlets serving structures in flood hazard areas shall be installed at or above the elevation required by Section 1613 of the *International Building Code* for utilities and attendant equipment.

5. For enclosed parking garage exhaust system outlets and transformer vault exhaust system outlets: 10 feet (3048 mm) from property lines which separate one lot from another; 10 feet (3048 mm) from operable openings into buildings; (~~10 feet (3048 mm) above~~) 3 feet (914 mm) horizontally from, 10 feet above, or 10 feet below adjoining finished sidewalk.

6. For elevator machinery rooms in enclosed or open parking garages: Exhaust outlets may discharge air directly into the parking garage.

7. For specific systems see the following sections:

- 7.1. Clothes dryer exhaust, Section 504.4.
- 7.2. Kitchen hoods and other kitchen exhaust equipment, Sections 506.3.13, 506.4 and 506.5.
- 7.3. Dust stock and refuse conveying systems, Section 511.2.
- 7.4. Subslab soil exhaust systems, Section 512.4.
- 7.5. Smoke control systems, Section 513.10.3.
- 7.6. Refrigerant discharge, Section 1105.7.
- 7.7. Machinery room discharge, Section 1105.6.1.

**501.4 Pressure equalization.** Mechanical exhaust systems shall be sized to remove the quantity of air required by this chapter to be exhausted. The system shall operate when air is required to be exhausted. Where mechanical exhaust is required in a room or space, such space shall be maintained with a neutral or negative pressure. If a greater quantity of air is supplied by a mechanical ventilating supply system than is removed by a mechanical exhaust for a room, adequate means shall be provided for the natural or mechanical exhaust of the excess air supplied. If only a mechanical exhaust system is installed for a room or if a greater quantity of air is removed by a mechanical exhaust system than is supplied by a mechanical ventilating supply system for a room, adequate makeup air consisting of supply air, transfer air or outdoor air shall be provided to satisfy the deficiency. The

calculated building infiltration rate shall not be used to satisfy the requirements of this section.

EXCEPTION: Intermittent domestic range exhaust, intermittent domestic dryer exhaust, and intermittent local exhaust systems in R-3 occupancies and dwelling units in R-2 occupancies are excluded from the pressure equalization requirement unless required by Section ((504.5)) 504 or Section ((505.2)) 505.

**AMENDATORY SECTION** (Amending WSR 16-01-148, filed 12/21/15, effective 7/1/16)

**WAC 51-52-0506 Section 506—Commercial kitchen hood ventilation system ducts and exhaust equipment.**

**506.3.2.4 Vibration isolation.** A vibration isolation connector for connecting a duct to a fan shall consist of noncombustible packing in a metal sleeve joint of approved design or shall be a coated-fabric flexible duct connector rated for continuous duty at temperature of not less than 1500°F (816°C). Vibration isolation connectors shall be installed only at the connection of a duct to a fan inlet or outlet.

**506.3.9 Grease duct cleanout location, spacing and installation.**

**506.3.9.1 Grease duct horizontal cleanout.** Cleanouts located on horizontal sections of ducts shall:

1. Be spaced not more than 20 feet (6096 mm) apart.
2. Be located not more than 10 feet (3048 mm) from changes in direction that are greater than 45 degrees (0.79 rad).
3. Be located on the bottom only where other locations are not available and shall be provided with internal damming of the opening such that grease will flow past the opening without pooling. Bottom cleanouts and openings shall be approved for the application and installed liquid-tight.
4. Not be closer than 1 inch (25.4 mm) from the edges of the duct.
5. Have dimensions of not less than 12 inches by 12 inches (305 mm by 305 mm). Where such dimensions preclude installation, the openings shall be not less than 12 inches (305 mm) on one side and shall be large enough to provide access for cleaning and maintenance.
6. Shall be located at grease reservoirs.

**506.3.9.2 Grease duct vertical cleanouts.** Where ducts pass vertically through floors, cleanouts shall be provided. A minimum of one cleanout shall be provided on each floor. Cleanout openings shall be not less than 1 1/2 inches (38 mm) from all outside edges of the duct or welded seams.

**506.3.11 Grease duct enclosures.** A commercial kitchen grease duct serving a Type I hood that penetrates a ceiling, wall, floor or any concealed spaces shall be enclosed from the point of penetration to the outlet terminal. In-line exhaust fans not located outdoors shall be enclosed as required for grease ducts. A duct shall penetrate exterior walls only at locations where unprotected openings are permitted by the *International Building Code*. The duct enclosure shall serve a single grease duct and shall not contain other ducts, piping or wiring systems. Duct enclosures shall be a shaft enclosure in accordance with Section 506.3.11.1, a field-applied en-

closure assembly in accordance with Section 506.3.11.2 or a factory-built enclosure assembly in accordance with Section 506.3.11.3. Duct enclosures shall have a fire-resistance rating of not less than that of the assembly penetrated. The duct enclosure need not exceed 2 hours but shall not be less than 1 hour. Fire dampers and smoke dampers shall not be installed in grease ducts.

EXCEPTION: A duct enclosure shall not be required for a grease duct that penetrates only a nonfire-resistance-rated roof/ceiling assembly.

**AMENDATORY SECTION** (Amending WSR 16-01-148, filed 12/21/15, effective 7/1/16)

**WAC 51-52-0515 Section 515—Waste or linen chute venting.**

**515.1 General.** Waste or linen chutes shall be gravity vented per NFPA 82.

EXCEPTION: Waste or linen chutes may be mechanically ventilated by an exhaust fan. The exhaust fan ~~((shall be located outside the building at the top of the chute))~~ in accordance with *International Building Code* Section 713.13.7.

**AMENDATORY SECTION** (Amending WSR 16-01-148, filed 12/21/15, effective 7/1/16)

**WAC 51-52-0601 Section 601—General.**

**601.2 Air movement in egress elements.** Corridors shall not serve as supply, return, exhaust, relief or ventilation air ducts.

- EXCEPTIONS:
1. Use of a corridor as a source of makeup air for exhaust systems in rooms that open directly onto such corridors, including toilet rooms, bathrooms, dressing rooms, smoking lounges and janitor closets, shall be permitted provided that each such corridor is directly supplied with *outdoor air* at a rate greater than the rate of makeup air taken from the corridor.
  2. Where located within a dwelling unit, the use of corridors for conveying return air shall not be prohibited.
  3. Where located within tenant spaces of one thousand square feet (93 m<sup>2</sup>) or less in area, utilization of corridors for conveying return air is permitted.
  4. Incidental air movement from pressurized rooms within health care facilities, provided that the corridor is not the primary source of supply or return to the room.
  5. Where such air is part of an engineered smoke control system.
  6. Air supplied to corridors serving residential occupancies shall not be considered as providing ventilation air to the dwelling units and sleeping units subject to the following:
    - 6.1 The air supplied to the corridor is one hundred percent outside air; and
    - 6.2 The units served by the corridor have conforming ventilation air independent of the air supplied to the corridor; and
    - 6.3 For other than high-rise buildings, the supply fan will automatically shut off upon activation of corridor smoke detectors ~~((which shall be spaced at no more than thirty feet (9,144 mm) on center along the corridor))~~ installed in accordance with Section 606.2.4; or



6.4 For high-rise buildings, ((corridor smoke detector activation will close required smoke/fire dampers at the supply inlet to the corridor at the floor receiving the alarm-)) the supply fan will automatically shut off upon activation of the smoke detectors required by *International Fire Code* Section 907.2.12.1 or upon receipt of another approved fire alarm signal. The supply fan is not required to be automatically shut off when used as part of an approved building stairwell or elevator hoistway pressurization system. Corridor smoke detectors shall be installed in accordance with Section 606.2.5.

**606.2.4 Corridors serving Group R occupancies in other than high-rise buildings.** Corridors that serve Group R occupancies in other than high-rise buildings and that are mechanically ventilated with supply air shall be equipped with smoke detectors spaced in accordance with NFPA 72. The supply fan shall automatically shut off upon activation of the corridor smoke detectors.

**EXCEPTION:** Corridor smoke detection is not required when air is returned back to the supply fan from the corridor and return air smoke detectors are installed in the return air duct or plenum upstream of any filters, exhaust air connections, outdoor air connections, or decontamination equipment and appliances designed to automatically shut off the supply fan.

**606.2.5 Corridors serving Group R occupancies in high-rise buildings.** Corridors that serve Group R occupancies in high-rise buildings and that are mechanically ventilated with supply air shall be equipped with smoke detectors that are spaced in accordance with NFPA 72 and air supply inlets to the corridor shall be provided with smoke/fire dampers. The supply inlet smoke/fire dampers shall automatically close upon activation of the corridor smoke detectors.

**EXCEPTIONS:**

1. Corridor smoke detection is not required to close the supply inlet smoke/fire dampers when the smoke/fire dampers are used as part of an approved building stairwell or elevator hoistway pressurization smoke control system.
2. Corridor smoke detection is not required when air is returned back to the supply fan from the corridor and return air smoke detectors are installed in the return air duct or plenum upstream of any filters, exhaust air connections, outdoor air connections, or decontamination equipment and appliances designed to automatically shut off the supply fan.

**AMENDATORY SECTION** (Amending WSR 16-01-148, filed 12/21/15, effective 7/1/16)

**WAC 51-52-0605 Section 605—Air filters.**

**605.1 General.** Heating and air-conditioning systems shall be provided with approved air filters. Filters shall be installed such that all return air, outdoor air and makeup air is filtered upstream from any heat exchanger or coil. Filters shall be installed in an approved convenient location. Liquid adhesive coatings used on filters shall have a flash point not lower than 325°F (163°C).

**EXCEPTION:** ((Chilled beams that are designed to operate above the space dew point temperature)) Cooling coils that are designed, controlled and operated to provide sensible cooling only do not require filtration at the terminal device.

**605.4 Particulate matter removal.** Particulate matter filters or air cleaners having a minimum efficiency reporting value (MERV) of not less than 6 for ducted air handlers and not less than 4 for ductless mini-split systems shall be provided upstream of all cooling coils or other devices with wetted surfaces through which air is supplied to an occupiable space.

**AMENDATORY SECTION** (Amending WSR 16-01-148, filed 12/21/15, effective 7/1/16)

**WAC 51-52-0928 ((Section 928—Evaporative cooling equipment)) Reserved.**

**NEW SECTION**

**WAC 51-52-1105 Section 1105—Machinery room, general requirements.**

**1105.6.3 Ventilation rate.** For other than ammonia systems, the mechanical ventilation systems shall be capable of exhausting the minimum quantity of air both at normal operating and emergency conditions, as required by Sections 1105.6.3.1 and 1105.6.3.2. The minimum required emergency ventilation rate for ammonia shall be 30 air changes per hour and the room conditions shall be in accordance with IIAR2. Multiple fans or multispeed fans shall be allowed to produce the emergency ventilation rate and to obtain a reduced airflow for normal ventilation.

**NEW SECTION**

**WAC 51-52-1106 Section 1106—Machinery room, special requirements.**

**1106.5.2 Emergency ventilation system.** An emergency ventilation system shall be provided at the minimum exhaust rate specified in ASHRAE 15 or Table 1106.5.2. Shutdown of the emergency ventilation system shall be by manual means.

**Table 1106.5.2**  
**MINIMUM EXHAUST RATES**

Refrigerant	Q(m/sec)	Q(cfm)
R32	15.4	32,600
R143A	13.6	28,700
R444A	6.46	13,700
R444B	10.6	22,400
R445A	7.83	16,600
R446A	23.9	50,700
R447A	23.8	50,400
R451A	7.04	15,000
R451B	7.05	15,000
R1234yf	7.80	16,600

Refrigerant	Q(m/sec)	Q(cfm)
R1234ze(E)	5.92	12,600

AMENDATORY SECTION (Amending WSR 16-01-148, filed 12/21/15, effective 7/1/16)

**WAC 51-52-1107 Section 1107—(~~Refrigerant piping~~) Reserved.**

~~((1107.2 Piping location. Refrigerant piping that crosses an open space that affords passageway in any building shall be not less than 7 feet 3 inches (2210 mm) above the floor unless the piping is located against the ceiling of such space. Refrigerant piping shall not be placed in any of the following:~~

- ~~1. A fire-resistance-rated exit access corridor.~~
- ~~2. An interior exit stairway.~~
- ~~3. An interior exit ramp.~~
- ~~4. An exit passageway.~~
- ~~5. An elevator, dumbwaiter, or other shaft containing a moving object.~~
- ~~6. A shaft that has one or more openings into a fire-resistance-rated exit access corridor, interior exit stairway or ramp, or exit passageway.)~~

AMENDATORY SECTION (Amending WSR 16-01-148, filed 12/21/15, effective 7/1/16)

**WAC 51-52-1200 Chapter 12—Hydronic piping.**

**1209.5 Thermal barrier required.** Radiant floor heating and snow melt systems shall be provided with a thermal barrier in accordance with Sections 1209.5.1 through 1209.5.4. Concrete slab-on-grade, asphalt and paver-system type pavements shall have a minimum of R-10 insulation installed under the area to be snow melted, or R-5 insulation shall be installed under and at the slab edges of the area to be snow melted. The insulation shall be located underneath the snow and ice melt hydronic piping or cable and along all edges of the pavement where the snow and ice melt system is installed in accordance with the snow and ice melt manufacturer's instructions.

**1209.5.1 Slab-on-grade installation.** Radiant piping utilized in slab-on-grade applications shall be provided with insulating materials installed beneath the piping as required by the *Washington State Energy Code*.

**1210.7.6 Expansion tanks.** Shutoff valves shall be installed at connections to expansion tanks. A method of draining the expansion tank downstream of the shutoff valve shall be provided.

NEW SECTION

**WAC 51-52-1400 Chapter 14—Solar thermal systems.**

**1402.8.1.2 Rooftop-mounted solar thermal collectors and systems.** The roof shall be constructed to support the loads imposed by roof-mounted solar collectors. Where mounted on or above the roof covering, the collector array, mounting systems and their attachments to the roof shall be constructed

of noncombustible materials or fire-retardant-treated wood conforming to the *International Building Code* to the extent required for the type of roof construction of the building to which the collectors are accessory.

AMENDATORY SECTION (Amending WSR 16-01-148, filed 12/21/15, effective 7/1/16)

**WAC 51-52-1500 Chapter 15—Referenced standards.** The following referenced standards are added to Chapter 15.

ASHRAE  
~~((62.2 2013))~~ 15-2019 Safety standards for refrigeration systems and designation and classification of refrigerants.

**62.2-2016** Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings ..... 403.4.11

**HVI address:**

Home Ventilating Institute  
1740 Dell Range Blvd., Suite H, PMB 450  
Cheyenne, WY 82009

**HVI 915-2015** Procedure for Loudness Testing of Residential Fan Products. .... 403.4.6.1, 403.4.6.2, 403.4.7.2

**HVI 916-2015** Air Flow Test Procedure ..... 403.4.6.1, 403.4.6.2, 403.4.7.2

**HVI 920-2015** Product Performance Certification Procedure Including Verification and Challenge ..... 403.4.6.1, 403.4.6.2, 403.4.7.2

AMENDATORY SECTION (Amending WSR 16-01-148, filed 12/21/15, effective 7/1/16)

**WAC 51-52-21401 (~~Chapter 4—Gas piping installations~~) Reserved.**

AMENDATORY SECTION (Amending WSR 16-01-148, filed 12/21/15, effective 7/1/16)

**WAC 51-52-21601 (~~Chapter 6—Specific appliances~~) Reserved.**

AMENDATORY SECTION (Amending WSR 07-01-092, filed 12/19/06, effective 7/1/07)

**WAC 51-52-22006 (~~Chapter 6—Gas piping installation~~) Reserved.**

**WSR 20-03-042  
PERMANENT RULES  
HEALTH CARE AUTHORITY**

[Filed January 8, 2020, 1:54 p.m., effective February 8, 2020]

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

Purpose: WAC 182-535A-0040 this rule is being amended to add language to clarify that all orthodontic services require prior authorization; subsection (5)(d) clarify that case studies must be done in conjunction with interceptive, limited or comprehensive treatment only; subsection (6)(c) remove replacement retainer from the covered list; subsection (7)(b) add requirement for completion of the new discontinuation of services form.

WAC 182-535A-0050 this rule is being amended to remove subsections (2) and (3) - redundant language.

WAC 182-535A-0060 this rule is being amended in subsection (4)(c) to add the agency may recoup payment for services that are not rendered; subsections (6)(c)(i) and (7)(c)(i) change payment frequency for continuing follow-up treatment to once every three months during treatment; subsection (6)(c)(ii) change requirements from six to three periodic orthodontic treatment visits if extension of time is necessary; subsection (7)(c)(ii) change requirements from fourteen to eight periodic orthodontic treatment visits if extension of time is necessary.

Citation of Rules Affected by this Order: Amending WAC 182-535A-0040, 182-535A-0050, and 182-535A-0060.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 19-24-066 on November 27, 2019.

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 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental 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 3, 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 3, Repealed 0.

Date Adopted: January 8, 2020.

Wendy Barcus  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 19-11-028, filed 5/7/19, effective 7/1/19)

**WAC 182-535A-0040 Orthodontic treatment and orthodontic-related services—Covered, noncovered, and limitations to coverage.** ~~((Coverage and authorization of covered services is subject to the requirements and limitations in this chapter and other applicable WAC.))~~ Orthodontic treatment and orthodontic-related services require prior authorization.

(1) The medicaid agency covers orthodontic treatment and orthodontic-related services for a client who has one of the medical conditions listed in (a) and (b) of this subsection.

Treatment and follow-up care must be performed only by an orthodontist or agency-recognized craniofacial team.

(a) Cleft lip and palate, cleft palate, or cleft lip with alveolar process involvement.

(b) The following craniofacial anomalies including, but not limited to:

- (i) Hemifacial microsomia;
- (ii) Craniosynostosis syndromes;
- (iii) Cleidocranial dental dysplasia;
- (iv) Arthrogyrosis;
- (v) Marfan syndrome;
- (vi) Treacher Collins syndrome;
- (vii) Ectodermal dysplasia; or
- (viii) Achondroplasia.

(2) The agency authorizes orthodontic treatment and orthodontic-related services when the following criteria are met:

(a) Severe malocclusions with a Washington Modified Handicapping Labiolingual Deviation (HLD) Index Score of twenty-five or higher as determined by the agency;

(b) The client has established caries control; and

(c) The client has established plaque control.

(3) The agency ~~((may))~~ covers orthodontic treatment for dental malocclusions other than those listed in subsections (1) and (2) of this section on a case-by-case basis ~~((and))~~ when ~~((prior authorized.))~~ the agency determines medical necessity based on documentation submitted by the provider.

(4) The agency does not cover the following orthodontic treatment or orthodontic-related services:

(a) Orthodontic treatment for cosmetic purposes;

(b) Orthodontic treatment that is not medically necessary ~~((as defined in WAC 182-500-0070))~~;

(c) Orthodontic treatment provided out-of-state, except as stated in WAC 182-501-0180 (see also WAC 182-501-0175 for medical care provided in bordering cities); or

(d) Orthodontic treatment and orthodontic-related services that do not meet the requirements of this section or other applicable WAC ~~((or~~

~~((e) Case studies that do not include a definitive orthodontic treatment plan)).~~

(5) The agency covers the following orthodontic treatment and orthodontic-related services ~~((with prior authorization when medically necessary))~~:

(a) Interceptive orthodontic treatment.

(b) Limited orthodontic treatment. ~~((The agency may approve limited orthodontic treatment for treatment of a single impacted tooth.))~~

(c) Comprehensive full orthodontic treatment on adolescent dentition ~~((see subsection (8)(a) of this section for information on limitation extensions))~~.

(d) A case study when done in conjunction with interceptive, limited, or comprehensive orthodontic treatment only.

(e) Other orthodontic treatment subject to review for medical necessity as determined by the agency.

(6) The agency covers the following orthodontic-related services ~~((with prior authorization when medically necessary))~~:

(a) Clinical oral evaluations according to WAC 182-535-1080.

(b) Cephalometric films that are of diagnostic quality, dated, and labeled with the client's name.

(c) ~~((Replacement retainer.~~

~~((+)))~~ Orthodontic appliance removal as a stand-alone service only when:

(i) The client's appliance was placed by a different provider or dental clinic; and

(ii) The provider has not furnished any other orthodontic treatment or orthodontic-related services to the client.

(7) The treatment must meet industry standards and correct the medical issue. If treatment is discontinued prior to completion, or treatment objectives are not achieved, the provider must:

(a) ~~((Keep clear documentation))~~ Document in the client's record ~~((explaining))~~ why treatment was discontinued or not completed, or why treatment goals were not achieved.

(b) Notify the agency by submitting the Orthodontic Discontinuation of Service form (HCA 13-0039).

(8) The agency evaluates a request for orthodontic treatment or orthodontic-related services:

(a) That are in excess of the limitations or restrictions listed in this section, according to WAC 182-501-0169; and

(b) That are listed as noncovered according to WAC 182-501-0160.

(9) The agency reviews requests for orthodontic treatment or orthodontic-related services for clients who are eligible for services under the EPSDT program according to the provisions of WAC 182-534-0100.

AMENDATORY SECTION (Amending WSR 14-08-032, filed 3/25/14, effective 4/30/14)

**WAC 182-535A-0050 Orthodontic treatment and orthodontic-related services—Authorization and prior authorization.** ~~((+)))~~ When the medicaid agency authorizes an interceptive orthodontic treatment, limited orthodontic treatment, full orthodontic treatment, or orthodontic-related services for a client, including a client eligible for services under the EPSDT program, that authorization indicates only that the specific service is medically necessary; authorization is not a guarantee of payment. The client must be eligible for the covered service at the time the service is provided.

~~((2))~~ ~~For orthodontic treatment of a client with cleft lip, cleft palate, or other craniofacial anomaly, prior authorization is not required if the client is being treated by an agency-recognized craniofacial team, or an orthodontic specialist who has been approved by the agency to treat cleft lip, cleft palate, or other craniofacial anomalies.~~

~~(3) Subject to the conditions and limitations of this section and other applicable WAC, the agency requires prior authorization for orthodontic treatment and/or orthodontic-related services for other dental malocclusions that are not listed in WAC 182-535A-0040(1-3).~~

AMENDATORY SECTION (Amending WSR 19-11-028, filed 5/7/19, effective 7/1/19)

**WAC 182-535A-0060 Orthodontic treatment and orthodontic-related services—Payment.** (1) The medicaid agency pays providers for furnishing covered orthodontic treatment and orthodontic-related services described in WAC

182-535A-0040 according to this section and other applicable WAC.

(2) A provider who furnishes covered orthodontic treatment and orthodontic-related services to an eligible client accepts the agency's fees as published in the agency's fee schedules according to WAC 182-502-0010.

(3) Providers must deliver services and procedures that are of acceptable quality to the agency.

~~(4)~~ The agency may recoup payment ~~((for))~~, not limited to services:

(a) Determined to be below the standard of care; or

(b) Of an unacceptable product quality; or

(c) That are not rendered.

~~((4))~~ **(5) Interceptive orthodontic treatment.** The agency pays for interceptive orthodontic treatment on primary or transitional dentition in one payment that includes all professional fees, laboratory costs, and required follow-up.

~~((5))~~ **(6) Limited orthodontic treatment.** The agency pays for limited orthodontic treatment on transitional or adolescent dentition as follows:

(a) The first three months of treatment starts on the date the initial appliance is placed and includes active treatment for the first three months. The provider must bill the agency with the date of service that the initial appliance is placed.

(b) The agency's initial payment includes:

(i) ~~The ((replacement of brackets and lost or broken))~~ placement of orthodontic appliances;

(ii) Appliance removal;

(iii) The initial retainer fee; and

(iv) The final records (photos, a panoramic X-ray, a cephalometric film, and final trimmed study models).

(c) Continuing follow-up treatment must be billed as periodic orthodontic treatment visits.

(i) Payments are allowed once every ~~((six weeks))~~ three months during treatment ~~((, beginning three months after the initial appliance placement))~~.

(ii) Payment for treatment provided in addition to the ~~((six))~~ three periodic orthodontic treatment visits requires a limitation extension. See WAC 182-535A-0040(8).

(iii) If treatment is discontinued or treatment objectives are not achieved, providers must notify the agency. See WAC 182-535A-0040(7).

~~((6))~~ **(7) Comprehensive full orthodontic treatment.** The agency pays for comprehensive full orthodontic treatment on adolescent dentition as follows:

(a) The first three months of treatment starts the date the initial appliance is placed and includes active treatment for the first three months. The provider must bill the agency with the date of service that the initial appliance is placed.

(b) The agency's initial payment includes:

(i) ~~The ((replacement of brackets and lost or broken))~~ placement of orthodontic appliances;

(ii) Appliance removal;

(iii) The initial retainer fee; and

(iv) The final records (photos, a panoramic X-ray, a cephalometric film, and final trimmed study models).

(c) Continuing follow-up treatment must be billed as periodic orthodontic treatment visits.

(i) Payments are allowed once every ~~((six weeks))~~ three months during treatment ~~((beginning three months after the initial appliance placement))~~.

(ii) Payment for treatment provided in addition to the ~~((fourteen))~~ eight periodic orthodontic treatment visits requires a limitation extension. See WAC 182-535A-0040 (8).

(iii) If treatment is discontinued or treatment objectives are not achieved, providers must notify the agency. See WAC 182-535A-0040(7).

~~((7))~~ (8) **Case study.** The agency pays for a case study, which includes:

(a) Preparation of comprehensive diagnostic records (additional photos, study casts, cephalometric examination film and panoramic film);

(b) Formation of diagnosis and treatment plan from such records; and

(c) Formal case conference.

~~((8))~~ (9) Payment for orthodontic treatment and orthodontic-related services is based on the agency's published fee schedule.

~~((9))~~ (10) Orthodontic providers who are in agency-designated bordering cities must:

(a) Meet the licensure requirements of their state; and

(b) Meet the same criteria for payment as in-state providers, including the requirements to contract with the agency.

~~((10))~~ (11) If the client's eligibility for orthodontic treatment under WAC 182-535A-0020 ends before the conclusion of the orthodontic treatment, payment for any remaining treatment is the client's responsibility. The agency does not pay for these services.

~~((11))~~ (12) The agency does not pay for orthodontic treatment provided after the client's twenty-first birthday. Payment for treatment that continues after the client's twenty-first birthday is the client's responsibility ~~((of the client))~~.

~~((12))~~ (13) The client is responsible for payment of any orthodontic service or treatment received during any period of medicaid ineligibility, even if the treatment was started when the client was eligible.

~~((13))~~ (14) See WAC 182-502-0160 and 182-501-0200 for when a provider or a client is responsible to pay for a covered service.

### WSR 20-03-046

#### PERMANENT RULES

#### COLUMBIA BASIN COLLEGE

[Filed January 9, 2020, 8:06 a.m., effective February 9, 2020]

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

Purpose: The college has proposed amendments to its WAC for brief and full adjudicative procedures and updates to the administrative review processes. There are additional updates to our WAC for animal control on campus, trespass, pedestrian's right of way, and facility use for expressive activities. There are also changes to the student conduct appeal processes, as well as substantive changes to the student conduct code. All of the proposed amendments to the rules are part of a comprehensive effort to update Columbia Basin College's WAC. If you would like to receive a copy of

the rationale for the changes, the concise explanatory statement is available from Camilla Glatt, 2600 North 20th Avenue, MS-A2, Pasco, WA 99301. You may request a copy at [cglatt@columbiabasin.edu](mailto:cglatt@columbiabasin.edu).

Citation of Rules Affected by this Order: Amending chapters 132S-05, 132S-20, 132S-100, 132S-200, 132S-300, 132S-400, and 132S-500 WAC.

Statutory Authority for Adoption: RCW 28B.50.140.

Other Authority: Not applicable.

Adopted under notice filed as WSR 19-21-033 on November 6 [October 8], 2019.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 4, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental 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 20, Amended 33, Repealed 17.

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 0, Repealed 0.

Date Adopted: December 17, 2019.

Camilla Glatt  
Vice President  
for Human Resources  
and Legal Affairs

AMENDATORY SECTION (Amending WSR 16-12-039, filed 5/25/16, effective 6/25/16)

**WAC 132S-05-015 Organization—Operation—Information.** (1) Organization. Columbia Basin College is established in Title 28B RCW as a public institution of higher education.

The president is the chief executive officer and as such, establishes the structure of the administration.

(2) Operation. The Columbia Basin College administrative office at the Pasco campus is located at the following address:

Columbia Basin College  
2600 North 20th Avenue  
Pasco, WA 99301

and is open from 7:00 a.m. to 4:30 p.m., Monday through Thursday, and 7:00 a.m. to 12:00 p.m., Friday, except on legal holidays. College campuses are also located at the following addresses:

CBC Richland Health Science Center  
891 Northgate Drive  
Richland, WA 99352

~~((CBC Chase Center))~~ Columbia Basin Access Center (CBAC)

~~((1600))~~ 1620 North 20th Avenue

Pasco, WA 99301

Sunhawk Hall Residence  
2901 North 20th Avenue  
Pasco, WA 99301

(3) Additional and detailed information concerning the educational offerings may be obtained from college website at [www.columbiabasin.edu](http://www.columbiabasin.edu) and at various locations including college libraries, admissions and the counseling office.

AMENDATORY SECTION (Amending WSR 16-12-039, filed 5/25/16, effective 6/25/16)

**WAC 132S-20-001 Purpose.** The purpose of this chapter is to provide process for brief and full adjudicative procedure hearings.

AMENDATORY SECTION (Amending WSR 16-12-039, filed 5/25/16, effective 6/25/16)

**WAC 132S-20-025 Adoption of model rules of procedure.** The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use at the Columbia Basin College. These rules may be found in chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules adopted in this title, the procedural rules adopted by the college shall govern.

AMENDATORY SECTION (Amending WSR 16-12-039, filed 5/25/16, effective 6/25/16)

**WAC 132S-20-035 Brief adjudicative procedures.** This rule adopts the provision of RCW 34.05.482 through 34.05.494. Brief adjudicative procedures may ~~(, at the election of college,)~~ be used in all appeals related to:

(1) Residency determination. Appeals of residency determination under RCW 28B.15.013 are brief adjudicative proceedings conducted by the vice president for student services;

(2) Outstanding debts of college employees or students;

(3) Loss of eligibility to participate in athletic events;

(4) Contents of educational records;

(5) ~~(Hearings on denial of financial aid. Any hearings required by state or federal law regarding granting, modification or denial of financial aid are brief adjudicative proceedings conducted by the vice president for student services.)~~  
Federal financial aid appeals as provided by federal law;

(6) Disciplinary actions as provided in chapter 132S-100 WAC. Student code of conduct.

#### NEW SECTION

**WAC 132S-20-043 Full adjudicative proceedings.** This rule adopts the provisions of RCW 34.05.413 through 34.05.476 full adjudicative procedures are used in any proceeding in which such procedures are required pursuant to college policies, rules, or regulations.

AMENDATORY SECTION (Amending WSR 16-12-039, filed 5/25/16, effective 6/25/16)

**WAC 132S-20-045 Appointment of presiding officers.** The president or ~~((his/her))~~ their designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington Bar Association, a panel of individuals, the president or his/her designee, or any combination listed in this section. Where more than one individual is designated to be the presiding officer, one person shall be designated by the president or president's designee to make decisions concerning discovery, closure, witness exclusion, means of recording adjudicative proceedings, and similar matters.

AMENDATORY SECTION (Amending WSR 16-12-039, filed 5/25/16, effective 6/25/16)

**WAC 132S-20-055 Application for adjudicative proceeding.** An application for adjudicative proceeding shall be in writing and should be submitted ~~((to the following address))~~ within ~~((twenty))~~ twenty-one calendar days of the college action giving rise to the application, unless provided for otherwise by statute or rule ~~((: President's Office,))~~ at Columbia Basin College, 2600 N. 20th Avenue, Pasco, ((WA)) Washington 99301.

An application shall include the signature of the applicant, the nature of the matter for which an adjudicative proceeding is sought, the applicable statutes regarding rules, and an explanation of the facts involved. The procedures in applicable collective bargaining agreements between the college and representative union in effect and governing the matter will supersede these proceedings.

AMENDATORY SECTION (Amending WSR 16-12-039, filed 5/25/16, effective 6/25/16)

**WAC 132S-20-065 Discovery ~~((and prehearing conferences))~~.** Discovery, including investigation in adjudicative proceeding, may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall make reference to the civil rules of procedure. The presiding officer shall have the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

**Prehearing conferences.** Where an adjudicative procedure includes a hearing, prehearing conferences or other conferences may be held at the discretion of the presiding officer, or pursuant to a motion by either of the parties for a prehearing conference for the settlement or simplification of issues ~~((at the discretion of the presiding officer, or pursuant to a motion by either of the parties for a prehearing conference))~~. The prehearing conference may be conducted by telephone, television, or other electronic means, ~~((#))~~ at the discretion of the presiding officer and where the rights of the parties will not be prejudiced. Each participant in the conference shall have an opportunity to participate effectively in, to hear, and if technically and economically feasible, to see the entire proceeding while it is taking place.

AMENDATORY SECTION (Amending WSR 16-12-039, filed 5/25/16, effective 6/25/16)

**WAC 132S-20-085 Recording devices.** No camera or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed, except for the method of official recording (~~(selected)~~) by the college.

AMENDATORY SECTION (Amending WSR 16-12-039, filed 5/25/16, effective 6/25/16)

**WAC 132S-100-030 Definitions.** Advisor - A person of the complainant's or respondent's choosing who can accompany the complainant or respondent to any conduct related meeting or proceeding. This person cannot be a college employee or witness involved in the case.

Assembly - Any overt activity engaged in by one or more persons, the object of which is to gain publicity, advocate a view, petition for a cause or disseminate information to any person, persons or group of persons.

Board of trustees - The board of trustees of Community College District No. 19, state of Washington.

Bullying - Physical or verbal abuse, repeated over time, and involving a power imbalance between the aggressor and victim.

College - Columbia Basin College, established within Community College District No. 19, state of Washington.

College facilities - Any and all real property controlled or operated by the college, including all buildings and appurtenances affixed thereon or attached thereto.

College premises - All land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the college, including adjacent streets and sidewalks.

Complainant - A person who reports that a violation of the student code of conduct has occurred towards themselves, another person, (~~and/or~~) a group of people, or college property.

Complaint - A description of facts that allege a violation of student code of conduct or other college policy.

Consent - Knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon activity, including sexual activity. A person cannot consent (~~(for)~~) to sexual activity if they are not of legal age, unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. Intoxication is not a defense against allegations that an individual has engaged in nonconsensual sexual activity.

Cyberstalking, cyberbullying, and online harassment - The prohibited behavior of stalking, bullying, and/or harassment through the use of electronic communications including, but not limited to, electronic mail, instant messaging, electronic bulletin boards, and social media sites, which harms, threatens, or is reasonably perceived as threatening the health or safety of another person.

Dating violence - Violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

Disciplinary action - The sanctioning of any student pursuant to WAC (~~(132S-100-430)~~) 132S-100-440 for the violation of any designated rule or regulation of the college (~~(including rules of student conduct, for which a student is subject to adverse action)~~).

Discrimination - Unfavorable treatment of a person based on that person's membership or perceived membership in a protected class.

Domestic violence - Asserted violent misdemeanor and felony offenses or conduct committed by a current or former spouse, current or former cohabitant, a person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

Force - Use of physical violence and/or threats, intimidation or coercion to overcome resistance or gain access or produce consent. Sexual activity that is forced is by definition nonconsensual. However, nonconsensual sexual activity is not by definition forced.

Harassment - Language or conduct by any means that is unwelcome, severe, persistent, or pervasive, and is of such a nature that it (~~(would, or does cause)~~) could reasonably be expected to create an intimidating, hostile or offensive environment, or has the purpose or effect of unreasonably causing a reasonable person substantial emotional distress (~~and~~) or undermines their ability to work, study, or participate in their regular life activities or participate in the activities of the college.

Hazing - Acts likely to cause physical or psychological harm or social ostracism to any person within the college community, when related to admission, initiation, joining, or any other group-affiliation activity.

Hostile environment - Any situation in which there is harassing conduct that could be based on protected class status and is sufficiently severe or pervasive, and is so objectively offensive that it has the effect of substantially limiting the person's ability to participate in or benefit from the college's educational and/or social programs.

Hostile environment sexual harassment - Occurs when sex- or gender-based conduct is sufficiently severe and/or pervasive and so objectively offensive that it has the effect of substantially limiting the ability of the person to participate in or benefit from the college's educational and/or social programs.

Instructional day - Any regularly scheduled instructional day designated in the academic year calendar, including summer quarter, as a day when classes are held or during final examination week. Saturdays and Sundays, and any full-day campus closures due to holidays or other circumstances are not regularly scheduled instructional days.

Nonconsensual sexual contact - Any intentional sexual touching, however slight, with any object, by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

Nonconsensual sexual intercourse - Any sexual intercourse (anal, oral, or vaginal), however slight, with any object, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger, or object, or oral

copulation by mouth to genital contact or genital to mouth contact.

Policy - The written regulations of the college as found in, but not limited to, the student code of conduct and any other official regulation written or in electronic form.

Preponderance of the evidence - The standard of proof used with all student disciplinary matters at CBC that ~~((fall))~~ are within the jurisdiction of student code of conduct, which means that the amount of evidence ~~((needs to))~~ must be at fifty-one percent or "more likely than not" before a student is found responsible for a violation.

President - The chief executive officer appointed by the board of trustees or, in such president's absence, the acting president or other appointed designee. The president is authorized to delegate any ~~((and all))~~ of their responsibilities as may be reasonably necessary.

Protected class - Persons who are protected under state or federal civil rights laws, including laws that prohibit discrimination on the basis of race, color, national origin, age, perceived or actual physical or mental disability, pregnancy, or genetic information, sex, sexual orientation, gender identity, marital status, creed, religion, honorably discharged veteran or military status, or use of a trained guide dog or service animal.

Quid pro quo sexual harassment - Occurs when an individual in a position of real or perceived authority, conditions the receipt of a benefit upon granting of sexual favors.

Respondent - The student who is alleged to have violated CBC policy including this code of conduct or against whom disciplinary action is being taken or initiated.

Rules of the student conduct code - The rules contained herein as now exist or which may be hereafter amended~~((the violation of which subject a student to disciplinary action))~~.

Service or notification - The process by which a document is officially delivered to a party. Service or notification is deemed complete and computation of time for deadlines begins upon ((hand)) personal delivery of the document or upon the date the document is electronically mailed and/or deposited into the mail. Documents required to be filed with the college such as requests for appeals, are deemed filed upon actual receipt by the office as designated herein during office hours.

Sexual exploitation - Occurs when one person takes non-consensual or abusive sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to: Invasion of sexual privacy, engaging in voyeurism, non-consensual video or audio taping of sexual activity; sexually based stalking and/or bullying.

Stalking - Intentional and repeated harassment or following of another person, which places that person in reasonable fear that the perpetrator intends to injure, intimidate, or harass that person. Stalking also includes instances where the perpetrator knows or reasonably should know that the person is frightened, intimidated, or harassed, even if the perpetrator lacks such intent.

Student - Any person ~~((taking))~~ from the time of application, admitted to CBC, or registered for courses either ((full-

~~time or part-time))~~ full time or part time, or participating in any other educational offerings at CBC, excluding students enrolled in the High School Academy. ~~((If a student withdraws after allegedly violating the student code of conduct, but prior to the college reaching a disciplinary decision in the matter, the college can move forward with the disciplinary process, place the process on hold until the student returns, or choose to place the investigation results in the student's file for consideration should they reapply for admittance to reenroll in the college.))~~

Student appeals board - Also referred to as the "SAB" or "appeals board." The SAB ~~((presides over the appeal process for the SCO and SCB conduct decisions that a student has timely appealed as set forth herein))~~ is a three member panel which uses the brief adjudicative process to review appeals of disciplinary actions that do not include sanctions of expulsion, suspension for more than ten days, withholding or revocation of a degree, or loss of recognition of a student organization.

Student conduct board - Also referred to as the "SCB" is a ~~((hearing panel for some disciplinary matters as set forth herein))~~ three member panel which presides over cases that could result in a sanction of expulsion, suspension for more than ten days, revocation of a degree, and/or loss of recognition of a student organization using the full adjudicative process pursuant to the Administrative Procedure Act, chapter 34.05 RCW.

Student conduct officer - Also referred to as "conduct officer" and/or "SCO" is the person designated by the college president to be responsible for the administration of the student code of conduct or, in such person's absence, the acting SCO or other appointed designee. The SCO is authorized to delegate any and all of ~~((his/her))~~ their responsibilities as may be reasonably necessary.

Student conduct meeting - The conduct meeting with the student conduct officer using the brief adjudicative process to determine responsibility for violations of the student code of conduct, which do not include sanctions of expulsion, suspension for more than ten days, revocation of a degree, and/or loss of recognition of a student organization pursuant to the Administrative Procedure Act, chapter 34.05 RCW.

Student organization - Any number of persons who have complied with the formal requirements for college recognition, such as clubs and associations, and are recognized by the college as such.

**AMENDATORY SECTION** (Amending WSR 16-12-039, filed 5/25/16, effective 6/25/16)

**WAC 132S-100-100 Student code authority.** ~~((The SCO will develop policies for the administration of the student code of conduct as well as procedural rules for the conduct of SCB hearings that are consistent with the provisions of the student code of conduct as specified herein.~~

~~The CBC board of trustees, acting pursuant to RCW 28B.50.140(14), do by written order, delegate to the president of the college, the authority to approve or reject a disciplinary action for which there is a recommendation that a student be expelled or suspended.))~~ The CBC board of trustees, acting pursuant to RCW 28B.50.140, do by written order,



delegate to the president of the college, the authority to adopt such rules and perform all other acts relating to student discipline, including suspension or expulsion of students who are in violation of those rules.

#### NEW SECTION

**WAC 132S-100-107 Jurisdiction of the student code of conduct.** The CBC student code of conduct will apply to conduct by students and student organizations that occurs on college premises, within the residence halls, at college-sponsored events and activities, foreign or domestic travel associated with any of these events or activities, and to off-campus conduct which is in violation or alleged violation of local, state, or federal law, or this student code of conduct. Allegations or violations which occur off campus can be subject to college disciplinary action if the conduct has an effect on the CBC campus. The student code of conduct applies to conduct from the time of application for admission until the award of a degree and/or certificate, even if the conduct may have occurred before classes begin, after classes end, during the academic year, or during periods between terms of actual enrollment. These standards shall apply to a student's conduct even if the student is suspended or withdraws from the college while a disciplinary matter is pending. If a student withdraws after allegedly violating the student code of conduct, but prior to the college reaching a disciplinary decision in the matter, the college can move forward with the disciplinary process, place the process on hold until the student returns, or choose to place the investigation results in the student's file for consideration should they reapply for admittance, reenroll or register for any educational offerings at the college.

#### NEW SECTION

**WAC 132S-100-112 Good standing.** The award of a degree or certificate is conditioned upon the student's good standing in the college and satisfaction of all program requirements. "Good standing" means the student has resolved any unpaid fees, or acts of academic or behavioral misconduct, and has complied with all sanctions imposed as a result of any misconduct. CBC shall deny award of a degree or certificate if the student is dismissed from the college based on their misconduct.

#### NEW SECTION

**WAC 132S-100-117 Composition of the student conduct board.** The college will have a SCB composed of three members who shall be vice presidents and deans or directors as designated by the college and trained to conduct the full adjudicative process. The SCB will serve as a standing committee until a final decision is made regarding the student conduct matter for which it was convened. Any SCB member who has a personal relationship with either party or any personal or other interest which would prevent a fair and impartial review and decision will be recused from the proceedings. One member, acting as the chairperson, will preside at the disciplinary hearing and will provide administrative oversight throughout the hearing process. Any three members constitute a quorum of a conduct board and may act accord-

ingly. The college may retain an advisor to the SCB, including an assistant attorney general.

#### NEW SECTION

**WAC 132S-100-123 Composition of the student appeals board.** The college will have a SAB composed of three members, appointed by the vice president for student services (VPSS) or designee, who will serve as a standing committee until a decision is made regarding the appeal of the student conduct matter for which it was convened. Any SAB member who has a personal relationship with either party or any personal or other interest which would prevent a fair and impartial review and decision will be recused from the proceedings. The three members of the SAB shall include only faculty and administrative exempt nonstudent college employees trained to conduct the brief adjudicative process. The chairperson will provide administrative oversight throughout the appeal process. The college may retain an advisor to the SAB including an assistant attorney general.

#### NEW SECTION

**WAC 132S-100-127 Convening boards.** The VPSS will convene the members of the SCB or the SAB to adjudicate student code of conduct decisions. All board members will receive annual training in investigating and adjudicating student conduct matters in a manner that protects the safety and due process rights of the parties.

#### NEW SECTION

**WAC 132S-100-130 Decisions.** All student conduct decisions are made using the preponderance of evidence standard of proof. These decisions become final after twenty-one days from the date of notification to the student unless a written appeal is filed prior to that final date. Decisions to document a complaint without sanction are not eligible for appeal. All decision notifications by the SCO, SCB, SAB, or president will include a statement of the decision, a summary of relevant facts upon which the decision was based, and the procedures for appealing that decision if applicable. The notification will be personally delivered, sent electronically to the student's CBC email address, or by mail to the student's most recent address on file with the college within twenty instructional days of the student conduct proceeding. Students are responsible for promptly notifying the college of changes to their mailing address. Decisions of findings or sanctions by the SCO which do not include sanctions of expulsion, suspension for more than ten days, withholding or revocation of a degree, or loss of recognition of a student organization may be appealed to the SAB. Decisions of findings of all violations of the student code of conduct which are likely to include sanctions of expulsion, suspension for more than ten days, revocation of a degree, or loss of recognition of a student organization can be made by the SCO. Decisions of findings or sanctions from the SCB may be appealed to the college president. Decisions made by the SAB and college president are final.

NEW SECTION

**WAC 132S-100-202 Conduct—Rules and regulations.** The attendance of a student at CBC is a voluntary entrance into the academic community. By such entrance, the student assumes obligations of performance and behavior reasonably imposed by the college relevant to its lawful missions, processes, and functions. It is the college's expectation that students will:

- (1) Conduct themselves in a responsible manner;
- (2) Comply with rules and regulations of the college and its departments;
- (3) Respect the rights, privileges, and property of other members of the academic community;
- (4) Maintain a high standard of integrity and honesty; and
- (5) Not interfere with legitimate college business appropriate to the pursuit of educational goals.

Any student or student organization that, either as a principal or participant or by aiding or abetting, commits or attempts to commit to violate any of the proscribed conduct, rules and regulations, or college policy will be subject to disciplinary action.

AMENDATORY SECTION (Amending WSR 16-12-039, filed 5/25/16, effective 6/25/16)

**WAC 132S-100-208 Abuse of the student conduct ((system)) process.** Abuse of the student conduct ((system)) process which includes, but is not limited to:

- (1) Failure to ((obey)) comply with any notice from a college official to appear for a meeting or hearing as part of the student conduct ((system)) process.
- (2) Willful falsification, distortion, or misrepresentation of information during the conduct process.
- (3) Disruption or interference with the orderly conduct of a college conduct proceeding.
- (4) Filing fraudulent charges or initiating a college conduct proceeding in bad faith.
- (5) Attempting to discourage an individual's proper participation in, or use of, the student conduct ((system)) process.
- (6) Attempting to influence the impartiality of a member of the college conduct ((system)) process prior to, during, and/or after any college conduct proceeding.
- (7) Harassment (written, verbal, or physical), retaliation, and/or intimidation of any person or persons involved in the conduct process prior to, during, or after any college conduct proceeding.
- (8) Failure to comply with the sanction(s) imposed under the student code of conduct.

AMENDATORY SECTION (Amending WSR 16-12-039, filed 5/25/16, effective 6/25/16)

**WAC 132S-100-215 Disorderly conduct.** Includes, but is not limited to, the following:

- (1) Obstruction of teaching, administration, or other college activities, including its public service function on- or off-campus, or of other authorized noncollege activities when

the conduct occurs on college premises or at college-sponsored functions.

- (2) Material and substantial interference with the personal rights or privileges of others or of the educational process of the college.

- (3) Lewd or indecent conduct, breach of peace, or aiding, abetting, or procuring another person to breach the peace on college premises or at functions sponsored, or participated in, by the college or members of the academic community.

- (4) Unauthorized use of electronic or other devices to make an audio, photographic, digital or video recording of any person (~~((while on college premises without their prior knowledge, or without their effective consent, when such a recording is likely to cause injury or distress. This includes, but is not limited to, covertly taking pictures of another person in a gym, locker room, or restroom))~~) without their consent in a location where that person has a reasonable expectation of privacy. This includes, but is not limited to, covertly taking pictures of another person in a gym, locker room, or restroom. Storing, sharing, publishing, or otherwise distributing such recordings or images is also prohibited.

NEW SECTION

**WAC 132S-100-227 Drugs, controlled substances, and marijuana.** (1) Legend drugs, narcotic drugs, controlled substances: Being observably under the influence of any legend drug, narcotic drug, or controlled substance as defined in chapters 69.41 and 69.50 RCW, or otherwise using, possessing, delivering, manufacturing, or seeking any such drug or substance, except in accordance with a lawful prescription for that student by a licensed health care professional or as otherwise expressly permitted by federal, state, or local law, is prohibited. Use, possession and distribution of drug paraphernalia for the drugs and substances identified in this section is prohibited.

- (2) Marijuana: While state law permits the recreational use of marijuana, federal law prohibits such use on college premises or in connection with college activities. Being observably under the influence of marijuana or the psychoactive compounds found in marijuana, or otherwise using, possessing, selling or delivering any product containing marijuana or the psychoactive compounds found in marijuana and intended for human consumption, regardless of form, is prohibited.

AMENDATORY SECTION (Amending WSR 16-12-039, filed 5/25/16, effective 6/25/16)

**WAC 132S-100-230 Falsehoods and misrepresentations.** Includes(~~((, but is not limited to,))~~) the following:

- (1) The intentional making of false statements and/or knowingly furnishing false information to any college official, faculty member, or office.
- (2) Forgery, alteration, or misuse of any college document, record, fund, or instrument of identification with the intent to defraud.

AMENDATORY SECTION (Amending WSR 16-12-039, filed 5/25/16, effective 6/25/16)

**WAC 132S-100-235 Hazing.** Any method of initiation into a student club or organization, or any pastime or amusement engaged in with respect to ~~((such))~~ a group or organization that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending the college as described in Washington statute, RCW 28B.10.900.

AMENDATORY SECTION (Amending WSR 16-12-039, filed 5/25/16, effective 6/25/16)

**WAC 132S-100-245 ~~((Liquor.))~~ Alcohol.** (1) Consuming, possessing, furnishing, or selling of alcoholic beverages and/or being under the influence of any alcoholic beverage is prohibited on college premises or at college-sponsored or supervised events except as a participant of legal age in a student program, banquet, or educational program which has the special written authorization of the college president or their designee to permit the service of alcoholic beverages.

(2) Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under the state alcohol legal drinking age.

AMENDATORY SECTION (Amending WSR 16-12-039, filed 5/25/16, effective 6/25/16)

**WAC 132S-100-250 Misuse of equipment and technology.** Misuse of the college's computer, telecommunications, or electronic technology, facilities, network, software, or equipment which includes, but is not limited to:

(1) Unauthorized entry into a file to use, read, or change the contents, or for any other purpose.

(2) Unauthorized transfer of a file.

(3) Use of another individual's credentials or password or allowing someone else to use your own credentials and password.

(4) ~~((Copyright violations.~~

~~((5) Use of the college's computer, telecommunications, or electronic technology facilities and resources:~~

~~((a) That interferes))~~ Violation of law including copyright laws.

(5) Interference with the normal operations of the college or the work of another student, faculty member, or college official.

~~((b) To send))~~ (6) Sending obscene or abusive messages.

~~((c) For))~~ (7) Obtaining personal profit, advertisement, or illegal purposes.

~~((d))~~ (8) Use for purposes other than those necessary to fulfill an assignment or task as part of the student's program of instruction.

~~((e) To engage))~~ (9) Engaging in any ~~((of the prohibited))~~ actions and behaviors ~~((listed within the acceptable use of information technology resources))~~ prohibited by college policy.

AMENDATORY SECTION (Amending WSR 16-12-039, filed 5/25/16, effective 6/25/16)

**WAC 132S-100-255 Safety misconduct.** Intentionally initiating or causing to be initiated any false report, warning, or threat of fire, explosion, or other emergency on college premises or at any college-sponsored activity, or falsely setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities, or driving a vehicle recklessly or over the speed limit on campus property.

AMENDATORY SECTION (Amending WSR 16-12-039, filed 5/25/16, effective 6/25/16)

**WAC 132S-100-260 Sexual misconduct.** Engaging in nonconsensual sexual intercourse or nonconsensual sexual contact, requests for sexual favors~~((s))~~ or other ~~((verbal or physical))~~ conduct of a sexual nature where such behavior offends a reasonable, orderly, prudent person under ~~((these))~~ the circumstances. This includes, but is not limited to:

(1) Sexual activity or contact for which clear and voluntary consent has not been given in advance.

(2) Sexual activity with someone who is incapable of giving valid consent ~~((because, for example, they are))~~ including, but not limited to, someone who is under duress, is underage, sleeping or otherwise incapacitated due to alcohol ~~((or)), drugs, or any other reason.~~

(3) Sexual harassment, which includes unwelcome, gender-based verbal, written, electronic, and/or physical conduct. Sexual harassment ~~((does not have to be of a sexual nature, however, and can))~~ also includes offensive remarks about a person's gender, gender identity, and/or sexual orientation. Sexual harassment encompasses:

(a) Hostile environment sexual harassment; and

(b) Quid pro quo sexual harassment.

(4) Sexual violence which includes, but is not limited to, sexual assault, domestic violence, intimate violence, and sexual- or gender-based stalking.

(5) Nonphysical conduct such as sexual- or gender-based cyberstalking, sexual- or gender-based online harassment, sexual- or gender-based cyberbullying, nonconsensual recording of a sexual activity, and nonconsensual distribution of a recording of a sexual activity, and other forms of sexual exploitation.

(6) Any and all conduct which violates college policy pertaining to sexual misconduct, sexual harassment or discrimination based on sex, gender identity or sexual orientation.

#### NEW SECTION

**WAC 132S-100-273 Unauthorized keys, entry, or use.** Unauthorized keys, entry or use includes, but is not limited to:

(1) Unauthorized possession, duplication, or use of keys (including conventional keys, key cards, or passcodes) to any college premises;

(2) Unauthorized entry upon or use of college premises or property; or

(3) Providing keys to an unauthorized person or providing access to an unauthorized person.

AMENDATORY SECTION (Amending WSR 16-12-039, filed 5/25/16, effective 6/25/16)

**WAC 132S-100-275 Weapons.** Unauthorized possession of weapons (e.g., firearms, daggers, swords, knives ~~((or))~~, other cutting or stabbing instruments, or clubs) or substances (e.g., explosives) apparently capable of producing bodily harm and/or damage to real or personal property is prohibited on or in college-owned or operated facilities and premises and/or during college-sponsored events.

(1) Carrying of firearms on or in college-owned or operated facilities and/or during college-sponsored events is prohibited except and unless the ~~((firearm))~~ permit is registered with the campus security department for a specified period of time.

(2) The aforementioned regulations within this section shall not apply to equipment or materials owned, used or maintained by the college; nor will they apply to law enforcement officers or campus security officers acting in the legitimate performance of their lawful duties.

AMENDATORY SECTION (Amending WSR 16-12-039, filed 5/25/16, effective 6/25/16)

**WAC 132S-100-280 Academic dishonesty.** Academic dishonesty minimizes the learning process and threatens the learning environment for all students. As members of the CBC learning community, students are not to engage in any form of academic dishonesty. Academic dishonesty includes, but is not limited to, cheating, plagiarism, and fabrication or falsification of ~~((the))~~ information, research, or other findings for the purpose of fulfilling any assignment or task as part of the student's program of instruction. Any student who commits or aids and abets the accomplishment of an act of academic dishonesty will be subject to disciplinary action.

#### NEW SECTION

**WAC 132S-100-297 Creating a public nuisance in neighboring communities.** In furtherance of the college's interest in maintaining positive relationships with the community, the college shall hold students accountable under this conduct code for misconduct within any residential or commercial communities in the area. Conduct that is in violation of a state statute or municipal ordinance and has a direct quality of life impact on community residents or businesses including, but not limited to, creating a public nuisance due to noise, residential disturbance, intentional destruction of property, urinating in public, or criminal trespass.

AMENDATORY SECTION (Amending WSR 16-12-039, filed 5/25/16, effective 6/25/16)

**WAC 132S-100-300 Responsibility for guests.** A student or student organization is responsible for the conduct of their invited guests, advisors and representatives on or in college owned or controlled property and at ~~((functions))~~ activi-

ties sponsored by the college or sponsored by any recognized college organization.

AMENDATORY SECTION (Amending WSR 16-12-039, filed 5/25/16, effective 6/25/16)

**WAC 132S-100-310 Violation of law and college discipline.** College disciplinary proceedings may be ~~((instituted against))~~ used to determine responsibility of a student ~~((charged with))~~ for conduct that potentially violates the criminal law and this student code (that is, if both ~~((possible))~~ alleged violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this student code of conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings ~~((off campus at the discretion of the SCO)).~~ Determinations made or sanctions imposed under this student code of conduct will not be subject to change because criminal charges arising out of the same facts giving rise to violation of college rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

AMENDATORY SECTION (Amending WSR 16-12-039, filed 5/25/16, effective 6/25/16)

**WAC 132S-100-400 Student conduct process.** As an agency of the state of Washington, the college's SCO, SCB, SAB, or president may be advised or represented by an assistant attorney general in any student code of conduct proceeding.

(1) Initiation of disciplinary action. A request for disciplinary action ~~((of a student))~~ for violation(s) of the student code of conduct must be made ~~((in writing or in person))~~ to the SCO as soon as possible ~~((but no later than thirty instructional days after the occurrence or the date the requestor knew or should reasonably have known of the occurrence. The choice to pursue a request for disciplinary action that is submitted after thirty instructional days of the occurrence will be subject to the discretion of the SCO))~~ following the violation. Conduct proceedings may be initiated when the SCO receives any direct or indirect report of conduct that may violate this code, which includes, but is not limited to, a police report, an incident report, a witness statement, other documentation, or a verbal or written report from a complainant, witness, or other third party. The college may initiate disciplinary action under the conduct code regardless of whether or not the incident in question is the subject of criminal or civil proceedings. Any member of the college's administration, faculty, staff, or any student or nonstudent may make ~~((such))~~ a request for disciplinary action and it must be a good faith claim. ~~((The SCO may decline the request, implement the request, refer the case to the SCB, or engage in informal negotiations to resolve the situation based on the allegation(s) and the evidence that has been provided. If the SCO is subject of a complaint initiated by the respondent, the vice president for student services shall, upon request and when feasible, designate another person to fulfill any such disciplinary responsibilities relative to the request for disciplinary action.))~~ Formal rules of evidence, such as are applied in criminal or civil court, are not used in conduct proceed-

ings. Relevant evidence, including hearsay, is admissible if it is the type of evidence that reasonable persons would rely upon in the conduct of their affairs. Unduly repetitious or irrelevant evidence may be excluded. The SAB or college president will determine the admissibility of evidence and may seek clarification from witnesses as needed. If the complaint indicates that the matter involves sexual misconduct, the SCO will forward the complaint to the Title IX office for review in accordance with the college's nondiscrimination and harassment policy and grievance procedure. The SCO or designee will conduct an initial investigation of a complaint to determine whether it alleges conduct that may be prohibited by the student code of conduct. If it is determined through the initial investigation that the report has merit, the SCO will conduct an investigation to determine responsibility. Except in cases of sexual assault or sexual violence, the parties may elect to mediate the dispute, which shall be facilitated by the SCO. If the SCO's investigation indicates that the alleged violation is so severe that a finding of responsibility is likely to merit expulsion, suspension of more than ten days, revocation of a degree, or loss of recognition of a student organization, the SCO will forward the findings of the investigation to the SCB for review, decision and disciplinary action using the full adjudicative process. If the SCO has a conflict of interest or is the subject of a complaint by the student, the vice president for student services shall, upon request and at their discretion, designate another person to fulfill any such disciplinary responsibilities relative to the request for disciplinary action.

(2) Notification requirements. ~~((Once the SCO has decided to begin the investigation process for the request of disciplinary action:))~~

(a) If it is determined through the initial investigation that an alleged violation of the student code of conduct might have occurred and which is not eligible for referral to the Title IX officer or the SCB, the SCO will provide the following written notification:

(i) That a report has been submitted alleging conduct which violates the student code of conduct and that a conduct investigation has been initiated to determine responsibility;

(ii) The specific sections of the student code of conduct which are alleged to have been violated;

(iii) That the student may either accept responsibility for the alleged violations or request a conduct meeting with the SCO to present evidence to refute the report;

(iv) That the student may provide evidence such as names and contact information of witnesses to aid the conduct investigation;

(v) The possible sanction outcomes and that the actual sanctions will depend on the determination of responsibility pending the results of the investigation; and

(vi) That if the student fails to participate in any stage of the conduct proceedings or to request a conduct meeting within fifteen days from the date of the notice, the college may move forward with the conduct proceeding without their participation.

(b) If the student requests a conduct meeting within fifteen days of the notice, the student will be ~~((sent a))~~ provided a written notice to appear for a ~~((disciplinary meeting with the SCO. A written notice to appear will be hand delivered or~~

sent by certified mail to the most recent address in the student's record on file with the college, no later than fifteen instructional days after the decision is made to proceed with an investigation. The notice will not be ineffective if presented later due to the student's absence. Such notice will:

(a) Inform the student that a report has been filed alleging the student violated the student code of conduct.

(b) Set forth those provisions of the student code of conduct and the specific acts which are alleged to be violations, as well as the date(s) of the violation(s).

(c) ~~((e))~~ conduct meeting. The notice to appear will be personally delivered, sent electronically to the student's CBC email address, or sent by mail to the most recent address in the student's record on file with the college, not later than fifteen instructional days after the request for a conduct meeting. The notice will not be ineffective if presented later due to the student's absence. Such notice will:

(i) Set forth the specific provisions of the student code of conduct and the specific acts which are alleged to be violations, as well as the date(s) of the violations, and a description of evidence, if any, of the violation.

(ii) Notify the student of the SCO's investigation and possible sanctions, if any.

(iii) Specify the time, date, and location where the student is required to meet with the SCO. The meeting will be scheduled no earlier than three instructional days, but within thirty instructional days of the date on the notice to appear sent to the student. The SCO may modify the time, date, and location of the meeting, either at the student's or college's request, for reasonable cause.

~~((d))~~ (iv) Inform the student that failure to ~~((appear at the appointed time and place))~~ attend the conduct meeting will not stop the disciplinary process and may result in a transcript/registration hold being placed onto the student's account, and ~~((the student receiving))~~ disciplinary ~~((sanctions, which could include suspension or expulsion from the college))~~ actions.

~~((e))~~ (v) Inform the student that they may ~~((bring))~~ be accompanied at the meeting by an advisor ~~((or representative to the meeting with them))~~ at their expense. The advisor ~~((or representative))~~ cannot be a college employee or witness. If the student or their advisor is found to have tampered with witnesses or evidence, or destroyed evidence, the student will be held accountable in the conduct process for their acts and those of their advisor.

(vi) Inform the student that they may present evidence to support their assertions during the meeting.

(3) Student conduct meeting - Brief adjudicative process.

(a) ~~((When meeting with the SCO:))~~ During the student conduct meeting, the student will be informed of the following:

(i) ~~((The provision(s) of the rules of the student code of conduct or college policy that they are charged with violating:))~~ The specific acts and the provision(s) of college policy that the student is alleged to have violated;

(ii) The disciplinary process;

(iii) The range of sanctions which might result from the disciplinary process and that the actual sanctions will depend on the findings of responsibility;

(iv) The student's right to appeal.

(b) The student will have the opportunity to review and respond to the allegation(s) ((by providing)) and evidence and provide the SCO with relevant information ((to the SCO about their involvement, if any, in the alleged violation(s), explaining)), evidence and/or witnesses to the alleged violation(s), and/or explain the circumstances surrounding the alleged violation(s)((, and/or defending themselves against the allegations. If the student chooses to have an advisor or representative present at the meeting, the SCO will allow the advisor or representative to make a brief statement)).

(c) The advisor ~~((or representative is allowed to))~~ may assist the student ((with the process. Any questions that are made by the advisor or representative will be addressed through the discretion of the SCO)) during the conduct meeting, however the student is responsible for presenting their own information and evidence. The advisor may only communicate with the student they are advising. Any disruptions or failure to follow the conduct process and/or directions ((made by)) of the SCO may result in the advisor ((or representative)) being ((removed)) excused from the meeting.

(4) Decision by the SCO.

(a) After interviewing the student or students involved and/or other individuals as appropriate, and ~~((after))~~ considering the evidence ~~((in the case))~~, the SCO may take any of the following actions:

(i) Determine that the student is not responsible for a violation of the student code of conduct and thereby terminate the ((proceedings and thereby exonerate the respondent)) student conduct process;

(ii) Determine that the student is responsible for a violation of the student code of conduct and impose disciplinary sanctions as provided herein;

(iii) ~~((Refer the matter to the SCB for appropriate action.))~~ Determine that further inquiry is necessary and schedule another meeting for reasonable cause; or

(iv) Refer the case to the SCB for the full adjudicative hearing process if the alleged violation is discovered to be of a severe nature and may result in sanctions that include expulsion, suspension for more than ten days, revocation of a degree, or loss of recognition of a student organization.

(b) Notification of the decision by the SCO will be ~~((hand delivered to the student or sent by mail to the most recent address in the student's record on file with the college.))~~ issued pursuant to WAC 132S-100-130 within thirty instructional days of the final student conduct meeting. Due to federal privacy law, the college may not disclose to the complainant any sanctions imposed on the responding student unless the complainant was the alleged victim of a violent crime as defined under the Federal Educational Rights and Privacy Act (FERPA)(20 U.S.C. Sec. 1232g; 34 C.F.R. Part 99), or the responding student consents to such disclosure. A copy of the decision notification will be filed with the office of the SCO.

(c) Disciplinary action taken by the SCO is final unless the student exercises the right of appeal as provided herein.

#### NEW SECTION

**WAC 132S-100-407 Appeal process.** (1)(a) Disciplinary decisions may be appealed by filing a written request

with the office of the VPSS within twenty-one days of the notice of the decision. Disciplinary decisions of the SCO may be appealed for review by the SAB using the brief adjudicative process. Disciplinary decisions of the SCB may be appealed for review by the college president using the brief adjudicative process. Disciplinary decisions by the SCO that include sexual misconduct may be applied for review by the SCB using the brief adjudicative process. Failure to file a written appeal within twenty-one days will result in the decision becoming final with no further right of appeal.

(b) The request for appeal must include a brief statement explaining the grounds for the appeal or why the party is seeking review. Disagreement with the finding and/or with the sanctions does not, by itself, represent grounds for appeals.

(2) Decisions may be appealed for one or more of the following:

(a) To determine whether there was a procedural error that substantially affected the outcome of the finding or sanctioning. Deviation from designated procedures is not a basis for sustaining an appeal unless significant prejudice results.

(b) To determine whether the sanction(s) imposed were appropriate and not excessively lenient or excessively severe for the violation of the student code of conduct for which the student was found responsible.

(c) To consider new information, sufficient to alter a decision, or other relevant facts not brought during fact finding, because such information and/or facts were not known, and the student bringing the appeal had no duty to discover or could not have reasonably discovered facts giving rise to the issues during investigation or fact-finding.

(3) Refusal to participate during the investigation or student conduct process does not constitute a right to appeal.

The VPSS or designee will forward appeals based on one or more of the required grounds for appeal to the SAB or president as provided herein.

A party, who timely appeals a disciplinary action, has a right to a prompt, fair, and impartial appeal review as provided in these procedures.

Interim measures will remain in effect pending an appeal unless they have been removed pursuant to WAC 132S-100-445.

(4) Appeals of disciplinary action(s) will be taken in the following order:

(a) Complainants are afforded the same right to appeal as respondents in student conduct matters in which the complainant was the alleged target of violence or sexual misconduct. If both parties appeal the decision, the appeals will be reviewed in the order in which they are filed or reviewed together, if they state the same, similar, or related grounds or substance for appeal.

(b) The SAB or college president's decision to affirm, reverse or modify the decision and/or sanction will be issued pursuant to WAC 132S-100-130.

(c) The SAB's, and the college president's decisions are final.

NEW SECTION

**WAC 132S-100-413 Full adjudicative process.** The SCB will use the following full adjudicative process to determine responsibility for serious violations which include sanctions of suspension for more than ten days, expulsion, withholding or revocation of a degree, or loss of recognition of a student organization.

(1) The parties will be sent written notification of the SCB adjudication proceedings within ninety days from the date of the filing of the appeal. The notification will contain the following:

(a) The time, date, and location of the hearing, which shall not be less than seven days from the date of the notice of the hearing;

(b) The specific acts alleged and the provision(s) of college policy which those acts violated;

(c) The SCB procedures;

(d) The name and contact information for the SCB and their advisor, if any, representing the college. The notice will include the official title, work mailing address, and telephone number of each of these individuals;

(e) Unless otherwise ordered by the SCB chairperson, the name and mailing addresses of all parties to whom notice is being given and, if known, the names and addresses of their advisors;

(f) A statement that if a party fails to attend or participate in a hearing or other stage of this adjudicative proceeding, they may be held in default in accordance with chapter 34.05 RCW and/or the college may continue the student conduct process, including the hearing, despite the party's absence.

(2) The respondent and complainant have the right to be assisted by one advisor of their choice and at their own expense. The advisor must be someone who is not employed by the college. If the respondent chooses to have an attorney serve as their advisor, the student must provide notice to the SCB no less than five instructional days prior to the hearing. The SCB hearing may not be delayed due to the scheduling conflicts of an advisor and such requests will be subject to the discretion of the SCB chairperson. If the student or their advisor is found to have tampered with witnesses or evidence, or destroyed evidence, the student will be held accountable in the conduct process for their acts and those of their representative/advisor.

The respondent and/or complainant are responsible for presenting their own information, and therefore, during the hearing, advisors are not permitted to address the SCB, witnesses, the SCO, or any party or advisor invited by the parties to the hearing. An advisor may communicate with their advisee and recesses may be allowed for this purpose at the discretion of the SCB chairperson. The advisor may not disrupt or interfere with any aspect of the proceeding.

The SCB chairperson shall have the right to impose reasonable conditions upon the participation of the advisor.

(3) The SCB and the parties will be provided reasonable access to the documentation and evidence which will be reviewed by the SCB, as well as the case file that will be retained by the SCO in accordance with applicable privacy laws.

(4) Any SCB member who has a personal relationship with either party or any personal or other interest which

would prevent a fair and impartial review and decision will be recused from the proceedings.

A party may make a written request to the SCB chairperson for the recusal of an SCB member no less than five instructional days prior to the hearing. The request must be for good cause, which must be shown by the party making the request. The SCB chairperson will consider the request and notify the student of their decision regarding the recusal prior to the hearing. If the SCB chairperson grants the recusal, a replacement for the recused SCB member will be made without unreasonable delay.

(5) The parties involved in the hearing will be required to submit their witness list and any evidence to be discussed at the hearing to the SCB chairperson no less than five instructional days prior to the hearing. Each party is allowed a maximum of three character witnesses to appear on their behalf. The parties must submit a witness list which contains a written statement from each witness that includes a brief description of the relevant information the witness will provide during the hearing. Witnesses not listed will not participate in the hearing.

(6) Discovery in the form of depositions, interrogatories, and medical examinations of parties are not permitted in student conduct adjudications. Other forms of discovery which ensure the prompt and thorough completion of the adjudication process may be permitted at the discretion of the SCB chairperson.

(7) Hearings will be closed to the public except if consented to by all parties and at the discretion of the SCB chairperson. Witnesses may be allowed in the hearing room only during the time in which they provide their statements to the SCB. The complainant and respondent, depending on their preference and subject to orders of a court of law, such as protection orders, may be present for and observe the entire hearing.

At the discretion of the SCB chairperson, and where the rights of the parties will not be prejudiced, all or part of the hearing may be conducted by telephone, video conference, or other electronic means. Each party shall have the opportunity to hear and if technically and economically feasible, to see the entire hearing while it is taking place. At all times, however, all parties, their advisors, the witnesses, and the public will be excluded during the deliberations of the SCB.

(8) The SCB chairperson will exercise control over the hearing to avoid needless consumption of time and to prevent the harassment or intimidation of witnesses. Any person, including the respondent and complainant, who disrupts a hearing or who fails to follow the directions of the SCB chairperson may be excluded from the proceedings and may be subject to disciplinary action.

(9) Questions posed by any party to be answered by each other or by witnesses must be appropriate and respectful. The SCB chairperson may require any participant of the hearing to provide all questions in writing to the SCB chairperson. The SCB chairperson, if appropriate and at their sole discretion, will read the question to the individual to whom it is directed. Any question which the SCB chairperson has chosen not to read will be documented on record and kept within the case file. The SCB chairperson will decide matters related to the order of the proceedings.

(10) In order that a complete record of the proceeding can be made to include all evidence presented, hearings will be recorded or transcribed, except for the deliberations of the SCB. The record will be the property of the college.

(11) After weighing and considering the evidence, the SCB will decide by majority vote whether the respondent is responsible or not responsible for a violation of the student code of conduct. If there is a finding of responsibility for a violation, the SCB shall impose sanctions as set forth herein.

(12) The SCB's decision is made on the basis of a "preponderance of the evidence" standard of proof, that is, whether it is more likely than not that the respondent violated the student code of conduct.

(13) The notice of decision of the SCB will be issued pursuant to WAC 132S-100-130. A copy of the SCB's decision will also be filed with the office of the SCO.

(14) Disciplinary action taken by the SCB is final unless the student exercises the right of appeal to the college president as provided herein.

#### NEW SECTION

##### **WAC 132S-100-417 Brief adjudicative process.** (1)

The brief adjudicative process is conducted in accordance with RCW 34.05.482 through 34.05.494.

(2) The SCO will use the brief adjudicative process to make decisions of findings of responsibility as provided in this code of conduct.

(3) The SCB will use the brief adjudicative process to review appeals of disciplinary decisions which include allegations of sexual misconduct but do not include sanctions of expulsion, suspension for more than ten days, revocation of a degree, or loss of recognition of a student organization.

(4) The president will use the brief adjudicative process to review appeals of all disciplinary decisions made by the SCB.

(5) The SAB will use the brief adjudicative process to review timely appeals of disciplinary decisions which do not include sexual misconduct, sanctions of expulsion, suspension for more than ten days, revocation of a degree, or loss of recognition of a student organization.

(6) Within twenty days of filing the appeal, the SAB or president, as applicable, shall review the record of the preceding conduct decision and all relevant information provided by the parties, and based on a preponderance of the evidence, shall make a determination to affirm, reverse, or modify the findings and/or sanctions. The SCB, SAB and president shall have the discretion to seek clarification from witnesses as needed.

(7) Notification of the decision will be issued pursuant to WAC 132S-100-130.

#### NEW SECTION

##### **WAC 132S-100-423 Academic dishonesty process.**

(1) The class instructor is responsible for handling each case of academic dishonesty in the classroom and for determining a penalty grade as outlined in the course syllabus.

(2) If, within the instructor's professional judgment, reasonable evidence would suggest that a student engaged in academic dishonesty, the instructor will provide notice to the

student, either written or verbal, of their assertion of academic dishonesty and of the academic penalty grade within thirty instructional days of the occurrence or when the instructor is made aware of the occurrence.

(3) The instructor will submit a report to the SCO of the assertion of academic dishonesty, the explanation of the notice or actual notice given to the student and a copy of all relevant evidence. The instructor may request that the incident only be documented with the SCO, or refer the matter for disciplinary action. If the student has a previous academic dishonesty record, the SCO may choose to move forward with the disciplinary process without an instructor's request.

#### NEW SECTION

**WAC 132S-100-427 Classroom conduct.** Instructors have the authority to take appropriate action to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course. An instructor may exclude a student from any single class/program session during which the student is currently being so disorderly or disruptive that it is difficult or impossible to maintain classroom decorum. The instructor will report any such exclusion from the class/program session to the SCO. The SCO may initiate disciplinary action under the student code of conduct.

#### NEW SECTION

##### **WAC 132S-100-433 Sexual misconduct procedures.**

(1) The college's Title IX coordinator or designee shall review and investigate reports of sexual misconduct in accordance with the college's nondiscrimination and harassment policy and grievance procedure.

(2) College personnel will honor requests to keep sexual misconduct complaints confidential to the extent this can be done without unreasonable risk to the health, safety, and welfare of the complainant or other members of the college community, or compromising the college's duty to investigate and process sexual harassment and sexual violence complaints.

(3) Both the respondent and the complainant in cases involving allegations of sexual misconduct shall be provided the same procedural rights to participate in the disciplinary process, to simultaneously receive notifications, and to appeal the finding and/or sanction.

(4) Notification of the results of the investigation or disciplinary action, if any, will be personally delivered, sent electronically to the student's CBC email address, or sent by mail to the most recent address in the student's record on file with the college.

(5) In the event of conflict between the sexual misconduct procedures and the student code of conduct, the sexual misconduct procedures shall govern.

(6) All college employees who coordinate, investigate, or adjudicate issues involving sexual misconduct shall receive annual training on domestic violence, dating violence, sexual assault, stalking and investigation and adjudication processes that protect the safety and due process rights of the parties.



NEW SECTION

**WAC 132S-100-437 Sexual misconduct appeal procedures.** (1) A party may appeal a sexual misconduct disciplinary decision for review according to the procedures as stated in this code of conduct by filing a written request for appeal with the office of the VPSS within twenty-one days of the notification of the disciplinary decision.

(2) The college shall notify the other party of the appeal and provide that party an opportunity to respond to the appeal.

(3) Failure to file a timely notice of appeal constitutes a waiver of this right and the disciplinary decision shall become final.

NEW SECTION

**WAC 132S-100-440 Sanctions.** Students found responsible for violations of the student code of conduct may be subject to the following sanctions:

(1) Warning. A verbal statement or notice in writing to the respondent that they are violating or have violated college rules or regulations and that continued violations may be the cause for further disciplinary action.

(2) Reprimand. Notice in writing that the respondent has violated one or more of the policies outlined in the student code of conduct and that continuation of the same or similar behavior may result in more severe disciplinary action.

(3) Loss of privileges. Denial of specified privileges for a designated period of time.

(4) Loss of recognition. A student organization's recognition may be withheld permanently or for a specific period of time. Loss of recognition is defined as withholding college services or administrative approval from a student organization. Services and approval to be withdrawn may include, but are not limited to, intramural sports, information technology services, college facility use and rental, and involvement in organizational activities.

(5) Restitution. A student may be required to make restitution for damage, loss, or injury. This may take the form of appropriate service and/or monetary or material replacement. Failure to make restitution within thirty instructional days or any period set by the SCO, SCB, SAB, or president will result in an administrative hold being placed on the student's registration, which will prevent future enrollment until the restitution is complete.

(6) Discretionary sanctions. Work assignments, essays, service to the college, or other related discretionary assignments.

(7) Disciplinary probation. Formal action placing conditions upon the student's continued attendance for violations of college rules or regulations or other failure to meet the college's expectations within the student code of conduct. Written notice of disciplinary probation will specify the period of probation and any condition(s) upon which their continued enrollment is contingent. Such conditions may include, but not be limited to, adherence to terms of a behavior contract or limiting the student's participation in extra-curricular activities or access to specific areas of the college's facilities. Disciplinary probation may be for a specified term or for a period which may extend to graduation or award of a degree or cer-

tificate or other termination of the student's enrollment in the college.

(8) Restricted access to (trespass from) certain college facilities, property or activities.

(9) Suspension. Separation of the student from the college for a definite period of time, after which the student is eligible to return. Conditions for readmission may apply. Students who are suspended may be denied access to all or any part of the campus or other facilities for the duration of the period of suspension.

(10) Expulsion. Permanent separation of the student from the college. Students who are expelled may be permanently denied access to all or any part of the campus or other facilities.

(11) Revocation of admission and/or degree or certificate. Admission to the college or a degree or certificate awarded from the college may be revoked for fraud, misrepresentation, or other violation of college standards in obtaining admission or the degree or certificate, or for other serious violations committed by a student prior award of a degree or certificate.

(12) Withholding degree or certificate. The college may withhold awarding a degree or certificate until the completion of the process set forth in the student code of conduct, including the completion of all sanctions imposed, if any.

(13) Professional evaluation. Referral for drug, alcohol, psychological or medical evaluation by an appropriately certified or licensed professional may be required. The student may choose the professional within the scope of practice and with the professional credentials as defined by the college. Authorization for release of information will be required to allow the college access to the evaluation. The student's return to college may be conditioned upon compliance with recommendations set forth in such a professional evaluation. If the evaluation indicates that the student is not capable of functioning within the college community, the student will remain suspended until future evaluation recommends that the student is capable of reentering the college and complying with the student code of conduct.

(14) Delayed suspension. A probationary amount of time set by the SCO, SCB, SAB, or president in which the student must remain in good standing. If the student is found responsible for violating the student code of conduct while still under the delayed suspension guidelines, then the student will be suspended, as set forth in subsection (7) of this section.

(15) No contact order. An order that prohibits direct or indirect physical, verbal, written, and/or any other form of communication or contact with an individual or group. Direct and indirect contact includes, but is not limited to, phone calls, letters, going within sight of places of work or residence, email, social media, etc.

If the respondent is found responsible for any violation, the student's past disciplinary record may be considered in determining an appropriate sanction.

NEW SECTION

**WAC 132S-100-445 Interim measures.** (1) Interim measures may be taken pending an investigation or adjudication if there is cause to believe that a student or student orga-

nization poses an imminent risk of harm to anyone in the college community, or to property, or if the misconduct is so severe, persistent, or pervasive as to substantially disrupt or materially interfere with the college's operations and/or activities or with an individual's education/work activities. Interim measures may include counseling, extensions of time or other course-related adjustments, modifications of class schedules, campus escort services, restrictions on contact between the parties, increased security and monitoring of certain areas of campus, restrictions on access to college owned or operated property and/or events (notice of trespass), including classes, activities and privileges, or any similar measures while the conduct process is pending.

(2) The student must adhere to the conditions of the interim restriction. If an interim restriction includes campus wide restricted access, the SCO may provide written permission for the student to enter campus for specific purposes such as meeting with the SCO or designee, faculty, staff or witnesses to prepare for an appeal, or to participate in the student conduct process.

(3) Notice of interim measure. The student will be provided written notice of the interim measure(s), stating:

(a) The time, date, place, and nature of the circumstances which created the need for interim measures.

(b) A description of any relevant evidence.

(c) The interim measure.

(d) The possible sanctions that could result from violation of the interim measure including arrest for criminal trespass if the student has been trespassed from campus.

(e) The student's right to either accept the interim measure or submit a written appeal of the interim measure within three instructional days to the office of VPSS office. An appeal is waived if not submitted within the prescribed time. If the student timely appeals, the interim measure shall remain in place during the appeal process. The VPSS will provide written notification to the student of the decision to either maintain or discontinue the interim measure within five instructional days of receipt of the appeal.

(f) If the student has been trespassed from the campus, a notice against trespass shall be included that warns the student that their privilege to enter into or remain on college premises has been withdrawn, that they shall be considered trespassing and subject to arrest for criminal trespass if they enter the college campus other than to meet with the SCO as arranged by an appointment, or to attend a disciplinary hearing. The interim measure shall not replace the regular discipline process, which shall proceed as quickly as feasible in light of the interim restriction.

AMENDATORY SECTION (Amending WSR 16-12-039, filed 5/25/16, effective 6/25/16)

**WAC 132S-100-500 Records of disciplinary action.**

(1) Records of all disciplinary ~~((eases will be))~~ actions will become part of the student's disciplinary record and kept by the office of the SCO. ((Except in proceedings wherein the student is exonerated, all documentary proceedings and all recorded testimony will be preserved insofar as possible for at least seven years. No record of proceedings wherein the student is exonerated, other than the fact of exonerated, will

~~be maintained in the student's file or other college repository after the date of the student's graduation or for one calendar year-))~~ Disciplinary records are "education records" as defined by FERPA and shall be maintained and disclosed consistent with FERPA and the college's educational records retention policies. All documentation of the student conduct proceedings will be preserved for at least seven years, except in disciplinary actions where no violation(s) of the student code of conduct was found. In such cases, only a record of the finding of no violation shall be maintained in the student's file or other college repository after the date of the student's graduation or award of a degree or certificate or for one calendar year, whichever is shorter. All records of expulsion will be kept for twenty-five years from the date of the decision.

(2) The office of the SCO will keep accurate records of all disciplinary actions taken by ~~((, or reported to,))~~ that office. Such recordings will be placed in the student's disciplinary records. ~~((The SCO is responsible for ordering the removal of any notations of any disciplinary action on the student's record. A student may petition the SCO for removal of such a notation at any time.))~~ A student has a disciplinary record only after notification of a decision is made and the student is found responsible for a violation of the student code of conduct. A case that is currently under investigation or is classified as "documentation only" is not a disciplinary record.

(3) The Family Educational Rights and Privacy Act (FERPA) provides that an educational institution may notify a student's parent or legal guardian if the student is under the age of twenty-one and has violated a federal, state, or local law involving the use or possession of alcohol or a controlled substance.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132S-100-020	Good standing.
WAC 132S-100-105	Composition of the student conduct board.
WAC 132S-100-110	Student appeals board.
WAC 132S-100-115	Convening boards.
WAC 132S-100-120	Classroom conduct and the learning environment.
WAC 132S-100-125	Decisions.
WAC 132S-100-200	Jurisdiction of the student code of conduct.
WAC 132S-100-203	Conduct—Rules and regulations.
WAC 132S-100-225	Drugs and drug paraphernalia.
WAC 132S-100-270	Trespass or unauthorized presence.
WAC 132S-100-405	Student conduct board process.
WAC 132S-100-410	Academic dishonesty process.
WAC 132S-100-415	Appeal process.
WAC 132S-100-420	Sexual misconduct procedures.

- WAC 132S-100-425 Appeal process for complainants of sexual misconduct.
- WAC 132S-100-430 Sanctions.
- WAC 132S-100-435 Interim measures.

AMENDATORY SECTION (Amending WSR 16-12-039, filed 5/25/16, effective 6/25/16)

**WAC 132S-200-110 Animal control on campus.** In order to ~~((assure))~~ maintain the administrative and education operations of Columbia Basin College, and the health and safety of all persons on properties owned or controlled by ((Columbia Basin)) the college, the following rules and regulations regarding animals ((on campus)) are hereby promulgated: ((No person will be permitted to bring any animal upon properties owned or controlled by Columbia Basin College unless such animal is a service animal as defined in RCW 70.84.021 and is under the immediate control of such person.))

(1) Except for natural wildlife inhabiting college property, animals are prohibited from being ((on college grounds)) in or upon any property owned or controlled by the college, and from entering college buildings, with the following exceptions:

((1)) (a) Service animals as defined by RCW 70.84.021 that are being used by person with disabilities;

((2)) (b) Events at which animals are participants as authorized by the college;

((3) When) (c) Animals that are part of an academic program((- Owners shall have immediate)) as authorized by the college;

(d) Animals otherwise authorized by college policy; and

(e) A dog trained to aid and under the control of law enforcement officers while being used for law enforcement purposes or during demonstrations to illustrate the dog's capabilities.

(2) With the exception of dogs trained to aid law enforcement officers while in the performance of their duties, and except as otherwise provided by college policy, such animals as are permitted shall be under the immediate direct physical control of their ((animals (for example: Leashed, eaged or carried))) owner or handler while on the grounds of Columbia Basin College.

(3) No animal shall be permitted to enter any fountain or pond or other water feature located on college property.

(4) No animal which emits frequent or long-continued noise or activity so as to disturb or disrupt normal administrative or educational functions shall be permitted on college property. Any animal that places human and/or animal life in danger shall be immediately removed from college property.

(5) Organic matter deposited by animals, such as feces, blood, or urine must be removed immediately and properly disposed of by the animal's owner or handler.

(6) Exceptions to this section may be authorized by the college president or his or her designee(s).

(7) All animals brought onto college property are subject to applicable city, county or state health, safety, license and leash laws.

AMENDATORY SECTION (Amending WSR 16-12-039, filed 5/25/16, effective 6/25/16)

**WAC 132S-200-120 Penalties for violations of animal control regulations.** Any animal found in or on college property under conditions that violate any provision of this chapter shall be subject to apprehension and impoundment in accordance with applicable college, city, county or state rules, laws, or regulations. Persons violating ((WAC 132S-200-110)) this chapter may be trespassed from the college campus, otherwise subject to disciplinary action in accordance with applicable college policies, rules, laws or regulations, and/or referred by administration or campus security to the appropriate police agency for prosecution under the applicable city, county or state animal control ((code for the campus on which the violation occurred)) rules, laws or regulations.

AMENDATORY SECTION (Amending WSR 16-12-039, filed 5/25/16, effective 6/25/16)

**WAC 132S-200-150 Trespass.** Columbia Basin College campuses are open to the public, as are the buildings during business hours. To ensure safety of all on the campuses, the office of student conduct ((office and)) or the campus security office may at times need to issue a trespass notice to an individual, ((trespassing that)) restricting a person and/or their vehicle from access to college property or activities. All illegal activity shall be referred to the local law enforcement agency.

Trespass notices may be issued ((by the student conduct officer or campus security officers)) to an individual who has violated ((the student rights and responsibilities code,)) college regulations specified in Title 132S WAC, ((administrative)) college policies, state law or municipal codes, ((or)) has ((willfully)) jeopardized the safety of others.

((When the student conduct officer or any campus security officer deems that any of the above criteria have been met, he or she will issue a trespass notice to the individual.)) A copy of the notice will be kept on file at the campus security office and may be shown to the local law enforcement agencies if an arrest for violation of the trespass order is necessary in the future.

**(1) Temporary trespass notice.**

(a) A temporary trespass notice of up to twenty-four hours can be issued, without a right to appeal, to any person for whom the college has received a complaint or who has been observed doing any of the following:

- (i) Causing harm or inflicting injury to college community members;
- (ii) Threatening or intimidating members of the community;
- (iii) Disrupting academic and administrative business of the college;
- (iv) Causing damage to college or personal property; and/or
- (v) Violating college policy, college regulation or the student ((conduct)) code of conduct.

(b) A temporary trespass notice will be ((hand)) personally delivered to the recipient at the time of the incident or as soon as possible if the recipient has left college grounds.

Copies of all written notices are kept on file with the campus security office.

~~(c) (If an individual)~~ Students who violate a temporary trespass notice will be referred to the office of student conduct for disciplinary action pursuant to the student code of conduct.

~~(d) If a nonstudent violates the temporary trespass notice, (the student conduct officer or)~~ the campus security officer can extend the terms of trespass (to remain in effect for up to two weeks) notice.

~~((d))~~ ~~(e)~~ Individuals have the right to appeal a trespass that is longer than twenty-four hours.

**(2) Permanent trespass notice.**

(a) Individuals who are not current students of the college can be issued a permanent trespass by the campus security office if deemed necessary to protect the campus community. Permanent trespass notices will be ~~((hand))~~ personally delivered or sent via U.S. mail (certified receipt) to the individual.

(b) A permanent trespass can be simultaneously administered with the assistance of local law enforcement agencies and their official trespass notification.

(c) Individuals have a right to appeal a permanent trespass.

**(3) ~~((Student))~~ Trespass appeals process.**

~~(a) (Currently enrolled students who wish to appeal a temporary trespass notice must contact the office of student conduct. However,)~~ A trespass notice that is in effect for twenty-four hours or less cannot be appealed.

(b) Students, ~~((who are permanently))~~ whose access to college property or activities has been restricted (trespassed) through the student ((rights and responsibility)) code of conduct process will be notified ((through the sanction letter from the student conduct officer)) according to the process of the student code of conduct.

**(4) ~~((Nonstudent trespass appeals process.~~**

~~(a) Nonstudents)~~ Persons who are not currently enrolled who wish to appeal a trespass notice must contact the office for the vice president of administrative services.

~~((b))~~ ~~(5)~~ The criteria used for the appeals review include, but are not limited to:

~~((i))~~ ~~(a)~~ Determination of the threat posed by the individual to the community;

~~((ii))~~ ~~(b)~~ Review of the individual's need to be present on campus (with ~~((limitations))~~ adjustments when decided as appropriate); and

~~((iii))~~ ~~(c)~~ Review of the incident or supporting documentation that resulted in the trespass notice being issued.

~~((e))~~ ~~(6)~~ The vice president for administrative services will review one appeal or request from the trespassed individual for modification per year and reserves the right to deny any appeal based on the safety of the campus community.

~~((d) - f))~~ ~~(7)~~ The vice president of administrative services ~~((considers modifying or rescinding a trespass notice, he))~~ may consult with other college personnel, such as the student conduct officer or the vice president for human resources and legal affairs as part of the appeal review process~~((, such as the student conduct officer or the vice president for human resources and legal affairs.~~

~~(e))~~.

~~(8)~~ Notification of the outcome of the appeal will be sent to the requestor within thirty days of the request via U.S. mail (certified receipt).

AMENDATORY SECTION (Amending WSR 16-12-039, filed 5/25/16, effective 6/25/16)

**WAC 132S-300-140 Pedestrian's right of way.** (1)

The operator of a vehicle shall yield the right of way, slowing down or stopping, if need be to so yield to any pedestrian, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(2) Whenever any vehicle slows or stops so as to yield to pedestrian traffic, the operator of any other vehicle approaching from the rear shall not overtake and pass such a vehicle which has slowed or stopped to yield to pedestrian traffic.

(3) Every pedestrian crossing at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles.

(4) College administration, law enforcement and/or emergency services personnel are authorized to place signs, barricades, direct traffic flow, and other traffic directions upon/or in the CBC campus parking lots and campus grounds which include crosswalks, breezeways, or other areas for the regulation of traffic and parking that will provide safe ingress to and egress from CBC campuses. Pedestrians are responsible for obeying directions and safe travel through campus.

~~(5)~~ Where a sidewalk is provided, pedestrians shall proceed upon such a sidewalk.

AMENDATORY SECTION (Amending WSR 16-12-039, filed 5/25/16, effective 6/25/16)

**WAC 132S-300-305 Authorization for issuance of parking permits.** The ~~((plant operations))~~ campus security office or designee is authorized to issue annually parking permits to faculty, staff members, employees of private parties and students using college facilities pursuant to regulations and the payment of appropriate fees as determined by the college.

AMENDATORY SECTION (Amending WSR 16-12-039, filed 5/25/16, effective 6/25/16)

**WAC 132S-400-105 Definitions.** (1) "College groups" shall mean individuals who are currently enrolled students or current employees of Columbia Basin College or who are affiliated with a recognized student organization or a recognized employee group of the college.

(2) "College facilities" includes all buildings, structures, grounds, office space and parking lots.

~~((Limited))~~ Designated public forum ((areas)) means those areas of each campus that the college has chosen to open as places for expressive activities protected by the first amendment, subject to reasonable time, place or manner restrictions.

(4) "First amendment activities" includes, but are not necessarily limited to, informational picketing, petition circulation, the distribution of informational leaflets or pamphlets, speech-making, demonstrations, rallies, appearances of

speakers in outdoor areas, protests, meetings to display group feelings or sentiments and/or other types of constitutionally protected assemblies to share information, perspective or viewpoints.

(5) "Noncollege groups" shall mean individuals, or combinations of individuals, who are not currently enrolled students or current employees of the college or who are not officially affiliated or associated with a recognized student organization or a recognized employee group of the college.

**AMENDATORY SECTION** (Amending WSR 16-12-039, filed 5/25/16, effective 6/25/16)

**WAC 132S-400-110 Statement of purpose.** Columbia Basin College is an educational institution provided and maintained by the people of the state of Washington. College facilities are reserved primarily for educational use including, but not limited to, instruction, research, public assembly of college groups, student activities and other activities directly related to the college's educational mission (~~(of the college)~~). The college's public character (~~(of the college)~~) does not grant (~~(to)~~) individuals an unlimited license to engage in activity which limits, interferes with, or otherwise disrupts the normal activities for and to which the college's facilities and grounds are dedicated. Accordingly, as provided by WAC 132S-400-115, the college (~~(is a designated public forum opened)~~) designates areas intended for first amendment activities for the limited purposes recited herein and further subject to the time, place, and manner limitations and restrictions set forth in this policy.

The purpose of the time, place and manner regulations set forth in this policy is to establish procedures and reasonable controls for the use of college facilities for noncollege groups. The college recognizes that college groups should be accorded the opportunity to utilize the facilities and grounds of the college to the fullest extent possible. The college intends to open its facilities to noncollege groups to a lesser extent as set forth herein.

**AMENDATORY SECTION** (Amending WSR 16-12-039, filed 5/25/16, effective 6/25/16)

**WAC 132S-400-115 Use of facilities.** (1) Subject to the regulations and requirements of this policy, noncollege groups may use the (~~(campus limited forums)~~) college's designated public areas, as identified in subsection (12) of this section for first amendment activities between the hours of 7:00 a.m. and 10:00 p.m.

(2) Signs shall be no larger than three feet by five feet and no individual may carry more than one sign.

(3) Any sound amplification device may only be used at a volume which does not disrupt or disturb the normal use of classrooms, offices or laboratories or any previously scheduled college event or activity.

(4) All sites used for first amendment activities should be cleaned up and left in their original condition and may be subject to inspection by a representative of the college after the event. Reasonable charges may be assessed against the sponsoring organization for the costs of extraordinary clean-up or for the repair of damaged property.

(5) All fire, safety, sanitation or special regulations specified for the event are to be obeyed. The college cannot and will not provide utility connections or hook-ups for purposes of first amendment activities conducted pursuant to this policy.

(6) The event must not be conducted in such a manner to obstruct vehicular, bicycle, pedestrian or other traffic or otherwise interfere with ingress or egress to the college, or to college buildings or facilities, or to college activities or events. The event must not create safety hazards or pose unreasonable safety risks to college students, employees or invitees to the college.

(7) The event must not interfere with educational activities inside or outside any college building or otherwise prevent the college from fulfilling its mission and achieving its primary purpose of providing an education to its students. The event must not materially infringe on the rights and privileges of college students, employees or invitees to the college.

(8) There shall be no overnight camping on college facilities or grounds. Camping is defined to include sleeping, carrying on cooking activities, or storing personal belongings, for personal habitation, or the erection of tents or other shelters or structures used for purposes of personal habitation.

(9) College facilities may not be used for commercial sales, solicitations, advertising or promotional activities, unless:

(a) Such activities serve educational purposes of the college; and

(b) Such activities are under the sponsorship of a college department of office or officially chartered student club.

(10) The event must also be conducted in accordance with any other applicable college policies and regulations, local ordinances and state or federal laws.

(11) College buildings, rooms, and athletic fields may be rented by noncollege groups in accordance with the college's facilities use policy. (~~(Noncollege groups may otherwise use college facilities as identified in this policy.)~~)

(12) The college designates the following area(s) as the (~~(sole limited)~~) designated public (~~(forum area(s))~~) areas for use by noncollege groups for first amendment activities on campus:

(a) With respect to the Pasco campus:

(i) Mural gathering area (concrete pad north of the A building);

(ii) A building (southeast corner near the arbor and seating area);

(iii) Gjerde Center (northeast concrete portion in front of the main entrance to the H building); and

(iv) Community bulletin board (located at the west entrance to the Thornton Building).

(b) With respect to the Richland campuses:

(i) Public sidewalks for all campuses;

(ii) Richland Health Science Center located at 891 Northgate Drive, limited to the east or west side of the entrance concrete pad; and

(iii) Richland Original Campus located at 901 Northgate Drive, limited to the walkway space between buildings RB and RC, not to exceed the width of where the building ends immediately adjacent to the walkway.

(13) Noncollege groups that seek to use the ~~((campus limited forum))~~ designated public fora to engage in First Amendment activities shall provide notice to the campus security office no later than twenty-four hours prior to the event along with the following information, which shall be used for notification purposes only:

(a) The name, address and telephone number of the individual, group, entity or organization sponsoring the event (hereinafter "the sponsoring organization");

(b) The name, address and telephone number of a contact person for the sponsoring organization;

(c) The date, time and requested location of the event;

(d) ~~((The nature and purpose of the event;~~

~~(e)))~~ The type of sound amplification devices to be used in connection with the event, if any; and

~~((f)))~~ (e) The estimated number of people expected to participate in the event.

(14) Noncollege group events shall not last longer than five hours from beginning to end.

AMENDATORY SECTION (Amending WSR 16-12-039, filed 5/25/16, effective 6/25/16)

**WAC 132S-500-125 Limitations of use.** (1) Where college space is used for an authorized function (such as a class or a public or private meeting under approved sponsorship, administrative functions or service-related activities), groups must obey or comply with directions of an authorized representative of the college.

(2) If at any time actual use of college facilities by an individual or group constitutes an unreasonable disruption of the normal operation of the college, such use shall immediately terminate, all persons engaged in such use shall immediately vacate the premises, and leave the college property upon command of the appropriate college official.

(3) Any individual or group granted permission to use college facilities shall agree in advance to abide by all college rules and regulations. The college reserves the right to deny use of college facilities to any individual or group whose past conduct indicates likelihood that college rules and regulations will not be obeyed. The college may also deny use to a requesting individual or organization which has used the facilities in the past and has damaged college property, left college buildings and grounds in excessive disorder, or failed to cooperate with college staff concerning use of the facilities.

(4) No person may enter onto college grounds or facilities possessing a visible firearm or other dangerous weapon, except specifically as allowed by law under WAC 132S-200-140.

(5) Promotional materials or posting for any event being held in a college facility must follow the same procedure as applies to students outlined in chapter 132S-100 WAC.

(6) Use of audio amplifying equipment is permitted only in locations and at times that will not interfere with the normal conduct of college affairs.

(7) The college facilities may not be used for private or commercial purposes unless such activities clearly serve the educational mission of the college are either sponsored by an

appropriate college unit or conducted by contractual agreement with the college.

(8) College facilities may not be used for purposes of political ~~((campaigning))~~ campaign events or rallies by or for candidates who have filed for public office ~~((except for student-sponsored activities))~~. Rules, regulations, policies, procedures and practices regarding the use of college facilities shall not discriminate or promote discrimination among political parties, groups or candidates solely on the basis of their particular political viewpoint.

(9) Activities of commercial or political nature will not be approved if they involve the use of promotional signs or posters on buildings, trees, walls, or bulletin boards, or the distribution of samples or brochures outside rooms or facilities to which access may be granted.

(10) No person may solicit contributions on college property for political uses, except where this limitation conflicts with federal law concerning interference with the mail.

(11) ~~((Religious groups shall not))~~ No noncollege group shall, under any circumstances, use the college facilities as a permanent meeting place ~~((Use shall be intermittent only, so as not to imply college endorsement))~~ as the college's facilities must be readily available to advance the college's educational mission.

(12) Alcoholic beverages will not be served without the approval of the vice president for administrative services or designee(s). It shall be the responsibility of the event sponsor to obtain all necessary licenses from the Washington state liquor and cannabis board and adhere to their regulations including all state and local regulations and laws, and those of Columbia Basin College.

(13) Authorization for use of college facilities shall not be considered ~~((as))~~ an endorsement of or approval of any group or organization nor the purposes they represent. The name of the college shall not be associated with any program or activity for which the college facilities are used without specific written approval from the president or his or her designee(s).

(14) Rental of college facilities carries no right of advertising on college premises other than the right to post a sign for the purpose of directing people to the place of assembly.

(15) Unless otherwise provided by contractual agreement, an authorized member of the college staff shall be required to be available at times when college facilities are in use by a group. If service beyond normal business hours is required as a result of any meeting, such time shall be paid by the using organization at the currently established rate. The college may require and charge users for security services at the college's discretion.

(16) Audio-visual equipment and materials are intended to support and supplement the college's curriculum. Equipment shall not be rented to external users, unless official prior approval has been granted and currently established rates are charged. The existence of equipment in a rented space does not mean the user has the right to use it.

**WSR 20-03-056**

**PERMANENT RULES**

**WASHINGTON STATE PATROL**

[Filed January 9, 2020, 12:58 p.m., effective February 9, 2020]

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

Purpose: There is a need to remove this rule as it is now covered under RCW 46.55.360 Impoundment, when required—Law enforcement powers, duties, and liability immunity.

Citation of Rules Affected by this Order: Repealing WAC 204-96-020.

Statutory Authority for Adoption: RCW 46.55.075.

Adopted under notice filed as WSR 19-21-147 on October 22, 2019.

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 0, Repealed 0.

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 1.

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 0, Repealed 0.

Date Adopted: January 9, 2020.

John R. Batiste  
Chief

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 204-96-020 Vehicle impound—DUI/PC with twelve hour hold.

**WSR 20-03-072**

**PERMANENT RULES**

**HEALTH CARE AUTHORITY**

[Filed January 10, 2020, 10:14 a.m., effective February 10, 2020]

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

Purpose: The agency is revising WAC 182-543-1100(6) to remove the requirement that a client enrolled in the alternative benefits plan have a qualifying condition to receive rehabilitative services. This revision aligns with WAC 182-545-400 Habilitative services.

In WAC 182-543-4200, the agency is clarifying the differences between adults and children who use power-drive wheelchairs by creating separate subsections. The rule clarifies that the agency pays for medically necessary power-drive wheelchairs that are prior authorized. In addition to the criteria set out in the rule, subsection (1)(c) states that the agency may pay for power wheelchairs on a case-by-case basis when prior authorized. Subsection (2) clarifies that the agency reviews requests for power wheelchairs for eligible children under the EPSDT program. Subsection (6) clarifies that the agency pays for more than one wheelchair when medically necessary for the client.

Citation of Rules Affected by this Order: Amending WAC 182-543-1100 Client eligibility and 182-543-4200 Wheelchairs—Power-drive.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 19-20-119 on October 2, 2019.

Changes Other than Editing from Proposed to Adopted Version:

Proposed/Adopted	WAC Subsection	Reason
<b>Original WAC 182-543-4200</b>		
Proposed	<p><b>WAC 182-543-4200 <u>Covered wheelchairs—Power-drive.</u></b>  <u>The medicaid agency pays for medically necessary power-drive wheelchairs when prior authorized.</u>                      (1) <b><u>Adults.</u></b>                      (a) The medicaid agency pays for power-drive wheelchairs for clients <u>age twenty-one and older</u> when the prescribing physician certifies that <u>the following clinical criteria are met:</u>                      ((<del>(a)</del>))(i) The client can ((<del>independently</del>)) <u>effectively</u> and safely operate a power-drive wheelchair;</p>	<ul style="list-style-type: none"> <li>• Moved subsection (1)(a) to subsection (1) so it is clear this provision applies to all subparts of subsection (1).</li> <li>• Retained the original term "independently" in what is now subsection (1)(a) because it is more clearly defined than "effectively."</li> </ul>

Proposed/Adopted	WAC Subsection	Reason
Adopted	<p><b>WAC 182-543-4200 Covered wheelchairs—Power-drive.</b>  <u>The medicaid agency pays for medically necessary power-drive wheelchairs when prior authorized.</u>                      (1) <b>Adults.</b> The medicaid agency pays for power-drive wheelchairs for clients age twenty-one and older when the prescribing physician certifies that <u>the following clinical criteria are met:</u>                      (a) The client can independently and safely operate a power-drive wheelchair;</p>	
<b>Original WAC 182-543-4200 (1)(b)</b>		
Proposed	<p>(b) A power-drive wheelchair will <del>((</del> <del>))</del> provide the client the only means of independent mobility in any setting where normal life activities take place <del>((</del> <del>or</del> <del>))</del>  <del>((ii) Enable a child to achieve age-appropriate independence and developmental milestones)).</del>                      (c) <u>The agency may also pay for power wheelchairs on a case-by-case basis when prior authorized as described in WAC 182-501-0165. The agency determines medical necessity based on documentation submitted by the provider.</u></p>	<ul style="list-style-type: none"> <li>• Added clarifying language regarding the applicable settings.</li> <li>• Replaced "The agency may also pay" with "The agency also pays" to clarify that payment is not discretionary.</li> <li>• Added medical necessity because that is the standard in determining authorization.</li> </ul>
Adopted	<p>(c) A power-drive wheelchair will <del>((</del> <del>))</del> provide the client the only means of independent mobility in any <u>of the settings</u> where <u>the client's</u> normal life activities take place <del>((</del> <del>ii) Enable a child to achieve age-appropriate independence and developmental milestones)).</del>  <u>The agency also pays for power wheelchairs on a case-by-case basis that are determined medically necessary and when prior authorized as described in WAC 182-501-0165. The agency determines medical necessity based on documentation submitted by the provider.</u></p>	
<b>Original WAC 182-543-4200(2)</b>		
Proposed	<p>(2) <b>Children.</b> <u>The agency reviews requests for power wheelchairs for a person age twenty and younger using the standard for coverage under the EPSDT program according to the provisions of WAC 182-534-0100.</u></p>	<p>Added the second sentence to this subsection to clarify medical necessity criteria.</p>
Adopted	<p>(2) <b>Children.</b> <u>The agency reviews all requests for power wheelchairs for a person age twenty and younger using the standard for coverage under the EPSDT program according to the provisions of chapter 182-534 WAC. The agency determines medical necessity based on documentation submitted by the provider.</u></p>	
<b>Original WAC 182-543-4200(3)</b>		



Proposed/Adopted	WAC Subsection	Reason
Proposed	<b>(3) Three or four wheeled power-drive scooters/power-operated vehicles (POV).</b> Additionally, for a three or four-wheeled power-drive scooter/power-operated vehicle (POV), the prescribing physician must certify the client's condition is unlikely to require a standard power-drive wheelchair within the next two years.	Added reference "for an adult." This clarifies that EPSDT directives apply and that coverage may be required for people under age twenty-one, regardless of whether the client's condition is unlikely to require a standards power-drive wheelchair in the next two years.
Adopted	<b>(3) Three or four wheeled power-drive scooters/power-operated vehicles (POV).</b> Additionally, for a three or four-wheeled power-drive scooter/power-operated vehicle (POV) <u>for an adult</u> , the prescribing physician must certify the client's condition is unlikely to require a standard power-drive wheelchair within the next two years.	
<b>Original WAC 812-543-4200(7)</b>		
Proposed	<b>(7) Payment for more than one wheelchair.</b> When the agency approves both a manual wheelchair and a power-drive wheelchair for a noninstitutionalized client who meets one of the circumstances in subsection <del>((5))</del> <b>(6)</b> of this section, the agency pays to maintain both wheelchairs.	Removed the reference to subsection (6), which subsequently became subsection (5). This allows other types of medical necessity situations to result in coverage of repairs to both wheelchairs.
Adopted	<b>(7) Payment for more than one wheelchair.</b> When the agency approves both a manual wheelchair and a power-drive wheelchair for a noninstitutionalized client <del>((who meets one of the circumstances in subsection (5) of this section))</del> , the agency pays to maintain both wheelchairs.	

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 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental 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 2, 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 2, Repealed 0.

Date Adopted: January 10, 2020.

Wendy Barcus  
Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 18-24-021, filed 11/27/18, effective 1/1/19)

**WAC 182-543-1100 Client eligibility.** (1) Refer to the table in WAC 182-501-0060 to see which Washington apple health programs include home health services, including medical equipment and related services, in their benefit package.

(2) For clients eligible under an alien emergency medical (AEM) program, see WAC 182-507-0115.

(3) Clients who are eligible for services under medicare and medicaid (medically needy program-qualified medicare

beneficiaries) are eligible for medical equipment and related services.

(4) Clients who are enrolled in a medicaid agency-contracted managed care organization (MCO) must arrange for medical equipment and related services directly through the client's agency-contracted MCO. The agency does not pay for medical equipment or services provided to a client who is enrolled in an agency-contracted MCO, but chose not to use one of the MCO's participating providers.

(5) For clients who reside in a skilled nursing facility, see WAC 182-543-5700.

(6) Clients enrolled in the alternative benefits plan (defined in WAC 182-500-0010) are eligible for medical equipment when used as a habilitative service ~~((to treat a qualifying condition))~~ in accordance with WAC 182-545-400.

**AMENDATORY SECTION** (Amending WSR 18-24-021, filed 11/27/18, effective 1/1/19)

**WAC 182-543-4200 Covered wheelchairs—Power-drive.** The medicaid agency pays for medically necessary power-drive wheelchairs when prior authorized.

(1) **Adults.** The medicaid agency pays for power-drive wheelchairs for clients age twenty-one and older when the prescribing physician certifies that the following clinical criteria are met:

(a) The client can independently and safely operate a power-drive wheelchair;

(b) The client's medical condition ~~((negates))~~ prevents the ((client's ability to self-propel)) client from self-propelling any of the wheelchairs listed in the manual wheelchair

category (~~(in any setting where normal life activities take place)~~); and

(c) A power-drive wheelchair will ~~(=~~  
~~(+))~~ provide the client the only means of independent mobility in any of the settings where the client's normal life activities take place~~(= or~~

~~(ii) Enable a child to achieve age-appropriate independence and developmental milestones)~~.

The agency also pays for power wheelchairs on a case-by-case basis that are determined medically necessary and when prior authorized as described in WAC 182-501-0165. The agency determines medical necessity based on documentation submitted by the provider.

(2) **Children.** The agency reviews all requests for power wheelchairs for a person age twenty and younger using the standard for coverage under the EPSDT program according to the provisions of chapter 182-534 WAC. The agency determines medical necessity based on documentation submitted by the provider.

(3) **Three or four wheeled power-drive scooters/power-operated vehicles (POV).** Additionally, for a three or four-wheeled power-drive scooter/power-operated vehicle (POV) for an adult, the prescribing physician must certify the client's condition is unlikely to require a standard power-drive wheelchair within the next two years.

~~((3))~~ (4) **Client's primary wheelchair.** When the agency approves a power-drive wheelchair for a client who already has a manual wheelchair, the power-drive wheelchair becomes the client's primary chair, unless the client meets the criteria in subsection ~~((5))~~ (6) of this section.

~~((4))~~ (5) **Payment for primary wheelchair.** The agency pays to maintain only the client's primary wheelchair, unless the conditions of subsection ~~((6))~~ (7) of this section apply.

~~((5))~~ (6) **Approval for more than one wheelchair.** The agency pays for one manual wheelchair and one power-drive wheelchair for noninstitutionalized clients ~~((only when one of the following circumstances applies))~~ when medically necessary for the client to have mobility in all settings where the client's normal life activities take place. Situations that demonstrate medical necessity include, but are not limited to, the following:

(a) The architecture of locations where the client's normal life activities take place are completely unsuitable for a power-drive wheelchair, due to conditions such as narrow hallways, narrow doorways, steps at the entryway, and insufficient turning radius;

(b) The architecture of the bathroom in locations where the client's normal life activities take place is such that power-drive wheelchair access is not possible, and the client needs a manual wheelchair to safely and successfully complete bathroom activities and maintain personal cleanliness; or

(c) The client has a power-drive wheelchair, but also requires a manual wheelchair because the power-drive wheelchair cannot be transported to meet the client's community, workplace, or educational activities. In this case, the manual wheelchair would allow the caregiver to transport the client in a standard automobile or van. The agency requires the client's situation to meet the following conditions:

(i) The client's activities that require the second wheelchair must be located farther than one-fourth of a mile from the client's home or along a pathway that does not provide for safe use of a power wheelchair; and

(ii) Cabulance, public buses, or personal transit are not available, practical, or possible for financial or other reasons.

~~((6))~~ (7) **Payment for more than one wheelchair.** When the agency approves both a manual wheelchair and a power-drive wheelchair for a noninstitutionalized client ~~((who meets one of the circumstances in subsection (5) of this section))~~, the agency pays to maintain both wheelchairs.

## WSR 20-03-073

### PERMANENT RULES

#### EMPLOYMENT SECURITY DEPARTMENT

[Filed January 10, 2020, 12:52 p.m., effective February 10, 2020]

Effective Date of Rule: February 10, 2020.

Purpose: Standby, as defined in WAC 192-110-115, means a claimant is temporarily unemployed because of a lack of work but expects to return to work with their regular employer within four weeks; expects to begin full-time work with a new employer within two weeks; or is temporarily unemployed due to natural disaster.

The amendments to the standby rule are being adopted to address circumstances when claimants should be allowed to backdate applications for standby. As currently written, the rule does not allow for standby claims to be backdated.

Citation of Rules Affected by this Order: Amending WAC 192-110-015.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040 provide general rule-making authority to the employment security department. RCW 50.12.042 provides specific rule-making authority regarding the requirement that unemployment claimants be able to work, available for work, and actively seek work. RCW 50.20.010 provides rule-making authority regarding benefit eligibility conditions.

Other Authority: Not applicable.

Adopted under notice filed as WSR 19-19-031 on September 11, 2019.

A final cost-benefit analysis is available by contacting Joshua Dye, P.O. Box 9046, phone 360-890-3472, fax 844-652-7096, email rules@esd.wa.gov, website <https://esd.wa.gov/newsroom/rulemaking/benefits>.

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 0, Repealed 0.

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, 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 1, Repealed 0; Pilot Rule Making:

New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: January 10, 2019 [2020].

Dan Zeitlin  
Employment Security Policy Director

**AMENDATORY SECTION** (Amending WSR 17-17-126, filed 8/22/17, effective 10/10/17)

**WAC 192-110-015 Applications by standby workers—RCW 50.20.010. (1) What is "standby?"**

(a) "Standby" means you are temporarily unemployed because of a lack of work but:

- (i) You expect to return to work with your regular employer within four weeks; or
- (ii) You expect to begin full-time work with a new employer within two weeks; or
- (iii) You are temporarily unemployed due to natural disaster.

(b) You do not have to register for work or look for other work while you are on standby.

(c) You must be available for all hours of work offered by your regular employer.

**(2) How long can I be on standby?**

(a) You can ask to be on standby for up to four weeks (~~beginning with the date of the request~~).

(b) We will ask your employer to verify that you are on standby, including your expected return to work date:

- (i) If your employer does not reply, you can be on standby for up to four weeks;
- (ii) If your employer confirms you are on standby, you can be on standby until the return to work date given by your employer, subject to the limitations of (c) of this subsection;
- (iii) If your employer replies that you are not on standby or do not have a return to work date within eight weeks, we will require you to immediately register for work and to look for work.

(c) Your regular employer may ask that you be placed on standby for a maximum of eight weeks (except as provided in (2)(d) below). This request must be approved by the department. We will consider the following before deciding whether to approve standby for more than four weeks:

- (i) How long you have been out of work;
- (ii) Whether other suitable work is available;
- (iii) The impact on you and your employer if you accept other work; and
- (iv) Other factors that apply to your situation.

(d) At his or her discretion, the commissioner may grant standby for more than eight weeks in a benefit year. Exceptions can be made due to natural disaster. Exceptions can also be made in other extraordinary circumstances when the employer applies in writing and shows there are conditions that apply to the business that are so unique or unusual compared to similar businesses that having their employees on standby for more than eight weeks is necessary.

(e) We can approve standby if you have obtained a definite offer of bona fide full-time work that has a probable start date within two weeks, which includes the week of the job offer and up to two additional weeks. (~~If the standby request~~

~~under this subsection is part of your initial claim, standby begins with the date of the request.~~

(~~f~~) The job, however, must be:

- (i) With a new employer or with a former employer to whom you are no longer attached as provided in subsection (3)(f) of this section; and
- (ii) Covered by Title 50 RCW or the comparable laws of another state or the federal government.

**(3) Are there conditions that apply to a request for standby?**

(a) You must have a probable date when you will return to work for your regular employer;

(b) We will not approve standby if you only have prospects of future work with your regular employer or a promise of more work at some unspecified date;

(c) We will not approve standby with your regular employer unless the employment is covered by Title 50 RCW or the comparable laws of another state or the federal government;

(d) Except for claimants who qualify as part-time eligible workers under RCW 50.20.119, we will not approve standby if you regularly work less than full-time. For purposes of this section, "full-time" means forty hours each week or the number of hours that are full-time for your occupation and labor market area;

(e) Any week(s) that you do not qualify for benefits will not be considered as part of the maximum eight weeks of standby; and

(f) After eight consecutive weeks of unemployment, we will no longer consider you attached to that employer. You must meet the job search requirements specified by RCW 50.20.010 (1)(c) and 50.20.240.

**(4) When does standby begin?**

(a) Standby begins the day of your request unless your request is backdated pursuant to (b) of this subsection.

(b)(i) You may backdate your request for standby up to one week for any reason.

(ii) Your request for standby may also be backdated for the convenience of the department. "For the convenience of the department" means for the purpose of program administration; or those situations where it is difficult or impossible to accept a timely request including, but not limited to, equipment breakdowns, lack of available staff, or special handling requirements.

**WSR 20-03-082**

**PERMANENT RULES**

**HORSE RACING COMMISSION**

[Filed January 13, 2020, 10:00 a.m., effective February 13, 2020]

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

Purpose: To add language to support association security in the performance of their duties.

Citation of Rules Affected by this Order: Amending WAC 260-20-090.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 19-22-099 on November 6, 2019.

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 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 1, 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 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: January 10, 2020.

Douglas L. Moore  
Executive Secretary

AMENDATORY SECTION (Amending WSR 13-07-042, filed 3/15/13, effective 4/15/13)

**WAC 260-20-090 Association security.** (1) A racing association conducting a race meet must maintain security controls over its grounds.

(2) An association will prevent access to, and will remove or cause to be removed from its restricted areas any person who is unlicensed, or who has not been issued a visitor's pass or other identifying credential, or whose presence in such restricted area is unauthorized.

(3) Class A or B racing associations must provide continuous security in the stable area during all times that horses are stabled on the grounds. An association will require any person entering the stable area to display a valid license or credential issued by the commission or a pass issued by the association.

(4) Class A or B racing associations must keep a written record, on a form approved by the commission, of all horses admitted to or leaving the stable areas. For horses admitted to the stable areas the log must contain the date, time, names of horses, and barn or name of trainer they are being delivered to. For horses leaving the stable areas the log must contain the date, time, name of horses, and barn or name of trainer they are leaving from. A copy of the completed form(s) must be provided to the commission on a weekly basis. The original log is subject to inspection at any time by the commission.

(5) All persons and businesses transporting horses on and off the grounds of a racing association are responsible to provide association security, and if applicable, the commission with the names of any horses delivered to or leaving the grounds and the trainer responsible.

(6) Class A or B racing associations must keep a written record of all individuals admitted to the stable area between the hours of 12:00 midnight and 4:00 a.m. At a minimum the record shall contain the name of the person admitted, the person's license numbers and the time admitted.

(7) Class A or B racing associations must provide fencing around the stable area in a manner that is approved by the commission.

(8) Not later than twenty-four hours after an incident occurs requiring the attention of security personnel, the chief of security must deliver to commission security a written report describing the incident, which may be forwarded to the stewards for disciplinary action. The report must include the name of each individual involved in the incident and the circumstances of the incident.

(9) Licensees will cooperate and follow association security personnel's direction in a respectful manner and will not use profane or inappropriate language toward association security employees.

### WSR 20-03-083

#### PERMANENT RULES

#### HORSE RACING COMMISSION

[Filed January 13, 2020, 10:05 a.m., effective February 13, 2020]

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

Purpose: To update duties and responsibilities of racing officials to reflect current model rules standards.

Citation of Rules Affected by this Order: Amending chapter 260-24 WAC.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 19-23-014 on November 7, 2019.

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 0, Repealed 0.

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 3, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: January 10, 2020.

Douglas L. Moore  
Executive Secretary

AMENDATORY SECTION (Amending WSR 10-07-046, filed 3/11/10, effective 4/11/10)

**WAC 260-24-510 Stewards.** (1) General authority:

(a) The stewards for each race meet are responsible to the executive secretary for the conduct of the race meet and the initial agency determination of alleged rule violations in accordance with these rules;

(b) The stewards will enforce the rules of racing in chapters 260-12 through 260-84 WAC, excluding chapters 260-49 and 260-75 WAC. The stewards will take notice of alleged misconduct or rule violations and initiate investigations into such matters;

(c) The stewards' authority includes regulation of all racing officials, track management, licensed personnel, other persons responsible for the conduct of racing, and patrons, as necessary to (~~insure~~) ensure compliance with these rules;

(d) All nominations, entries, and scratches will be monitored by a steward;

(e) The stewards have authority to resolve conflicts or disputes related to violations of the rules of racing and to discipline violators in accordance with the provisions of these rules;

(f) The stewards have the authority to interpret the rules and to decide all questions of racing. The stewards of the race meet are hereby given authority to exercise their full power, recommending to the commission the imposition of more severe penalties if necessary.

(2) The stewards' period of authority will commence and terminate at the direction of the executive secretary. One steward will be designated as the presiding steward by the executive secretary.

(3) Stewards ruling conference regarding violations of rules of racing:

(a) The stewards have authority to charge any licensee or other person with a violation of these rules, to make rulings and to impose penalties including the following:

(i) Issue a written reprimand or warning;

(ii) Assess a fine not to exceed \$(~~(2,500.00)~~) 5,000.00, except as provided in chapter 260-84 WAC;

(iii) Assess multiple medication violation points;

(iv) Require forfeiture or redistribution of purse or award, when specified by applicable rules;

~~((iv))~~ (v) Place a licensee on probation;

~~((v))~~ (vi) Grant a license with conditions;

~~((vi))~~ (vii) Suspend a license or racing privileges for not more than one year per violation;

~~((vii))~~ (viii) Revoke or deny a license; or

~~((viii))~~ (ix) Exclude from facilities under the jurisdiction of the commission.

(b) The stewards' imposition of reprimands, fines and suspensions will be based on the penalties in chapter 260-84 WAC.

For any violation not specifically listed in chapter 260-84 WAC, the stewards have discretion to impose the penalties as provided in (a) of this subsection.

(c) The stewards may direct a jockey to meet with the film analyst whenever a jockey is involved in questionable, unsafe or potentially dangerous riding. Jockeys referred to the film analyst must appear when directed. Failure to appear when directed will be considered a violation of the rules of racing for which penalties may be imposed.

(d) The stewards have the authority to conduct a ruling conference, and the authority to:

(i) Direct the attendance of witnesses and commission employees;

(ii) Direct the submission of documents, reports or other potential evidence;

(iii) Inspect license documents, registration papers and other documents related to racing or the rule violation;

(iv) Question witnesses; and

(v) Consider all relevant evidence.

(e) The stewards must serve notice of a conference to person(s) alleged to have committed a violation, which must contain the following information:

(i) A statement of the time and place the conference will be held;

(ii) A reference to the particular sections of the WAC involved;

(iii) A short and plain statement of the alleged violation; and

(iv) A statement that if the person does not appear, the ruling will be made in his/her absence, and that failure to appear will be considered a separate violation of the rules of racing.

(f) Failure to appear for a ruling conference will be considered a violation of the rules of racing for which penalties may be imposed.

(g) It is the duty and obligation of every licensee to make full disclosure to the board of stewards and commission investigators conducting an investigation into any alleged violation of these rules, of any knowledge he/she possesses of a violation of any rule of racing. No person may refuse to respond to questions before the stewards or commission investigators on any relevant matter within the authority of the stewards or commission, except in the proper exercise of a legal privilege, nor may any person respond falsely before the stewards or to commission investigators.

(h) At the ruling conference, the stewards will allow the person alleged to have committed a violation to make a statement regarding the alleged violation.

(i) All ruling conferences will be recorded.

(j) Every ruling by the stewards from a ruling conference must be served in writing on the person(s) or parties found in violation within five days and must include:

(i) Time and place the ruling was made;

(ii) Statement of rules violated;

(iii) Details of the violation;

(iv) Penalties to be imposed;

(v) Procedure for requesting a hearing before the commission to challenge the ruling; and

(vi) Plain statement of the options of the person found in violation, which must include:

(A) Accepting the penalty imposed by the stewards; or

(B) Requesting a hearing before the commission challenging the stewards' ruling within seven days of service of the ruling, with the exception of riding violations which must be challenged within seventy-two hours of service of the ruling.

(k) Penalties imposed by the stewards, except for those penalties in (l), (m), and (q) of this subsection, will be stayed if a request for hearing before the commission is filed within the seven days of service of the ruling, or seventy-two hours in the case of riding violations.

(l) If the stewards determine that a person's actions constitute an immediate and/or substantial danger to human and/or equine health, safety, or welfare, and a request for hearing before the commission is filed within seven days of service of the ruling, no stay will be granted except by a hearing before the commission. The hearing before the commission will occur within thirty days of filing the request for hearing before the commission.

(m) If the stewards deny an application for license or suspend or revoke an existing license for any reasons listed in WAC 260-36-120(2), and a request for hearing before the commission is filed within seven days of service of the ruling, no stay will be granted except by a hearing before the commission. A hearing before the commission over whether or not to grant a stay will occur at the discretion of the commission.

(n) The stewards' ruling will be posted and a copy provided to the racing association.

(o) If a person does not file a request for hearing before the commission within seven days or in the format required by chapter 260-08 WAC, then the person is deemed to have waived his or her right to a hearing before the commission. After seven days (or seventy-two hours for riding violations), if a request for hearing before the commission has not been filed, the stewards' penalty will be imposed. All fines are due immediately following the period a person has to challenge a ruling, unless otherwise approved by the stewards.

(p) "Service" of the notice of ruling conference or a stewards' ruling may be by either personal service to the person or by depositing the notice of ruling conference or stewards' ruling into the mail to the person's last known address in which case service is complete upon deposit in the U.S. mail.

(q) If the stewards determine that a person's actions constitute an immediate, substantial danger to human and/or equine health, safety, or welfare, the stewards may enter a ruling summarily suspending the license and/or ejecting the person from the grounds pending a ruling conference before the board of stewards. A summary suspension takes effect immediately on issuance of the ruling. If the stewards suspend a license under this subsection, the licensee is entitled to a ruling conference before the board of stewards, not later than five days after the license was summarily suspended. The licensee may waive his/her right to a ruling conference before the board of stewards on the summary suspension.

(4) Protests, objections and complaints. The stewards will ensure that an investigation is conducted and a decision is rendered in every protest, objection and complaint made to them.

(5) Stewards' presence:

(a) On each racing day at least one steward will be on duty at the track beginning three hours prior to first race post time.

(b) Three stewards must be present in the stewards' stand during the running of each race.

(6) Order of finish for parimutuel wagering:

(a)(i) The stewards will determine the official order of finish for each race in accordance with these rules of racing;

(ii) The order of finish will be determined when each horse's nose reaches the finish line. In the event the exact position of a nose cannot be determined, a dead heat may be declared.

(b) The decision of the stewards as to the official order of finish, including the disqualification of a horse or horses as a result of any event occurring during the running of the race, is final for purposes of distribution of the parimutuel wagering pool.

(7) The stewards have the authority to cancel wagering on an individual betting interest or on an entire race and also

have the authority to cancel a parimutuel pool for a race or races, if such action is necessary to protect the integrity of parimutuel wagering.

(8) Records and reports:

(a) The stewards will prepare a weekly report of their regulatory activities. The report will contain the name of the racetrack, the date, the weather and track conditions, claims, inquiries, protests, objections, horses sent to the test barn, euthanized or vanned off during the race card, complaints and conferences. The report will be filed with and approved by the executive secretary;

(b) Not later than seven days after the last day of a race meet, unless approved by the executive secretary, the presiding steward will submit a written report regarding the race meet to the executive secretary. The report will contain:

(i) The stewards' observations and comments regarding the conduct of the race meet, the overall conditions of the association grounds during the race meet; and

(ii) Any recommendations for improvement by the association or action by the commission.

(c) At a class 1 race meet, the stewards will prepare a daily report detailing their actions and observations during each day's race program. The report should contain the date, weather and track condition, scratches, claims, inquiries and objections, and any other information requested by the commission. The report will be made available to the public.

(9) Stewards' list:

(a) The stewards will maintain a stewards' list of the horses which are ineligible to be entered in a race because of poor or inconsistent performance or behavior on the racetrack that may endanger the health or safety of other participants in racing;

(b) The stewards may place a horse on the stewards' list when there exists a question as to the exact identification or ownership of said horse;

(c) A horse may be placed on the stewards' list when an unexcused scratch occurs per WAC 260-40-010;

(d) A horse which has been placed on the stewards' list because of inconsistent performance or behavior, may be removed from the stewards' list when, in the opinion of the stewards, the horse can satisfactorily perform competitively in a race without endangering the health or safety of other participants in racing;

~~((+))~~ (e) A horse which has been placed on the stewards' list because of questions as to the exact identification or ownership of the horse, may be removed from the stewards' list when, in the opinion of the stewards, proof of exact identification and/or ownership has been established.

~~((+))~~ (f) An owner or trainer who disagrees with the stewards' decision of placing or maintaining a horse on the stewards' list may request and be granted a stewards' ruling conference to challenge the decision of the stewards.

(10) The stewards will make recommendations for rule changes and protocols for the regulation of the race meet.

AMENDATORY SECTION (Amending WSR 08-05-088, filed 2/15/08, effective 3/17/08)

**WAC 260-24-570 Paddock judge.** The paddock judge is responsible for performing the following duties:

(1) Supervise the horses in the paddock and saddling enclosure and ensure that the saddling of all horses are done by or under the direct supervision of the trainer or their assistant trainer as listed in the program, unless prior approval has been granted by the stewards;

(2) Inspect all equipment of each horse to ensure safety;

(3) Monitor any equipment as requested by the board of stewards;

(4) Prohibit any change of equipment listed in WAC 260-44-010 without approval of the board of stewards;

(5) Ensure that all horses are generally mounted at the same time, and all horses leave the paddock for the post parade in the proper sequence;

(6) Supervise paddock schooling of all horses approved for schooling;

(7) Place and remove horses on the paddock list for poor or unruly behavior in the paddock. Horses placed on the paddock list will be refused entry until the horse has been satisfactorily schooled in the paddock. Schooling will be under the direct supervision of the paddock judge or his/her designee;

(8) Ensure that only properly authorized persons are permitted in the paddock; and

(9) Report to the stewards any unusual activities in violation of these rules.

**AMENDATORY SECTION** (Amending WSR 13-03-058, filed 1/11/13, effective 2/11/13)

**WAC 260-24-580 Starter and assistant starters. (1)**

The starter is responsible for the following duties:

(a) Approve and submit a list of all horses which have never started to ensure that the horse is familiar with, and capable of, breaking from the starting gate;

(b) Ensure all participants have an equal opportunity to a fair start;

(c) Supervise the assistant starters;

(d) Provide a sufficient number of assistant starters for each race;

(e) Assign the starting gate stall positions to assistant starters and notify the assistant starters of their respective stall positions, or assign a foreman to act in his behalf, before post time for each race;

(f) Assess and make recommendations to the board of stewards on the ability of each person applying for an initial jockey or exercise riders license in breaking from the gate and working a horse in the company of other horses;

(g) Load horses into the gate in any order necessary to ensure a safe and fair start;

(h) Recommend to the stewards horses that should be scratched because a horse at the starting gate is refusing to load or is unruly;

(i) Maintain a record of the horses schooling and their behavior at and in the starting gate under their supervision.

(2) The starter will place and remove horses on the starter's list for poor or unruly behavior in the starting gate. Horses placed on the starter's list will be refused entry until the horse has been satisfactorily schooled in the starting gate. Schooling will be under the direct supervision of the starter or his designee.

(3) The starter has complete authority over the starting gate, the starting of horses, and the authority to give orders, which are not in conflict with these rules.

(4) The starter will appoint all assistant starters. Assistant starters must first demonstrate they are adequately trained to safely handle horses in the starting gate. In emergencies the starter may appoint qualified licensed individuals to act as substitute assistant starters.

All assistant starters, and anyone appointed by the starter to act as a substitute assistant starter, must wear a securely fastened safety vests and helmets, which meet the standards in WAC 260-12-180 (1) and (2), at all times when performing their duties.

(5) Assistant starters may not:

(a) Handle or take charge of any horse in the starting gate without the expressed permission of the starter;

(b) Impede the start of a race;

(c) Strike a horse with ~~((a whip))~~ any object;

(d) Use a device, unless approved by the stewards, to assist in the loading of a horse into the starting gate;

(e) Ear a horse with anything other than a hand;

~~((f))~~ (f) Slap, boot or otherwise dispatch a horse from the starting gate;

~~((g))~~ (g) Strike or use abusive language to a jockey; or

~~((g))~~ (h) Accept or solicit any gratuity or payment other than his/her regular salary, directly or indirectly, for services in starting a race.

(6) The starter and assistant starters will report all unauthorized activities to the stewards.

**WSR 20-03-084**

**PERMANENT RULES**

**HORSE RACING COMMISSION**

[Filed January 13, 2020, 10:11 a.m., effective February 13, 2020]

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

Purpose: To allow a trainer to supervise the saddling of a horse by approved employees.

Citation of Rules Affected by this Order: Amending WAC 260-28-200 and 260-40-110.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 19-22-082 on November 6, 2019.

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 0, Repealed 0.

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 2, 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 2, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: January 10, 2020.

Douglas L. Moore  
Executive Secretary

AMENDATORY SECTION (Amending WSR 17-05-059, filed 2/10/17, effective 3/13/17)

**WAC 260-28-200 Trainer—Paddock duties.** (1) A trainer must have his or her horse in the receiving barn or paddock at the time appointed.

(2) A trainer, their assistant trainer, or substitute trainer, must attend his or her horse in the paddock, and must be present to ((saddle)) conduct, or directly supervise, the saddling of the horse (, unless he/she has obtained the permission of a steward to send another licensed trainer as a substitute).

(a) If a trainer or assistant trainer directly supervises the saddling of the horse, only licensees that have demonstrated the skills required and have been approved by a commission appointed designee may physically saddle the horse. The trainer will be required to pay a L&I premium if the licensee which performs the duties is not a registered employee of the trainer or the owner of the horse.

(b) An owner may be approved to saddle, but may only saddle horses in which they have an ownership interest.

(3) In all claiming races, protective wraps and boots must be removed immediately after the horse has been saddled for the race.

AMENDATORY SECTION (Amending WSR 07-07-010, filed 3/8/07, effective 4/8/07)

**WAC 260-40-110 Horse must be in care of and saddled by a licensed trainer.** (1) No person may start a horse in a race unless the horse is under the care of a trainer licensed at the race meet.

(2) No horse may start in a race unless the licensed trainer, or an approved substitute as provided in WAC 260-28-200, saddles the horse. The stewards may approve a substitute trainer who may saddle the horse in an emergency situation.

## WSR 20-03-085

### PERMANENT RULES

#### HORSE RACING COMMISSION

[Filed January 13, 2020, 10:12 a.m., effective February 13, 2020]

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

Purpose: To add grooms and assistant trainers to licensees subject to random testing in an effort to protect horses from the possibility of unintended contamination for [from] illegal substances.

Citation of Rules Affected by this Order: Amending WAC 260-34-030.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 19-22-085 on November 6, 2019.

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 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 1, 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 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: January 10, 2020.

Douglas L. Moore  
Executive Secretary

AMENDATORY SECTION (Amending WSR 11-07-030, filed 3/10/11, effective 4/10/11)

**WAC 260-34-030 Testing.** (1) A steward of the horse racing commission, a commission security investigator or the executive secretary, may require any licensee or applicant to provide breath, blood, oral fluids, and/or urine samples for the purpose of drug or alcohol analysis under any of the following circumstances:

(a) When a steward or commission security investigator finds that there is reasonable suspicion to believe that the applicant or licensee has used or is under the influence of alcohol and/or any drug.

(b) When an applicant or licensee has a documented history of an unexplained positive test which indicates illegal drug usage or has a documented history of violating chapter 69.41, 69.45 or 69.50 RCW, WAC 260-34-020 or similar drug-related violation within five years of conviction or release from a correctional institution for that violation. The term "correctional institution" shall include any prison, jail or similar institution in this state or elsewhere.

(c) When a steward or commission security investigator decides to test any licensee or applicant as a condition of any conditional or probationary license.

(d) When any person is riding a horse on the grounds of a licensed racing association.

(e) When a person currently holds a groom or assistant trainer's license and is observed performing the duties of that license while on the grounds of a licensed racing association.

(2) For licensees or applicants who are subject to a field screening urine, or oral fluid test under the provisions in this chapter, and whose test shows the presence of a controlled substance or alcohol, the field screening test results shall be confirmed by a laboratory acceptable to the commission.

(3) The result of a test conducted with a preliminary breath test (PBT) instrument, or oral swab, shall constitute evidence of a violation of these rules. The results of such a test may be considered for purposes of determining whether the licensee or applicant has consumed alcohol, the level of alcohol concentration, and whether the licensee or applicant has violated a prohibition on the use or consumption of alcohol established in a conditional license.



**WSR 20-03-086**  
**PERMANENT RULES**  
**HORSE RACING COMMISSION**

[Filed January 13, 2020, 10:13 a.m., effective February 13, 2020]

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

Purpose: To give the commission the ability to not requiring [require] the rounding of labor and industries premiums based on the current software capabilities.

Citation of Rules Affected by this Order: Amending WAC 260-36-250.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 19-22-088 on November 6, 2019.

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 0, Repealed 0.

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

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

Date Adopted: January 10, 2020.

Douglas L. Moore  
Executive Secretary

AMENDATORY SECTION (Amending WSR 15-03-025, filed 1/9/15, effective 2/9/15)

**WAC 260-36-250 Industrial insurance.** (1) The horse racing industry labor and industries account only provides coverage for employees of a trainer licensed in the state of Washington and meets the criteria in this section. At the time of submitting a license application, or as provided in this section, all licensed trainers must provide the commission with the name of all licensed employees, including grooms, assistant trainers, exercise riders - farm, and pony riders - farm. Trainers will be required to maintain accurate payroll records and may be required to submit them to the commission or the department of labor and industries for premium verification and/or claims processing. In addition the trainer will inform the commission of the worksite for each employee. For the purpose of industrial insurance coverage a worksite may only be one of the following locations:

(a) A Washington race track - A race track in the state of Washington granted race dates by the commission. A site will be designated as a Washington race track for the purposes of industrial insurance for only the period of the track's licensed race meet and periods of training when horses are exercised in preparation for competition. This period of time is limited to only that period of time when the stewards have authority on the grounds (WAC 260-24-510(2));

(b) Farm or training center - A farm or training center is any location off the grounds of a licensed race meet. This will include any recognized race track located outside the state of Washington as well as any Washington race track during the period before its period of training or after its licensed race meet. For the purposes of industrial insurance all such locations will be considered a farm or training center.

(2) Grooms and assistant trainers.

(a) A licensed trainer must pay the industrial insurance premiums for all licensed grooms and licensed assistant trainers as established by labor and industries, unless exempted under reciprocal agreement outlined in subsection (5) of this section. Coverage will only apply to licensed grooms and licensed assistant trainers while performing the duties of their license for and under the direction of a licensed trainer, and excludes all exercise riders, pony riders, and any other licensed employee of the trainer, whether working at a farm or training center. In addition, licensed spouse grooms are exempt from coverage requirements.

(b) A trainer is responsible for accurately reporting to the commission all grooms and assistant trainers in the trainer's employ. If a trainer releases any employee from employment, the trainer must notify the commission within forty-eight hours. Failure to notify the commission within forty-eight hours may result in the trainer being responsible for the full industrial insurance premium until notification is made. It is the trainer's responsibility to ensure all grooms and assistant trainers in their employ are properly licensed by the commission.

(c) The industrial insurance premiums will be assessed based on each groom or assistant trainer employed in the coverage month, or a trainer may employ a "temporary groom" and be charged on a per day basis. The daily rate for a "temporary groom" will be prorated based on the number of days in the month. The use of a "temporary groom" for more than fourteen days in the calendar month will not be considered "temporary" and the trainer will be charged a full monthly premium. Premiums will be paid to the commission on a monthly basis. A trainer will be invoiced for the assessed industrial insurance premium for each licensed groom and licensed assistant trainer at the end of each month, or before the trainer leaves the grounds taking his/her horses. Multiple trainers may employ the same groom, but each trainer is responsible for the entire applicable labor and industries premium.

(3) Track employees.

(a) A trainer must pay the industrial insurance premiums for all track employees employed by the trainer to work on the grounds of a race track unless exempted under reciprocal agreement outlined in subsection (5) of this section. Coverage will only apply to track employees, which will include licensed exercise riders - track, and licensed pony riders - track, and excludes all grooms, spouse grooms, assistant trainers, and all farm employees working off the grounds of a Washington race track at a farm or training center.

(b) It is the trainer's responsibility to ensure all track employees in their employ are properly licensed by the commission.

(c) The industrial insurance premiums to cover track employees will be assessed on the number of horses, per day,

in a month a license trainer has horses on the grounds. The number of horses will include all horses on the grounds under the care of a licensed trainer, including pony horses. Premiums will be paid to the commission on a monthly basis. A trainer will be invoiced for the assessed industrial insurance premium for each horse per day at the end of each month, or before the trainer leaves the grounds taking his/her horses.

(i) A trainer is responsible for accurately reporting the correct number and identity of any horse or horses in their care. If the trainer cannot provide documentation of the exact date of a horse's arrival or departure, the trainer will be invoiced for any unreported horse beginning on the first day horses were allowed on the track for arrivals, or a day supported by other evidence acceptable to the commission.

(ii) Trainers involved in the transfer of any horse into or out of their care are jointly responsible to report the transfer to the commission. A transfer report supplied by the commission must be completed by both parties. Failure to report transfers may result in the previous trainer being assessed the industrial insurance premium for unreported transfers until the commission receives the required notice.

(4) Farm employees.

(a) To be covered under the horse racing industry labor and industries account, a licensed trainer must pay the industrial insurance premiums for all licensed farm employees employed by the trainer to work at a farm or training center unless exempted under reciprocal agreement outlined in subsection (5) of this section. Coverage will only apply to licensed farm employees which will include licensed exercise riders - farm, and licensed pony riders - farm, and excludes grooms, spouse grooms, assistant trainers, and all track employees working on the grounds of a Washington race track.

(b) A trainer is responsible for accurately reporting all farm employees in the trainer's employ. A trainer must notify the commission prior to any employee beginning work. If a trainer releases any farm employee from employment, the trainer must notify the stewards within forty-eight hours. Failure to notify the commission within forty-eight hours may result in the trainer being responsible for the full industrial insurance premium until notification is made. It is the trainer's responsibility to ensure all farm employees in their employ are properly licensed by the commission.

(c) The industrial insurance premiums to cover farm employees will be assessed on the number of employees, per day, multiplied by the number of days in the month the trainer reports the employee working. Trainers must report the anticipated work days and hours of work each day at the start of the month. If the work schedule changes the trainer must immediately notify the commission.

(d) A farm employee may be required to produce to the commission payroll records for verification of work days and/or claims processing.

(5) Reciprocal agreements. The state of Washington has reciprocal agreements with other states. Trainers shipping in from these jurisdictions who have industrial insurance from a reciprocal state need not obtain industrial insurance coverage so long as they comply with the conditions of RCW 51.12.-120 and WAC 296-17-31009.

(6) Employees moving from one worksite to another.

(a) A licensed groom or licensed assistant trainer can move from the track to the farm or from the farm to the track. The trainer is not required to notify the commission whenever a licensed groom or licensed assistant trainer moves from the different worksites.

(b) A licensed exercise rider - track or licensed pony rider - track may not move from the track to the farm unless that person first obtains an exercise rider - farm or pony rider - farm license. On those days a track employee moves from the track to the farm, the trainer will be invoiced for, at the end of the month, an additional farm premium for each employee, for each day they worked at the farm as provided in subsection (4) of this section.

(c) A licensed exercise rider - farm or licensed pony rider - farm can move from the farm to the track. Before moving any such employees, the employee must first also be licensed as an exercise rider - track or pony rider - track. On those days a farm exercise rider or pony rider moves to the track, the trainer will not be responsible to pay any additional premium, as long as the employee continues to have the farm premium assessed. The licensed exercise rider - farm or licensed pony rider - farm, are only covered while performing the duties of their license for and under the direction of a licensed trainer.

(d) A track employee is only covered under the per horse, per day premium, and then only when performing the duties of their license for and under the direction of a licensed trainer while on the grounds of a Washington race track during its licensed race meet and periods of training. Any time prior to or after the stewards have authority on the grounds granted in WAC 260-24-510(2), the Washington track will be considered, for the purposes of industrial insurance coverage a farm or training center.

(7) Major track versus nonprofit race track.

(a) There is no distinction, for industrial insurance purposes, except as provided in (b) of this subsection, between a major (Class A or B) race track and a nonprofit (Class C) race track. Premiums to cover licensed employees will be assessed the same.

(b) License owners at a major race track will be assessed a premium of one hundred fifty dollars per year for one hundred percent ownership of one or more horses. Owners, with partial ownership interest shall be assessed a prorated amount of the full ownership fee in increments of ten percent. Owners at a nonprofit or Class C race track will continue to pay a lesser premium as established annually by the department of labor and industries.

(c) Premiums paid by owners are a fee to subsidize workers compensation coverage for injured workers. The premiums paid by owners do not extend any coverage to owners or their employees.

(8) Coverage outside the state of Washington.

(a) Trainers with employees from Washington may continue coverage when they are at another recognized race track in another state if that other jurisdiction has a reciprocal agreement with the state of Washington, and if:

(i) The trainer pays the premium for grooms and assistant trainers, and as long as both the trainer and grooms/assistant trainers are licensed by the commission; and

(ii) The trainer pays the premium at the farm rate for exercise riders - farm and pony riders - farm, and as long as

both the trainer and all farm employees are licensed by the commission.

(b) Trainers must continue to report Washington employees to the commission prior to the start of each month so an assessment can be made. Failure to report may result in the trainer being referred to the stewards or executive secretary for further action.

(c) Track employees hired in another state or jurisdiction are not Washington employees. They are to be covered in the state or jurisdiction they were hired in. It is the trainer's responsibility to obtain coverage in the other state or jurisdiction.

(9) Trainers will be provided an invoice monthly of premiums due. The invoices will be prepared and mailed or delivered on or before the fifth day of the following month. Total monthly premiums (~~with~~) may be rounded to the next whole dollar. Payment of the premium is due prior to fifteen days from the date listed on the invoice. Trainers are responsible for the accuracy of their invoices and must report any errors or omissions to the commission prior to payment. Failure to make the payment by the fifteenth day will result in a fine, and if applicable a suspension as outlined in WAC 260-84-135.

#### WSR 20-03-087

##### PERMANENT RULES

#### HORSE RACING COMMISSION

[Filed January 13, 2020, 10:14 a.m., effective February 13, 2020]

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

Purpose: To add language to allow the racing association to determine which betting pools they offer based on a business decision rather than field size.

Citation of Rules Affected by this Order: Amending WAC 260-48-620.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 19-22-087 on November 6, 2019.

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 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 1, 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 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: January 10, 2020.

Douglas L. Moore  
Executive Secretary

AMENDATORY SECTION (Amending WSR 08-17-049, filed 8/14/08, effective 9/14/08)

**WAC 260-48-620 Pools dependent upon betting interests.** Unless the commission or its designee otherwise provides, at the time the pools are opened for wagering, the association:

(1) Must offer win wagering on all races with three or more betting interests. May offer win wagering on all races with two betting interests.

(2) (~~Must~~) May offer place wagering on all races with (~~four~~) three or more betting interests.

(3) (~~Must~~) May offer show wagering on all races with (~~five~~) four or more betting interests.

(4) May offer quinella wagering on all races with three or more betting interests.

(5) May offer exacta wagering on all races with two or more betting interests.

(6) May offer trifecta wagering on all races with three or more betting interests.

(7) May offer twin trifecta wagering on all races with six or less betting interests.

(8) May offer superfecta wagering on all races with four or more betting interests.

(9) May offer quinfecta wagering on all races with five or more betting interests.

#### WSR 20-03-088

##### PERMANENT RULES

#### HORSE RACING COMMISSION

[Filed January 13, 2020, 10:16 a.m., effective February 13, 2020]

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

Purpose: To add language which would restrict the consecutive number of times a jockey may use a crop.

Citation of Rules Affected by this Order: Amending WAC 260-52-045.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 19-22-084 on November 6, 2019.

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 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 1, 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 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: January 10, 2020.

Douglas L. Moore  
Executive Secretary

AMENDATORY SECTION (Amending WSR 18-07-017, filed 3/9/18, effective 4/9/18)

**WAC 260-52-045 The riding crop.** (1) Only riding crops approved by the stewards and meeting the following specifications will be allowed:

- (a) Maximum weight of 8 ounces;
- (b) Maximum length (including flap) of 30 inches;
- (c) Minimum diameter of the shaft of one-half inch; and
- (d) The contact area of the shaft must be smooth with no protrusions or raised surface.

(2) The only additional feature that may be attached to the riding crop is a flap. If a flap is attached it must meet the following specifications:

- (a) Maximum length of the flap from the end of the shaft is one inch;
- (b) Maximum width of the flap is 1.6 inches, with a minimum width of 0.8 inch;
- (c) The flap, from the end of the shaft, may not contain any reinforcements or additions;
- (d) There may be no binding within 7 inches of the end of the flap;
- (e) The flap must be humane, cushioned with memory foam or other similar shock absorbing material, unaltered from the original manufacturer, and sewn down each side of the outer layer;
- (f) The flap must be dark in color and made of a material that does not harden over time; and
- (g) The requirement for the riding crop is waived for Class C race meets as defined in RCW 67.16.130.

(3) The riding crop is subject to approval by the stewards and subject to inspection by any steward, commission racing official, official veterinarian, or investigator.

(4) Although the use of a riding crop is not required, any jockey who uses a riding crop during a race may do so only in a manner consistent with exerting his/her best efforts (~~to win~~). In all races where a jockey will ride without a riding crop, an announcement will be made over the public address system. No device designed to increase or retard the speed of a horse, other than an approved riding crop is permitted on the grounds of any racing association. Riding crops may not be used on 2-year-old horses before April 1 of each year.

(5) Prohibited uses of the riding crop include striking a horse:

- (a) On the head, flanks or on any other part of its body other than the shoulders or hind quarters except when necessary to control a horse;
  - (b) During the post parade or after the finish of the race, except when necessary to control the horse;
  - (c) Excessively or brutally causing welts or breaks in the skin;
  - (d) When the horse is clearly out of the race or has obtained its maximum placing;
  - (e) Persistently even though the horse is showing no response under the riding crop; and
  - (f) Striking another rider or horse.
- (6) The riding crop should only be used for safety, correction, and encouragement. All riders should consider the following when using the riding crop:

(a) When using the crop the rider should give the horse a chance to respond;

(b) A chance to respond is defined as one or more of the following actions:

- (i) Pushing on their horse with a rein in each hand keeping the riding crop in the up or down position;
  - (ii) Showing the horse the riding crop without making contact; and
  - (iii) Moving the riding crop from one hand to the other.
- (c) Using the riding crop in rhythm with the horse's stride.

(7) A rider may not strike a horse more than three times in succession without giving the horse a chance to respond as defined above.

A violation of this subsection shall not be subject for the disqualification of a horse.

(8) After the race or during training all horses are subject to inspection by a steward, official veterinarian, commission racing official, or investigator.

~~((8))~~ (9) Any trainer, owner, or other licensee that instructs a jockey to use the riding crop in a manner not consistent with these rules may be subject to disciplinary action.

## WSR 20-03-089

### PERMANENT RULES

### HORSE RACING COMMISSION

[Filed January 13, 2020, 10:17 a.m., effective February 13, 2020]

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

Purpose: To add language which would prohibit a licensee to "claim" a horse who is in violation of a financial obligation agreement.

Citation of Rules Affected by this Order: Amending WAC 260-60-300.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 19-22-086 on November 6, 2019.

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 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 1, 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 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: January 10, 2020.

Douglas L. Moore  
Executive Secretary

AMENDATORY SECTION (Amending WSR 08-05-088, filed 2/15/08, effective 3/17/08)

**WAC 260-60-300 Who may claim.** (1)(a) In claiming races, any horse is subject to be claimed for its entered price by any owner licensed by the commission, including a prospective owner who has been issued a claiming certificate, or by a licensed authorized agent for the account of such owner.

(b) An owner or prospective owner is ineligible to claim when they are found by the commission to be in noncompliance with WAC 260-28-030.

(2) In order to claim a horse as a prospective owner, a person will submit to the stewards a completed application for a prospective owner's license and the name of a licensed trainer who will assume the care and responsibility for any horse claimed. The stewards may issue a claiming certificate to the applicant upon satisfactory evidence that the applicant is eligible for an owner's license. Once the prospective owner has successfully claimed a horse and made payment of labor and industry fees due, he/she will be considered an owner. At that time the owner should contact a commission office for a new identification badge.

(3) The names of licensed prospective owners who have been issued a claiming certificate must be prominently displayed in the offices of the commission and the racing secretary.

(4) A claiming certificate will expire forty-five days from the date of issue, but may be extended with approval of the stewards; at the conclusion of the race meet at which it was issued, upon the claim of a horse, or upon issuance or denial of an owner's license, whichever comes first.

(5) No owner or prospective owner may claim more than one horse in any one race.

(6) An authorized agent may claim up to two horses, if each horse is claimed on behalf of entirely different ownerships, and the ownerships do not have a common interest in both claims. An authorized agent may not make a claim on the same horse for different owners.

(7) No more than two claims may be entered with the same trainer listed in any one race.

(8) No trainer may enter or start more than two horses for a claiming price in one race.

### WSR 20-03-095

#### PERMANENT RULES DEPARTMENT OF

#### CHILDREN, YOUTH, AND FAMILIES

[Filed January 13, 2020, 4:41 p.m., effective February 1, 2020]

Effective Date of Rule: February 1, 2020.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Department of children, youth, and families (DCYF) finds that an effective date of February 1, 2020, is necessary to comply with P.L. 115-123 (Family First Prevention Services Act). The rules are necessary to implement P.L. 115-123 and DCYF believes that a February 1, 2020, implementation is necessary for the continued receipt of federal funds.

Purpose: Implement model foster family home licensing standards developed by the United States Department of Health and Human Services (HHS) for eligibility requirements, home health and safety, capacity, sleeping arrangements, emergency preparedness, transportation, training, and foster parent assurances. Specifically: (1) Require individuals who are at least sixteen years old and living on the property (including those not living in the family home) to pass a background check; (2) require the licensee and all household members to have pertussis and influenza immunizations if a child in care is medically fragile, unless exempted by a licensed health care provider; (3) require one applicant for licensure in the home to have functional literacy and be able to communicate with the child, DCYF, health care providers, and other service providers; (4) establish over-capacity exceptions; (5) clarify requirements for a properly operating kitchen; (6) require recycling disposal service, if it is available; (7) establish safety requirements for swimming pools; (8) require evacuation plans to be reviewed with children in care and posted; (9) require a carbon monoxide (CM) detector for each occupied level in the home and at least one CM detector near each sleeping area; (10) prohibit cosleeping and bed-sharing with children in care; (11) prohibit smoking in vehicles used to transport children; and (12) require proof of registration of a vehicle used to transport children in care.

Citation of Rules Affected by this Order: Amending WAC 110-148-1320, 110-148-1365, 110-148-1390, 110-148-1440, 110-148-1445, 110-148-1455, 110-148-1460, 110-148-1465, 110-148-1470, 110-148-1495, and 110-148-1510.

Statutory Authority for Adoption: RCW 74.15.030; chapter 74.15 RCW.

Other Authority: P.L. 115-123; 42 U.S.C. § 671 (a)(36) (A).

Adopted under notice filed as WSR 19-24-104 on December 4, 2019.

Changes Other than Editing from Proposed to Adopted Version: Department of health replaced with Washington state department of ecology as the approver of water testing laboratories in WAC 110-148-1445(2).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 11, Repealed 0; Federal Rules or Standards: New 0, Amended 11, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental 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 0, Repealed 0.

Date Adopted: January 13, 2019 [2020].

Brenda Villarreal  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

**WAC 110-148-1320 When will the department grant me a foster family license?** (1) We issue you a license when you and everyone in your household meet the licensing requirements contained in this chapter, and all required documents are in the licensing file.

(2) You and other caregivers over the age of eighteen must:

(a) Complete first aid training and age-appropriate (adult ~~(and/or)~~ or infant) CPR (cardiopulmonary resuscitation). Training must be department approved and accredited with nationally recognized standards; and

(b) Complete HIV/AIDS and bloodborne pathogens training including infection control standards consistent with educational materials published by the department of health, office on HIV/AIDS.

(3) You, your household members, individuals living on any part of your property, and anyone else having unsupervised contact with your foster ~~((child(ren)))~~ children must pass ~~((the following))~~ a background check ~~((requirements per chapter 388-06A WAC (This includes people living on any part of your property)))~~, as required by chapter 110-04 WAC:

(a) Anyone sixteen years old or older must pass a background check;

(b) Anyone younger than sixteen years old must pass a background check if the department determines one is warranted to ensure the safety of a child;

(c) Anyone eighteen years old or older must pass an FBI fingerprint-based background check; and

(d) Anyone eighteen years old or older must complete a child abuse and neglect registry check from each state they have lived in over the past five years indicating:

(i) No license denials or revocations from an agency that regulates the care of children or vulnerable adults, unless the department determines that you do not pose a risk to a child's health, safety, well-being and long-term stability; and

(ii) No finding or substantiation of abuse or neglect of a child or a vulnerable adult, unless the department determines that you do not pose a risk to a child's safety, well-being, and long-term stability.

(4) You ~~(s)~~ and your household members over the age of eighteen must submit a negative tuberculosis test or an X-ray, unless you can demonstrate a medical reason prohibiting the TB test, or have had a negative TB test ~~((in the previous))~~ within the twelve months prior to receipt of the application. If there is a positive TB test, then the individual must submit a physician's statement identifying that there is no active TB or risk of contagion to children in care.

(5) You must have proof of current immunizations for any children living ~~((on your premises))~~ in the household, not including children in out-of-home care. We may ~~((in consultation with a licensed health care provider.))~~ grant a medical exception to this requirement if ~~((you have a statement from))~~ the immunization is contrary to the child's health as documented by a licensed health care provider ~~((MD, DO, ND, PA and ARNP)))~~.

(6) ~~((We recommend that))~~ You and all household members must have pertussis and influenza immunizations ~~((The~~

~~department will not license you))~~ to serve foster children who are:

~~(a) Under the age of two~~ ~~((without proof of pertussis and influenza immunizations for all people living in your home. The department may license you to serve children under the age of two even though you or someone in your home is unable to obtain an influenza vaccination for medical reasons. In this case, a licensed health care provider's statement is required noting that the influenza vaccination would result in severe medical consequences to the person and that there is no other form of the influenza vaccine that would not cause severe medical consequences. All other persons in the home must still be vaccinated))~~; or

(b) Medically fragile as defined in WAC 110-148-1305.

(c) A medical exception may be granted if the immunization is contrary to your or the household member's health as documented by a licensed health care provider.

(7) Before granting or renewing a license, your licensor will assess your ability to provide a safe home and to provide the quality of care needed by children placed in your home. Your licensor will also determine that you meet training requirements.

(8) Foster children under the care and authority of the department living in your home do not need to obtain a criminal history check, FBI fingerprint check, or TB test.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

**WAC 110-148-1365 What are the personal requirements for foster parents?** (1) You must be at least twenty-one years old to apply for a license.

(2) You must demonstrate you have:

(a) The understanding, ability, physical health, emotional stability, and personality suited to meet the physical, mental, emotional, cultural, and social needs of children under your care; ~~((and))~~

(b) You must have sufficient regular income to maintain your own family, without the foster care reimbursement made for the children in your care;

(c) At least one applicant in the home must have functional literacy; and

(d) You must be able to communicate with the child, the department, health care providers, and other service providers.

(3) You may not use drugs or alcohol, whether legal or illegal, in a manner that affects your ability to provide safe care to children.

(4) You and everyone residing on your premises or who you allow to have unsupervised access to children must demonstrate they have the ability to furnish children with a nurturing, respectful, and supportive environment.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

**WAC 110-148-1390 Can I accept children outside the limitations of my license?** (1) We have the discretion to allow you to temporarily exceed your capacity. We may do this when you provide care for a sibling group, respite care, placement of a relative child, or because you have demon-

strated exceptional abilities to meet the needs of children. The placement must be in the best interest of the child and may not affect the health and safety of other children in the home.

(2) If your home is licensed for six foster children, LD will not allow you to exceed your capacity, except to allow:

(a) Parenting youths in foster care to remain with their children;

(b) Siblings to remain together;

(c) A child who has an established, meaningful relationship with the family to remain with the family; or

(d) A family with the necessary special training or skills to provide care to a child who has a severe disability.

(3) The approval must be in writing and we may require a written plan for additional supervision or other requirements before granting approval.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

**WAC 110-148-1440 What are the requirements for my home and property?** (1) Your home must have adequate indoor and outdoor space, ventilation, toilet and bathing facilities, light and heat to ensure the health and comfort of all members of the household.

(2) Your home must have a properly operating kitchen with a properly maintained and working:

(a) Sink;

(b) Refrigerator;

(c) Stove; and

(d) Oven.

(3) You must keep your home, property, living areas and furnishings:

(a) Clean, ~~((comfortable and in good repair))~~ safe, and sanitary;

(b) Reasonably free from pests, such as rodents, flies, cockroaches, fleas, and other insects using the least toxic methods available; and

(c) ~~((Reasonably))~~ Free from ((anything)) dangerous objects and conditions that may be a hazard to children.

~~((3))~~ (4) You must keep all toxic materials out of the reach of children and separated from food items.

~~((4))~~ (5) You must provide adequate laundry and drying equipment, or make other arrangements for laundry on a regular basis.

~~((5))~~ (6) People must be able to easily open doors from the inside and outside in all areas of the home that are occupied. This includes closets, bathrooms, and bedrooms. You must also have easy access to the outside in case of an emergency.

~~((6))~~ (7) The cleanliness and care of your home must meet generally accepted health standards for the storage and preparation of food.

~~((7))~~ (8) You must develop a plan with your licensor to address hazardous conditions that are present in your home or on your property.

~~((8))~~ (9) You are responsible for following all local and state regulations such as zoning regulations, local building codes, and fire codes. The department may require you to provide proof that you are complying with local regulations.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

**WAC 110-148-1445 What are the requirements for water, garbage, and sewer in my home?** (1) You must maintain adequate sewage and garbage facilities, as well as recycling disposal service if it is available. You must discharge sewage into a public system or into a functioning septic system or a Washington state department of health approved ((and/or)) or tribal authority alternative system.

(2) You must have access to a public water supply unless you have a private water supply tested by the local health district or a private water-testing laboratory approved by the ~~((department of health))~~ Washington state department of ecology or tribal government. Testing is required at the time of licensing, relicensing and at any time the department or child placing agency deems necessary.

(3) The temperature of running water may not exceed one hundred twenty degrees.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

**WAC 110-148-1455 How must I keep children safe around bodies of water?** (1) You must ensure children in your care are safe around bodies of water. You must:

(a) Keep all swimming pools and other bodies of water fenced with a locking gate or other ~~((DLR-approved))~~ LD-approved safety device;

(b) Lock hot tubs when not in use;

(c) Make all potential water hazards, including wading pools, inaccessible to children when not in use;

(d) Equip your swimming pool with a life saving device, such as a ring buoy; and

(e) Empty your swimming pool after each use. If your swimming pool cannot be emptied after each use, the pool must have a working pump and filtering system.

(2) All swimming pools and other bodies of water must comply with state and local regulations. You must work with your licensor to establish a plan for the bodies of water based on the development level and behaviors of the children in your home.

(3) You must observe the following when foster children are swimming in pools and outdoor bodies of water:

(a) Swim only in designated swimming areas; or

(b) Require all children age thirteen and under to wear U.S. Coast Guard-approved personal floatation devices when swimming outside the supervision of a lifeguard.

(4) If you have any water-based recreation devices, you must use and maintain them according to manufacturer's recommendations. All children and youth who ride in a water-based recreation device must wear a U.S. Coast Guard-approved personal floatation device at all times.

(5) An adult with current age-appropriate first aid and CPR or a lifeguard must supervise children swimming under age twelve, and must be able to see and hear the children at all times. Children under the age of five must be within touching distance of a supervising adult or the birth parent at all times.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

**WAC 110-148-1460 How do I prepare for a natural disaster or emergency?** (1) You must develop an evacuation plan in case of a fire, natural disaster or other emergency. The plan must include:

- (a) An evacuation floor plan, identifying exit doors and windows;
- (b) Action to take for evacuating your home that ensures responsibility for the children; ~~((and))~~
- (c) A plan for notification regarding the whereabouts and well-being of the children following the evacuation; and
- (d) Your plan must be reviewed with the children and posted in a prominent place in the home.

(2) You must share this plan with your licensor and update the plan when circumstances in your home change. The emergency plan will be based on the type of children in your care, and the conditions of your home and property. Evacuation plans may change based on the developmental level and behaviors of children living in your home.

(3) Your required plan for natural disasters should include supplies of food, water, medications, and other necessary supplies.

(4) Emergency evacuation drills ~~((shall))~~ must be practiced at least quarterly with children in your home. You must review evacuation procedures with every child when ~~((he or she is))~~ they are placed in your home.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

**WAC 110-148-1465 What other emergency fire and safety requirements must I follow to become licensed?** (1) You must observe all state and local fire codes (WAC 212-12-005). We will determine that reasonable fire safety standards exist in your home based on the children placed in your home.

(2) Children must be able to escape from every floor in your home. In most cases, this includes a functional fire ladder available from upper stories.

(3) Windows must open to the outside and be large enough for a rescue person to enter and exit wearing rescue gear, unless the building or structure was previously approved by the local fire marshal or building official with jurisdiction.

(4) You must have easy access to all rooms in your home in case of emergency.

(5) We may require you to have an inspection by WSP/FPB or the local fire authority if we have questions about fire safety, or if local ordinances or WSP/FPB require these inspections.

(6) Your home must have smoke detectors in operating condition both inside and outside of all sleeping areas. Smoke detectors must also be installed on each story of the home, in all play areas, and in the basement. You must install and maintain smoke detectors according to manufacturer's specifications.

(7) You must have at least one carbon monoxide detector on each level of occupancy in the home and at least one near each sleeping area.

(8) You must have at least one approved 2A10BC-rated five pound or larger all-purpose fire extinguisher readily available at all times. You must maintain and service fire extinguishers according to manufacturer's specifications.

~~((8))~~ (9) Barriers are required for fireplaces, wood stoves, and other heating systems if you are licensed for children less than six years of age. You must not leave open-flame devices unattended or use them incorrectly.

~~((9))~~ (10) Emergency vehicles must be able to access your home. Your address must be clearly visible on your home or mailbox so that emergency personnel can easily find your home.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

**WAC 110-148-1470 What are the general requirements for bedrooms?** (1) Each child must have a bedroom, approved by the licensor, with privacy and space that is appropriate and adequate to meet the child's developmental needs. Children may share bedrooms, in compliance with WAC ~~((388-148-1475))~~ 110-148-1475.

(2) Each bedroom must have unrestricted direct access to outdoors as well as one direct access to common use areas such as hallways, corridors, living rooms, day rooms, or other such common use areas.

(3) You must not use hallways, kitchens, living rooms, dining rooms, ~~((or))~~ unfinished basements, or other common areas as bedrooms.

(4) Children must not be required to pass through private bedroom space in order to access common areas of the home.

(5) An adult must be on the same floor or within easy hearing distance and access to where children under six years of age are sleeping.

(6) You must provide an appropriately sized separate bed for each child with clean bedding and a mattress in good condition.

(7) Some children may soil the bed, and you may need to plan accordingly. You must provide waterproof mattress covers or moisture-resistant mattresses if needed. Each child's pillow must be covered with waterproof material or be washable.

(8) You must assure that children have access to clean clothing that is appropriate for their age. You must provide safe storage of children's clothing and personal possessions.

(9) You must provide an infant with a crib that ensures the safety of the infant, and complies with chapter 70.111 RCW and the Consumer Product Safety Improvement Act of 2008. These requirements include:

(a) A maximum of 2 3/8" between vertical slats of the crib; and

(b) Cribs, infant beds, bassinets, and playpens must be made of wood, metal, or approved plastic, with secure latching devices and clean, firm, snug-fitting mattresses covered with waterproof material that can easily be disinfected.

(10) You must not cosleep or bed share on any sleeping surface (such as a bed, sofa, or chair) with children in care.

(11) You must place infants on their backs for sleeping, unless advised differently by the child's licensed health care provider.



~~((11))~~ (12) You must not have loose blankets, pillows, crib bumpers, or stuffed toys with a sleeping infant.

~~((12))~~ (13) You may swaddle infants using one light-weight blanket upon the advice and training of a licensed health care provider. You must keep the blanket loose around the hips and legs when swaddling in order to avoid hip dysplasia. You may swaddle infants under two months of age unless a licensed health care provider directs otherwise. You must not dress a swaddled infant in a manner that allows them to overheat.

~~((13))~~ (14) You must not use wedges and positioners with a sleeping infant unless advised differently by the infant's licensed health care provider.

~~((14))~~ (15) You must not use weighted blankets for children under three years of age or for children of any age with mobility limitations.

~~((15))~~ (16) You may use a weighted blanket upon the advice and training from a licensed health care provider for children over the age of three years who do not have mobility limitations. You must meet the following requirements:

(a) The weight of the blanket must not exceed ten percent of the child's body weight;

(b) Metal beads are choking hazards and must not be used in a weighted blanket;

(c) You must not cover the child's head with a weighted blanket or place it above the middle of the child's chest;

(d) The weighted blanket must not hinder a child's movement; and

(e) The weighted blanket must not be used as a restraint.

~~((16))~~ (17) You must not allow children to use the loft style beds or upper bunks if the child is vulnerable due to age, development, or condition, such as preschool children, expectant mothers, and children with a disability.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

**WAC 110-148-1495 What are the requirements for smoking around children?** (1) You must not allow smoking in your home. You may not smoke in motor vehicles ~~((when))~~ used to transport children ~~((are present))~~.

(2) You may permit adults to smoke outdoors away from children in accordance with RCW 70.160.075.

(3) These requirements do not apply to traditional or spiritual Native Alaskan/Native American or religious ceremonies involving the use of tobacco.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

**WAC 110-148-1510 What requirements do I need to follow when I transport children?** ~~((1))~~ When you transport children in your care you must follow these requirements:

~~((a))~~ (1) The vehicle must be kept in a safe operating condition;

~~((b))~~ (2) The driver must have a valid driver's license;

~~((c))~~ (3) The driver or owner of the vehicle must be covered under an automobile liability insurance policy and have proof of registration;

~~((d))~~ (4) The vehicle must be equipped with seat belts, car seats and booster seats, ~~((and/or))~~ and other appropriate safety devices for all passengers ~~((as))~~ required by law;

~~((e))~~ (5) The number of passengers must not exceed the vehicle's seat belts; and

~~((f))~~ (6) Each person in the vehicle must use an individual seat belt or approved child passenger restraint system whenever the vehicle is in motion, and follow the law regarding placement of children in vehicles.

## WSR 20-03-097

### PERMANENT RULES

### DEPARTMENT OF

### SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed January 14, 2020, 9:42 a.m., effective February 14, 2020]

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

Purpose: The department is creating WAC 388-76-10401 to incorporate federal requirements for home and community based settings into the state licensing requirements for adult family homes. These regulations improve quality of life in adult family homes by giving residents greater opportunities to make decisions about their lives and care. The intent of these changes are to ensure that residents are able to receive care in a homelike setting and reduce dependence on isolating settings or institutions. By incorporating federal requirements into the state regulations, this will help adult family home providers to understand and meet their obligations.

Citation of Rules Affected by this Order: New WAC 388-76-10401.

Statutory Authority for Adoption: RCW 70.128.040.

Adopted under notice filed as WSR 19-21-117 on October 18, 2019.

A final cost-benefit analysis is available by contacting Libby Wagner, 20425 72nd Avenue South, Kent, WA 98032, phone 253-234-6061, email Elizabeth.wagner@dshs.wa.gov.

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

Number of Sections Adopted at the Request of a Non-governmental 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 1, Amended 0, Repealed 0.

Date Adopted: January 13, 2020.

Cheryl Strange  
Secretary

NEW SECTION

**WAC 388-76-10401 Home and community-based setting requirements.** (1) The home must ensure that the following conditions are present for each resident:

(a) Privacy in each resident's bedroom, including lockable doors when chosen, with only the resident or residents who live in the room and appropriate staff having the key;

(b) Choice of roommates;

(c) Freedom to decorate and furnish their room within the terms of the notice of rights and service agreement;

(d) Freedom and support to control their own schedule;

(e) Access to food and water at any time; and

(f) Having visitors at any time, although nothing in this section requires an adult family home to provide a visitor with food or a place to sleep.

(2) When conditions under subsection (1) of this section cannot be met, the home must ensure the following elements are in place before implementing a modification:

(a) The specific assessed need for the modification is identified in the resident's assessment and negotiated care plan;

(b) The resident's negotiated care plan documents less intrusive methods and interventions that were tried prior to the modification but did not work;

(c) The details of the modification are clearly described in the resident's assessment and negotiated care plan, including how the modification addresses the resident's specific assessed need;

(d) The modification is agreed to by the resident or the resident's legal representative; and

(e) The modification must not cause the resident harm.

(3) All modifications must be reviewed annually with the assessment and negotiated care plan, and evidence of its effectiveness or lack thereof must be documented in both.

(4) Any modification must be discontinued if there is no longer a need for it or it is no longer effective.

**WSR 20-03-103****PERMANENT RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Aging and Long-Term Support Administration)

[Filed January 15, 2020, 8:53 p.m., effective February 15, 2020]

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

Purpose: The purpose of this amendment is to remove references to chapter 388-526 WAC from this rule. WAC 388-97-0140(3) describes the appeal process for a nursing home resident or resident representative who wants to appeal a discharge or transfer decision made by the nursing home. Removing the references to chapter 388-526 WAC, which was repealed, will more clearly define the appeal process for the user.

Citation of Rules Affected by this Order: Amending WAC 388-97-0140.

Statutory Authority for Adoption: RCW 74.42.620.

Other Authority: Not applicable.

Adopted under notice filed as WSR 19-22-068 on November 5, 2019.

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 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental 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 1, 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: January 14, 2020.

Katherine I. Vasquez  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 11-22-077, filed 11/1/11, effective 12/2/11)

**WAC 388-97-0140 Transfer and discharge appeals for resident in medicare or medicaid certified facilities.**

(1) A skilled nursing facility and a nursing facility that initiates transfer or discharge of any resident, regardless of payor status, must:

(a) Provide the required written notice of transfer or discharge to the resident and, if known or appropriate, to a family member or the resident's representative;

(b) Attach a department-designated hearing request form to the transfer or discharge notice;

(c) Inform the resident in writing, in a language and manner the resident can understand, that:

(i) An appeal request may be made any time up to ninety days from the date the resident receives the notice of transfer or discharge; and

(ii) Transfer or discharge will be suspended when an appeal request is received by the office of administrative hearings on or before the date the resident actually transfers or discharges; and

(iii) The nursing home will assist the resident in requesting a hearing to appeal the transfer or discharge decision.

(2) A skilled nursing facility or nursing facility must suspend transfer or discharge pending the outcome of the hearing when the resident's appeal is received by the office of administrative hearings on or before the date of the transfer or discharge set forth in the written transfer or discharge notice, or before the resident is actually transferred or discharged.

(3) The resident is entitled to appeal the skilled nursing facility or nursing facility's transfer or discharge decision. The appeals process is set forth in (~~chapter 388-526 WAC~~) chapter 182-526 WAC and this chapter. In such appeals, the following will apply:

(a) In the event of a conflict between a provision in this chapter and a provision in (~~chapter 388-526 WAC or~~) chapter 182-526 WAC, the provision in this chapter will prevail;

(b) The resident must be the appellant and the skilled nursing facility or the nursing facility will be the respondent;

(c) The department must be notified of the appeal and may choose whether to participate in the proceedings. If the department chooses to participate, its role is to represent the state's interest in assuring that skilled nursing facility and nursing facility transfer and discharge actions comply substantively and procedurally with the law and with federal requirements necessary for federal funds;

(d) If a medicare certified or medicaid certified facility's decision to transfer or discharge a resident is not upheld, and the resident has been relocated, the resident has the right to readmission immediately upon the first available bed in a semi-private room if the resident requires and is eligible for the services provided by a nursing facility or skilled nursing facility;

(e) Any review of the administrative law judge's initial decision shall be conducted under ~~((chapter 388-526 WAC or))~~ chapter 182-526 WAC.

**WSR 20-03-105**  
**PERMANENT RULES**  
**DEPARTMENT OF REVENUE**

[Filed January 15, 2020, 10:46 a.m., effective February 15, 2020]

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

Purpose: The department is amending WAC 458-16-560 to incorporate 2019 legislation, ESSB 5183, section (11). This legislation expanded the definition of "nonprofit entity" for purposes of the very low income property tax exemption under RCW 84.36.560, to include a mobile home park cooperative or a manufactured housing cooperative, provided the Washington state housing finance commission provides the financing.

Citation of Rules Affected by this Order: Amending WAC 458-16-560 Housing for very low-income households.

Statutory Authority for Adoption: RCW 84.36.865.

Adopted under notice filed as WSR 19-22-064 on November 5, 2019.

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 0, Repealed 0.

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, 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 0, Repealed 0.

Date Adopted: January 15, 2020.

Atif Aziz  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 09-04-036, filed 1/29/09, effective 3/1/09)

**WAC 458-16-560 Housing for very low-income households.** (1)(a) **Introduction.** This rule explains the real and personal property tax exemption that may be claimed by nonprofit entities providing rental housing or lots for mobile homes within a mobile home park, mobile home park cooperative, or manufactured housing cooperative for occupancy by a very low-income household in accordance with RCW 84.36.560.

(b) **Examples.** This rule includes examples that identify a number of facts and then state a conclusion. These examples should only be used as a general guide. The tax results of other situations must be determined after a review of all the facts and circumstances.

(2) **Definitions.** For the purposes of this rule, the following definitions apply:

(a) ~~((("CTED" means the state department of community, trade, and economic development or its successor agency;~~

(b) ~~"Department" means the state department of revenue;~~

(e)) "Group home" means a single-family dwelling financed, in whole or in part, by ~~((the state department of community, trade, and economic development or by an affordable housing levy under RCW 84.52.105))~~ one or more of the sources listed in subsection (3)(d) of this rule. A "group home" has multiple units occupied on a twenty-four-hour basis by persons who are not related by birth or marriage and who are not dependent upon each other financially. Residents of a "group home" typically receive financial assistance from the federal or state government, such as Social Security benefits or supplementary security insurance;

((e)) (b) "Mobile home lot" or "mobile home park" means the same as these terms are defined in RCW 59.20.030;

((e)) (c) "Nonprofit entity" means a:

(i) Nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal Internal Revenue Code, as amended;

(ii) Limited partnership in which a general partner is a nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal Internal Revenue Code, as amended, a public corporation established under RCW 35.21.660, 35.21.670, or 35.21.730, a housing authority created under RCW 35.82.030 or 35.82.300, or a housing authority meeting the definition in RCW 35.82.210 (2)(a);

(iii) Limited liability company in which a managing member is a nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal Internal Revenue Code, as amended, a public corporation established under RCW 35.21.660, 35.21.670, or 35.21.730, a housing authority established under RCW 35.82.030 or 35.82.300, or a housing authority meeting the definition in RCW 35.82.210 (2)(a); or

(iv) Mobile home park cooperative or a manufactured housing cooperative, as defined in RCW 59.20.030. A "mobile home park cooperative" and a "manufactured housing cooperative" are defined as real property consisting of common areas and two or more lots held out for placement of mobile homes, manufactured homes, or park models in which

both the individual lots and the common areas are owned by an association of shareholders which leases or otherwise extends the right to occupy individual lots to its own members.

(d) "Occupied dwelling unit" means a living unit that is occupied by an individual or household as of December 31st of the first assessment year the rental housing or mobile home park becomes operational or is occupied by an individual or household on January 1st of each subsequent assessment year in which the claim for exemption is submitted;

~~((f))~~ (e) "Rental housing" means a residential housing facility or group home that is occupied, but not owned, by very low-income households; and

~~((g))~~ (f) "Very low-income household" means a single person, family, or unrelated persons living together whose income is at or below fifty percent of the median income adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the rental housing or mobile home park is located. The median income level is that which is in effect as of January 1st of the year the application for exemption is submitted ~~(; and~~

(h) "Nonprofit entity" means a:

(i) ~~Nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal Internal Revenue Code, as amended;~~

(ii) ~~Limited partnership in which a general partner is a nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal Internal Revenue Code, as amended, a public corporation established under RCW 35.21.660, 35.21.670, or 35.21.730, a housing authority created under RCW 35.82.030 or 35.82.300, or a housing authority meeting the definition in RCW 35.82.210 (2)(a); or~~

~~(iii) Limited liability company in which a managing member is a nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal Internal Revenue Code, as amended, a public corporation established under RCW 35.21.660, 35.21.670, or 35.21.730, a housing authority established under RCW 35.82.030 or 35.82.300, or a housing authority meeting the definition in RCW 35.82.210 (2)(a)).~~

(3) ~~((Total))~~ **Full exemption** ~~((Requirements for rental housing or lot(s) for a mobile home)).~~ Real and personal property is exempt from ~~((all))~~ property taxes if:

(a) The property is owned or used by a nonprofit entity, as defined in subsection (2) of this rule, in providing rental housing for very low-income households or used to provide a lot of land upon which a mobile home for a very low-income household will be placed in a mobile home park;

(b) The benefit of the exemption is received by the nonprofit entity. That is, if the property is leased to or used by, but not owned by, a nonprofit entity, the reduction in property taxes due to the exemption is passed on to the nonprofit user either through a reduction in rent, reimbursement of rent, or property tax paid;

(c) At least seventy-five percent of the occupied dwelling units in the rental housing or lots in the mobile home park are occupied by very low-income households; and

(d) The rental housing or lots in the mobile home park are insured, financed, or assisted, in whole or in part, through one or more of the following sources:

(i) A federal or state housing program administered by ~~((CED))~~ the department of commerce;

(ii) A federal housing program administered by a city or county government;

(iii) An affordable housing levy authorized under RCW 84.52.105; ~~((or))~~

(iv) The surcharges authorized by RCW 36.22.178 and 36.22.179 and any of the surcharges authorized in chapter 43.185C RCW; or

(v) The Washington state housing finance commission, provided that the financing is for a mobile home park cooperative or a manufactured housing cooperative, as defined in RCW 59.20.030.

(4) **Partial exemption** ~~((Determination of the amount of exemption)).~~ If less than seventy-five percent of the occupied dwelling units within the rental housing or lots in the mobile home park are occupied by very low-income households, the rental housing or mobile home park is eligible for a partial exemption on the real property and a total exemption on the housing's or park's personal property. The property must be owned or used by a nonprofit entity in providing rental housing for very low-income households or used to provide a lot upon which a mobile home for a very low-income household will be placed in a mobile home park.

(a) A partial exemption will be allowed for each dwelling unit in the rental housing or for each lot in the mobile home park occupied by a very low-income household; and

(b) The amount of the real property exemption will be calculated by multiplying the assessed value of the property reasonably necessary to provide the rental housing or to operate the mobile home park by a fraction. The formula for determining the fraction is as follows:

(i) The numerator of the fraction is the number of dwelling units or lots occupied by very low-income households as of December 31st of the first assessment year in which the rental housing facility or mobile home park becomes operational or on January 1st of each subsequent assessment year in which the claim for exemption is submitted; and

(ii) The denominator of the fraction is the total number of dwelling units or lots occupied as of December 31st of the first assessment year in which the rental housing facility or mobile home park becomes operational or on January 1st of each subsequent assessment year in which the claim for exemption is submitted.

(5) **Exempt facility with** ~~((only))~~ three or ~~((less))~~ fewer units or a mobile home park with ~~((only))~~ three or ~~((less))~~ fewer lots with vacancy on January 1st ~~((Size of exemption)).~~ If the rental housing or mobile home park is comprised of ~~((only))~~ three or ~~((less))~~ fewer dwelling units or lots and there are any unoccupied dwelling units or lots on January 1st ~~((after receipt of a property tax exemption)),~~ the department will determine the size of the exemption based on the number of occupied dwelling units or lots as of December 31st of the first assessment year the rental housing becomes operational, and on May 1st of ~~((the))~~ each subsequent assessment year in which a claim for exemption is submitted. For example, if one-half of an exempt duplex is vacant on

January 1st(~~(, which)~~) and it is the duplex's third year of operation, the department will determine the size of the exemption based on the number of occupied units on May 1st of that assessment year.

**(6) Facilities with ten or (~~(less)~~) fewer units or mobile home parks with ten or (~~(less)~~) fewer lots - Allowance for income growth.** Because the occupants of rental housing and mobile home parks granted an exemption under RCW 84.36.560 are generally attempting to improve their financial situation, the income of the household is likely to fluctuate during the time they occupy the housing unit or lot in the mobile home park.

(a) In an attempt to assist these households in improving their circumstances, the exemption will continue for specific rental units or mobile home lots when the household's income rises above fifty percent of median income under the following conditions:

(i) The currently exempt rental housing unit in a facility with ten (~~(units)~~) or fewer units, or mobile home lots in a mobile home park with ten (~~(lots)~~) or fewer lots, was occupied by a very low-income household at the time the exemption was granted;

(ii) The household's income rises above fifty percent of the median income but remains at or below eighty percent of median income adjusted for family size as most recently determined by the federal Department of Housing and Urban Development for the county in which the rental housing or mobile home park is located; and

(iii) The rental housing or mobile home park continues to meet the certification requirements of a very low-income housing program listed in subsection (3)(d) of this (~~(section)~~) rule; and

(b) If a dwelling unit or mobile home lot receiving an exemption under this exception becomes vacant and is subsequently re-rented, the income of the household moving into the unit or onto the mobile home lot must be at or below fifty percent of the median income adjusted for family size as most recently determined by the federal Department of Housing and Urban Development for the county in which the rental housing or mobile home park is located to remain exempt from property tax.

(c) Example. If a unit is occupied by a household whose income rises up to sixty percent of median income, the unit will retain its exempt status as long as the household continues to occupy the unit and the household's income remains below eighty percent of median income. If the residents of this unit move out on June 1st and the unit is subsequently rented to a household whose income is at or below fifty percent of median income, the unit will retain its exempt status. Conversely, if the unit is rented to a household whose income is above fifty percent of median income, the unit becomes ineligible for exemption as of January 1st of the following year.

**(7) Group homes - Income of residents.** The income of the individual residents of a group home, as defined in subsection (2) of this rule, will not be combined so as to constitute the income of a single household. Each resident will be considered an independent household occupying a separate dwelling unit. In other words, the income of the residents of a group home will not be aggregated when the department

determines the size of the exemption the group home is entitled to receive. For example, if there are six residents in a group home, the department will process the application for exemption as if there were six separate dwelling units and determine the size of the exemption on that basis. If three of the residents have income at or below fifty percent of median income, the home will receive a fifty percent reduction in the property taxes due on the home.

**(8) Eligibility of property unoccupied at the time of initial application or at any time after the exemption is granted.** Property that is unoccupied at the time of application or on January 1<sup>st</sup> of any subsequent year is still eligible for exemption if certain conditions are met. If the property is currently taxable, it may receive exempt status as of the assessment year in which the claim for exemption is submitted. If the property is currently exempt but the exempt use will cease or will be reduced because of renovations or repairs, the exempt status of the property may be continued for taxes payable the next year. The following conditions must be satisfied to receive an exemption under either of these circumstances:

(a) The rental housing or mobile home park will be used for the exempt purpose stated in RCW 84.36.560 within two assessment years;

(b) The nonprofit entity applying for or receiving the exemption has obtained a commitment for financing, in whole or in part, to acquire, construct, remodel, renovate, or otherwise convert the property to provide housing for very low-income households from one or more of the sources listed in subsection (3)(d) of this (~~(section)~~) rule;

(c) The nonprofit entity has manifested its intent in writing to construct, remodel, renovate, or otherwise convert the rental housing or mobile home park to housing for very low-income households; and

(d) If less than the entire facility or mobile home park will be used to provide rental housing or mobile home lots for very low-income households, only that portion (~~(that will be so used)~~) is entitled to an exemption under this (~~(subsection)~~) rule.

**(9) Exclusive use required.** To be exempt under RCW 84.36.560, the property must be exclusively used to provide rental housing or mobile home lots for very low-income households, except as provided in RCW 84.36.805.

**(10) Payments in-lieu of property tax will be accepted.** Any nonprofit entity that qualifies for a property tax exemption under RCW 84.36.560 may agree to make payments to the city, county, or other political subdivision for the improvements, services, and facilities furnished by the city, county, or political subdivision for the benefit of the exempt rental housing facility or mobile home lots. However, these payments may not exceed the amount of property tax last levied as the annual tax by the city, county, or political subdivision upon the property prior to the time the exemption was effective.

**WSR 20-03-110**  
**PERMANENT RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed January 15, 2020, 4:14 p.m., effective February 15, 2020]

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

Purpose: This rule-making order amends chapters 16-250 and 16-252 WAC by specifying the inspection fee to be submitted with the semiannual animal feed distribution report.

In 2018, the department completely revised the animal feed rules specified in chapters 16-250 WAC, Commercial feed, and chapter 16-252 WAC, Commercial feed—Pet food and specialty pet food. In addition to adopting updated federal regulations, the department restructured the chapters to replicate the current Association of American Feed Control Officials' (AAFCO) Official Publication.

The animal feed inspection fee in the rule prior to the 2018 revision was twelve cents per ton. This fee had been specified in rule since 2005. Due to an error of omission while restructuring the rule chapters, the amount of the inspection tonnage fee was not included in the adopted rule language.

This order corrects the deletion of the twelve cent inspection fee by adding it back into the rules.

Citation of Rules Affected by this Order: Amending WAC 16-250-178, 16-250-182, 16-252-178, and 16-252-182.

Statutory Authority for Adoption: RCW 15.53.9012, 15.53.9018.

Adopted under notice filed as WSR 19-22-091 on November 6, 2019.

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 0, Repealed 0.

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 4, 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 0, Repealed 0.

Date Adopted: January 13, 2020.

Derek I. Sandison  
 Director

**AMENDATORY SECTION** (Amending WSR 18-21-191, filed 10/24/18, effective 11/24/18)

**WAC 16-250-178 Licensing requirements.** (1) Except as provided for in RCW 15.53.9013, any person who manufactures a commercial feed in this state, or who distributes a commercial feed in or into this state; or whose name appears on a commercial feed label as guarantor, must obtain a com-

mercial feed license for each facility that distributes in or into this state.

(2) The license application must be submitted on a form prescribed by the department.

(3) The license application must include:

(a) The name, mailing address, and contact information of the applicant;

(b) The name, mailing address, and contact information of the individual responsible for reporting tonnage;

(c) The name, mailing address, physical address, and contact information of the facility being issued the license;

(d) Types of business the firm is engaged in (manufacturer, distributor, guarantor);

(e) Types of processing;

(f) Types of feed distributed;

(g) Types of ingredients;

(h) Applicant's signature; and

(i) Date signed.

(4) A separate license application form is required for each location or facility.

(5) A fifty dollar fee must accompany each license application form.

(6) License application forms can be obtained from the department ((online at <https://agr.wa.gov/FoodAnimal/AnimalFeed/Forms.aspx>);) by emailing the animal feed program at [feedreg@agr.wa.gov](mailto:feedreg@agr.wa.gov), or by phone at 360-902-1942.

**AMENDATORY SECTION** (Amending WSR 18-21-191, filed 10/24/18, effective 11/24/18)

**WAC 16-250-182 Semiannual feed distribution reporting requirements and inspection fees.** (1)(a) Each licensee must file a semiannual report on forms provided by the department setting forth the number of tons of commercial feed distributed in or into this state as required by RCW 15.53.9018.

(b) The report must include the amount of feed distributed by type of mixed feed by animal class, feed ingredients, signature of person filing report, and date signed.

(2) An inspection fee of twelve cents per ton on all commercial feed sold for distribution in or into this state during the year must accompany the semiannual report.

(3) The minimum inspection fee, the late fee, and exceptions to payment of the fee are described in RCW 15.53.9018.

(4) Semiannual reporting forms can be obtained ((online at <https://agr.wa.gov/FoodAnimal/AnimalFeed/Forms.aspx>);) by emailing the animal feed program at [feedreg@agr.wa.gov](mailto:feedreg@agr.wa.gov); or by phone at 360-902-1942.

(5) Any reports and associated fees may be submitted to the department by mail to:

Washington State Department of Agriculture  
 Animal Feed Program  
 P.O. Box 42591  
 Olympia, WA 98504-2591

**AMENDATORY SECTION** (Amending WSR 18-21-191, filed 10/24/18, effective 11/24/18)

**WAC 16-252-178 Registration requirements.** (1) Any person who distributes a pet food or specialty pet food in or

into this state must register the product with the department as required under RCW 15.53.9014.

(2) The registration application must be submitted on a form prescribed by the department.

(3) The registration application must include:

(a) The name, mailing address, physical address, and contact information of the applicant;

(b) The name, mailing address, physical address, and contact information of the guarantor;

(c) The name, mailing address, physical address, and contact information of the manufacturer;

(d) Type of activities the manufacturer is engaged in:

(i) Species of animals the facility manufactures products for the guarantor;

(ii) Types of product the facility handles.

(e) Package size:

(i) Number of products distributed only in packages of ten pounds or more;

(ii) Number of products distributed both in packages of less than ten pounds and/or packages of ten pounds or more.

(f) Applicant's signature;

(g) Date signed;

(h) Electronic product label(s); and

(i) Registration fees as specified in RCW 15.53.9014(3).

(4) Registration application forms can be obtained from the department online at (~~<https://agr.wa.gov/FoodAnimal/AnimalFeed/Forms.aspx>~~; <https://agr.wa.gov/departments/animals-livestock-and-pets/animal-feed/pet-food-registration>) by emailing the animal feed program at [petfood@agr.wa.gov](mailto:petfood@agr.wa.gov), or by phone at 360-902-1844.

**AMENDATORY SECTION** (Amending WSR 18-21-191, filed 10/24/18, effective 11/24/18)

**WAC 16-252-182 Semi-annual feed distribution reporting requirements and inspection fees.** (1)(a) Each registrant must file a semi-annual report on forms provided by the department setting forth the number of tons of pet food or specialty pet food distributed in or into this state as required by RCW 15.53.9018.

(b) The report must include the amount of pet food or specialty pet food distributed by type of species, applicant's signature, and date signed.

(2) An inspection fee of twelve centers per ton on all pet food or specialty pet food sold for distribution in or into this state during the year must accompany the semi-annual report.

(3) The minimum inspection fee, the late fee, and exceptions to payment of the fee are described in RCW 15.53.9018.

(4) Semi-annual reporting forms can be obtained (~~(online at <https://agr.wa.gov/FoodAnimal/AnimalFeed/Forms.aspx>)~~) by emailing the animal feed program at [petfood@agr.wa.gov](mailto:petfood@agr.wa.gov); or by phone at 360-902-1844.

(5) Any reports and associated fees may be submitted to the department by mail to:

Washington State Department of Agriculture  
Animal Feed Program  
P.O. Box 42591  
Olympia, WA 98504-2591

## WSR 20-03-111

### PERMANENT RULES

#### DEPARTMENT OF AGRICULTURE

[Filed January 15, 2020, 4:14 p.m., effective February 15, 2020]

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

Purpose: This rule-making order amends WAC 16-201-240 by adding pressure testing as an option for inspecting for leaks within the appurtenances of liquid bulk fertilizer storage facilities.

Citation of Rules Affected by this Order: Amending WAC 16-201-240.

Statutory Authority for Adoption: RCW 15.54.800.

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 19-21-176 on October 23, 2019.

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 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 1, 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 0, Repealed 0.

Date Adopted: January 13, 2020.

Derek I. Sandison  
Director

**AMENDATORY SECTION** (Amending WSR 00-23-075, filed 11/17/00, effective 12/18/00)

**WAC 16-201-240 Maintenance and inspection.** (1) The operator of a fertilizer bulk storage facility shall inspect and maintain storage containers, appurtenances, secondary containment and operational area containment to minimize the risk of a fertilizer release.

(2) The inspection shall include a visual observation for any evidence of leaks, spills, cracks, solar decay or wear. Pressure testing may be used in lieu of visual observation for leaks in liquid bulk fertilizer facilities.

For the purpose of this section, "pressure testing" means a test sufficient to determine the presence or absence of a leak within the appurtenances of a liquid bulk fertilizer storage facility. Such pressure testing must be conducted at a pressure rate exceeding the standard operating pressure of the liquid bulk fertilizer storage facility, and must be conducted in accordance with standards established for the materials of the appurtenances, if such standards have been established.

~~((2))~~ (3) Maintenance of the fertilizer bulk storage facilities shall be performed as needed to ensure that the integrity of the bulk fertilizer storage containers, secondary containment and operational area containment is maintained.

~~((3))~~ (4) Bulk fertilizer storage containers and appurtenances shall be inspected at least once per month when in use. Secondary containment and operational area containment shall be inspected at least once per month when in use.

~~((4))~~ (5) All secondary and operational area containment shall be maintained free of debris and foreign matter.

~~((5))~~ (6) A written record of all inspections and maintenance shall be made on the day of the inspection or maintenance and kept at the storage site or at the nearest local office from which the storage site is administered.

~~((6))~~ (7) Inspection records shall contain the name of the person making the inspection, the date of the inspection, conditions noted and maintenance performed.

### WSR 20-03-112

#### PERMANENT RULES

#### DEPARTMENT OF HEALTH

[Filed January 15, 2020, 4:50 p.m., effective February 15, 2020]

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

Purpose: Chapter 246-803 WAC, East Asian medicine practitioner rules were opened by the department of health (department) to clarify, streamline, and update requirements for licensed East Asian medicine practitioners in Washington state. A comprehensive review of the chapter had not been done since 2014, and the existing rules were outdated and conflicted with current law and practice. The adopted rules provide clear, current, and enforceable requirements for regulating East Asian medicine practitioners.

The adopted rules: Make general housekeeping and clarification changes; add updated and current definitions; and make changes to the patient notification of qualifications and scope of practice requirements.

In addition, the adopted new rules include requirements for: Patient record content; patient abandonment; instrument sterilization procedure; preparing and maintaining a clean field; and expired license.

Citation of Rules Affected by this Order: New WAC 246-803-305, 246-803-308, 246-803-320, 246-803-325 and 246-803-410; and amending WAC 246-803-010, 246-803-030, 246-803-130, and 246-803-300.

Statutory Authority for Adoption: RCW 18.06.160.

Adopted under notice filed as WSR 19-20-017 on September 20, 2019.

A final cost-benefit analysis is available by contacting Vicki Brown, P.O. Box 47852, phone 360-236-4865, fax 360-236-2901, TTY 360-833-6388 or 711, email vicki.brown@doh.wa.gov, website www.doh.wa.gov.

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 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental 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 5, Amended 4, 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 0, Repealed 0.

Date Adopted: January 15, 2020.

John Wiesman, DrPH, MPH  
Secretary

AMENDATORY SECTION (Amending WSR 11-17-105, filed 8/22/11, effective 9/22/11)

**WAC 246-803-010 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Accredited school, college or program" ~~((is))~~ means:

(a) Accredited or has candidacy status as a United States postsecondary school, college or program; or

(b) Accredited by or has candidacy status with the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM).

(2) "Acupuncture needles" means solid filiform instruments intended to pierce the skin in the practice of acupuncture. Acupuncture needles used on a patient must be sterile and disposable, and may only be used once.

(3) "Approved school" ~~((is))~~ means a school, college or program approved by the secretary of the department of health that meets the requirements of WAC 246-803-500.

~~((3))~~ (4) "Credit" means ten classroom contact hours on the quarter system or fifteen classroom contact hours on the semester or trimester system.

~~((4))~~ (5) "Department" means the department of health.

~~((5))~~ (6) "East Asian medicine apprenticeship" ~~((is))~~ means training in East Asian medicine administered by an apprenticeship trainer that satisfies the educational requirements set out in WAC 246-803-210, 246-803-220, and 246-803-230. An apprenticeship is of limited duration and ends at the time the parties to the apprenticeship agreement have completed their obligations.

~~((6))~~ (7) "East Asian medicine practitioner" is a person licensed under chapter 18.06 RCW.

~~((7))~~ (8) "East Asian medicine program" ~~((is))~~ means training in East Asian medicine offered by an academic institution that satisfies the education requirements set out in WAC 246-803-210, 246-803-220, and 246-803-230 and also offers training in other areas of study. A program is an established area of study offered on a continuing basis. An East Asian medicine program may be referred to as a program in acupuncture, acupuncture and Oriental medicine, or Oriental medicine.

~~((8))~~ (9) "East Asian medicine school" ~~((is))~~ means an accredited academic institution which has the sole purpose of offering training in East Asian medicine that satisfies the education requirements set out in WAC 246-803-210, 246-803-220, and 246-803-230.

~~((9))~~ (10) "East Asian medicine tutorial instruction" ~~((is))~~ means training in East Asian medicine which is offered



by an academic institution or qualified instructor on the basis of a tutorial agreement between the school or instructor and the student and satisfies the education requirements set out in WAC 246-803-210, 246-803-220, and 246-803-230. A tutorial is of limited duration and ends at the time the parties to the tutorial agreement have performed their obligations under the agreement.

~~((10))~~ (11) "Hypodermic needle" means a device intended to inject fluids into, or withdraw fluids from, parts of the body below the surface of the skin.

(12) "Primary health care provider" ~~((is))~~ means an individual licensed under:

- (a) Chapter 18.36A RCW, Naturopathy;
- (b) Chapter 18.57 RCW, Osteopathy—Osteopathic medicine and surgery;
- (c) Chapter 18.57A RCW, Osteopathic physicians' assistants;
- (d) Chapter 18.71 RCW, Physicians;
- (e) Chapter 18.71A RCW, Physician assistants; or
- (f) RCW 18.79.050, "Advanced registered nursing practice" defined—Exceptions.

AMENDATORY SECTION (Amending WSR 17-15-006, filed 7/5/17, effective 7/5/17)

**WAC 246-803-030 East Asian medicine.** East Asian medicine is a health care service using East Asian medicine diagnosis and treatment to promote health and treat organic or functional disorders. East Asian medicine includes the following:

(1) ~~Acupuncture~~ ~~((Acupuncture))~~, includes the use of acupuncture needles or lancets to directly or indirectly stimulate acupuncture points and meridians;

(2) Use of electrical, mechanical, or magnetic devices to stimulate acupuncture points and meridians;

(3) Moxibustion;

(4) Acupressure;

(5) Cupping;

(6) Dermal friction technique;

(7) Infrared;

(8) Sonopuncture;

(9) Laserpuncture;

(10) Point injection therapy (aquapuncture):

(a) Is defined as meaning the subcutaneous, intramuscular and intradermal injection of substances consistent with the practice of East Asian medicine to stimulate acupuncture points, ~~((AHS))~~ ashi points, trigger points and meridians. Substances are limited to:

(i) Saline;

(ii) Sterile water;

(iii) Herbs specifically manufactured for injection by means of hypodermic needles;

(iv) Minerals specifically manufactured for injection by means of hypodermic needles;

(v) Vitamins in liquid form specifically manufactured for injection by means of hypodermic needles; and

(vi) Homeopathic and nutritional substances specifically manufactured for injection by means of hypodermic needles.

(b) For the purposes of this section, includes trigger points as a subset of acupuncture points and ~~((AHS))~~ ashi

points as recognized in the current practice of East Asian medicine.

(c) Does not include injection of controlled substances contained in Schedules I through V of the Uniform Controlled Substances Act, chapter 69.50 RCW or steroids as defined in RCW 69.41.300.

(11) Dietary advice and health education based on East Asian medical theory, including the recommendation and sale of herbs, vitamins, minerals, and dietary and nutritional supplements.

Health education. Health education is educational information directed to the patient that attempts to improve, maintain, promote and safeguard the health care of the patient. Health education consists of educating the patient on how the mind, body and spirit connect in context of imbalances, emotional patterns and tendencies as defined by and treated in East Asian medicine. Health education does not include mental health counseling;

(12) Breathing, relaxation, and East Asian exercise techniques;

(13) Qi gong;

(14) East Asian massage. East Asian massage means manual techniques having originated in East Asia involving the manipulation of the soft tissues of the body for therapeutic purposes.

(a) East Asian massage consists of:

(i) Applying fixed or movable pressure;

(ii) Passive, resistive, and assisted stretching of fascial and connective tissue;

(iii) Holding or causing movement of the body; or

(iv) Tapping, compressions or friction.

(b) East Asian massage may be performed with the use of tools common to the practice and aids of superficial heat, cold, water, lubricants, salts, minerals, liniments, poultices, and herbs.

(c) East Asian massage does not include attempts to adjust or manipulate any articulations of the body or spine or mobilization of these articulations by the use of a thrusting force.

(15) Tui na. Tui na is a method of East Asian bodywork, characterized by the kneading, pressing, rolling, shaking, and stretching of the body and does not include spinal manipulation; and

(16) Superficial heat and cold therapies.

AMENDATORY SECTION (Amending WSR 16-01-158, filed 12/21/15, effective 1/21/16)

**WAC 246-803-130 Application requirements for applicants from foreign schools.** (1) An applicant for an East Asian medicine practitioner license who has graduated from a foreign East Asian medicine practitioner program not accredited, or approved by the secretary must:

(a) Have at least a bachelor's or master's degree in East Asian medicine or acupuncture from an institution of higher learning which is approved by the foreign country's ministry of education/health, or other governmental entity;

(b) Have graduated from a program of East Asian medicine or acupuncture education with requirements substan-

tially equal to those required of graduates of secretary-approved programs; and

(c) Demonstrate fluency in reading, speaking, and understanding the English language by taking the examinations required in WAC 246-803-240 (2)(a) through (c) in English or by passage of the test of English as a foreign language in WAC 246-803-240(3).

(2) An applicant for an East Asian medicine practitioner license must submit to the department:

(a) A completed application.

(b) The application fee required under WAC 246-803-990.

(c) Original copy of school transcripts from the East Asian medicine or acupuncture program showing degree and degree date.

(d) A credentialing evaluation report from the ~~((American Association of Collegiate Registrars and Admissions Officers (AACRAO). The report must be sent directly from the AACRAO to the department. Submit transcripts, fees, and other documentation to a credentialing service approved by the department and request the evaluation report be sent directly to the department. The department recognizes the AACRAO for credential evaluations))~~ International Consultants of Delaware (ICD).

(e) Verification of clinical training as required in WAC 246-803-230.

(f) Verification of successful completion of the examinations as required in WAC 246-803-240.

(g) Verification of all East Asian medicine practitioner or health care licenses held, submitted directly from the licensing agency. The ~~((certification))~~ verification shall include the license number, issue date, expiration date and whether the East Asian medicine practitioner has been the subject of final or pending disciplinary action.

(h) Verification of completion of seven clock hours of AIDS education as required in chapter 246-812 WAC, Part 8.

(i) Verification of current cardiopulmonary resuscitation (CPR) certification. The training in CPR shall consist of a minimum of one quarter credit or equivalent. Red Cross certification or documentation of equivalent training may be substituted for the one quarter credit.

(j) Any additional documents requested by the secretary.

(3) The department recognizes the ICD for credential evaluations. The applicant shall request that the ICD send their evaluation directly to the department. To obtain a credentialing evaluation report, the applicant shall submit to the ICD:

(a) Transcripts;

(b) Appropriate fees; and

(c) Other requested documentation.

AMENDATORY SECTION (Amending WSR 11-17-105, filed 8/22/11, effective 9/22/11)

**WAC 246-803-300 Patient notification of qualifications and scope of practice.** East Asian medicine practitioners in the state of Washington ~~((must))~~ shall provide to each patient prior to or at the time of the initial patient visit the qualifications and scope of practice form. The form must include:

(1) The East Asian medicine practitioner's education. The degree obtained or if the education was by apprenticeship, the dates and locations of the didactic and clinical training.

(2) License information, including state license number and date of licensure.

(3) A statement that the practice of East Asian medicine in the state of Washington includes the following:

(a) Acupuncture, including the use of acupuncture needles or lancets to directly and indirectly stimulate acupuncture points and meridians;

(b) Use of electrical, mechanical, or magnetic devices to stimulate acupuncture points and meridians;

(c) Moxibustion;

(d) Acupressure;

(e) Cupping;

(f) Dermal friction technique;

(g) Infrared;

(h) Sonopuncture;

(i) Laserpuncture;

(j) Point injection therapy (aquapuncture)((;)) is defined as meaning the subcutaneous, intramuscular and intradermal injection of substances consistent with the practice of East Asian medicine to stimulate acupuncture points, ashi points, trigger points and meridians.

(i) For the purposes of this section, point injection therapy includes trigger points as a subset of acupuncture points and ahshi points as recognized in the current practice of East Asian medicine.

(ii) Does not include injection of controlled substances contained in Scheduled I through V of the Uniform Controlled Substance Act, chapter 69.50 RCW or steroids as defined in RCW 69.41.300.

(iii) Substances are limited to:

(A) Saline;

(B) Sterile water;

(C) Herbs specifically manufactured for injection by means of hypodermic needles;

(D) Minerals specifically manufactured for injection by means of hypodermic needles;

(E) Vitamins in liquid form specifically manufactured for injection by means of hypodermic needles; and

(F) Homeopathic and nutritional substances specifically manufactured for injection by means of hypodermic needles.

(k) Dietary advice and health education based on East Asian medical theory, including the recommendation and sale of herbs, vitamins, minerals, and dietary and nutritional supplements;

(l) Breathing, relaxation, and East Asian exercise techniques;

(m) Qi gong;

(n) East Asian massage and Tui na (which is a method of East Asian bodywork); and

(o) Superficial heat and cold therapies.

(4) A statement that side effects of the treatments listed above may include, but are not limited to, the following:

(a) Pain following treatment;

(b) Minor bruising;

(c) Infection;

(d) Needle sickness; and

(e) Broken needle.

(5) A statement that patients must inform the East Asian medicine practitioner if they have a severe bleeding disorder or pacemaker prior to any treatment.

#### NEW SECTION

**WAC 246-803-305 Patient record content.** (1) A licensed East Asian medicine practitioner shall:

(a) Make a complete, legible, and accurate record of each patient to whom an East Asian medicine treatment is given. The East Asian medicine practitioner shall ensure that a patient record is in English and includes:

- (i) Name of the patient;
- (ii) Patient history;
- (iii) Dates of treatment;
- (iv) Treatment given; and
- (v) Progress made during treatment.

(b) Maintain a patient record for six years after the last treatment of the patient.

(c) Maintain a patient record for at least six years after the patient reaches eighteen years of age.

(2) A licensed East Asian medicine practitioner shall comply with chapter 70.02 RCW and the Health Insurance Portability and Accountability Act, 45 C.F.R. destruction and privacy regulations.

(3) For the purposes of this section "patient records" means all records maintained by a practitioner that includes all information related to the patient.

#### NEW SECTION

**WAC 246-803-308 Patient abandonment.** (1) An East Asian medicine practitioner may accept or reject a patient, but shall respond to any reasonable request for services in the interest of public health and welfare.

(2) The attending East Asian medicine practitioner, without reasonable cause, shall not neglect, ignore, abandon, or refuse to treat a patient. If the East Asian medicine practitioner chooses to withdraw responsibility for a patient of record, the East Asian medicine practitioner shall:

(a) Advise the patient in writing that treatment is being terminated and that another East Asian medicine practitioner should be sought for future care; and

(b) Advise the patient that the East Asian medicine practitioner shall remain reasonably available for up to fifteen calendar days from the date of such notice to address clinical concerns related to the care provided.

#### NEW SECTION

**WAC 246-803-320 Instrument sterilization procedure.** (1) An East Asian medicine practitioner shall use sterile instruments and follow proper instrument sterilization procedures and the keeping of accurate records of sterilization cycles and equipment service maintenance as described in the manufacturer's instruction manual and the 7th edition of "*Best Practices for Acupuncture Needle Safety and Related Procedures*" published by the Council of Colleges of Acupuncture and Oriental Medicine revised May 2017. This shall not apply to needles, which may not be reused or steril-

ized for a subsequent use on more than one patient under any circumstances.

(2) "Sterilization" means to kill all microbial life, including bacterial spores, for instruments which enter tissues. Sterilization is accomplished by subjecting clean items to steam pressure (autoclaving), ultraviolet-C, or to dry heat.

#### NEW SECTION

**WAC 246-803-325 Preparing and maintaining a clean field.** (1) A clean field is the area that has been prepared to contain the equipment necessary for acupuncture in such a way as to reduce the possible contamination of sterile needles and other clean or sterile equipment.

(2) An East Asian medicine practitioner must prepare and maintain a clean field for each patient.

#### NEW SECTION

**WAC 246-803-410 Expired license.** An East Asian medicine practitioner with an expired license may return his or her license to an active license. During the time the license is expired, an East Asian medicine practitioner cannot practice in Washington state.

(1) If an East Asian medicine practitioner's license has expired for one year or less, the East Asian medicine practitioner may return to active status by meeting the requirements of WAC 246-12-040 (3)(a)(i) through (v) and 246-803-990.

(2) If an East Asian medicine practitioner's license has expired for more than one year but less than three, the East Asian medicine practitioner may return to active status by meeting the requirements of WAC 246-12-040 (3)(b)(i) through (ix) and 246-803-990.

(3) If an East Asian medicine practitioner's license has expired for three years or more at the time of application and they have been engaged in practice in another state or United States jurisdiction, the East Asian medicine practitioner may return to active status by submitting proof to the department of:

(a) Verification of active practice from any other state or United States jurisdiction. For this purpose "active practice" means a minimum of five hundred sixty hours of practice in the preceding twenty-four months; and

(b) Having met the requirements of WAC 246-12-040 (3)(c)(i) through (xi) and 246-803-990.

(4) If an East Asian medicine practitioner's license has expired for three years or more at the time of application and they have not been engaged in practice in another state or United States jurisdiction, the East Asian medicine practitioner may return to active status by submitting proof to the department of:

(a) Having met the requirements of subsection (2) of this section; and

(b) In addition to these requirements, the practitioner has the choice of:

(i) Completion of extended course work preapproved by the department; or

(ii) Successfully retaking and passing the examinations as required in WAC 246-803-240.

**WSR 20-03-113**  
**PERMANENT RULES**  
**OFFICE OF THE**  
**INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2019-09—Filed January 16, 2020,  
8:39 a.m., effective August 1, 2020]

Effective Date of Rule: August 1, 2020.

Purpose: To increase consumer awareness of available agency assistance and to help consumers with their insurance questions by requiring contact information for the office of the insurance commissioner on adverse notifications.

Citation of Rules Affected by this Order: New WAC 284-30-770.

Statutory Authority for Adoption: RCW 48.02.060, 48.18.545, 48.19.035, 48.43.525, and 48.43.535.

Adopted under notice filed as WSR 19-15-133 on July 23, 2019.

A final cost-benefit analysis is available by contacting David Forte, P.O. Box 40260, Olympia, WA 98504-0260, phone 360-725-7042, email DavidF@oic.wa.gov.

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 0, Repealed 0.

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

Number of Sections Adopted on the Agency's own Initiative: New 1, 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 1, Amended 0, Repealed 0.

Date Adopted: January 16, 2020.

Mike Kreidler  
Insurance Commissioner

NEW SECTION

**WAC 284-30-770 Adverse notification requirements.**

(1) This section applies to all insurers, fraternal benefit societies, health carriers including disability, health maintenance organizations (HMOs), health care service contractors (HCSCs), and limited licensed carriers, and to all insurance policies, health plans, and insurance contracts.

(2) For the purpose of this section only the term "Adverse notification" means a notice, statement, or document from an insurer, fraternal benefit societies, health carriers including disability, HMOs, HCSCs, and limited licensed carriers to their insured, or enrollee, or both, describing one or more of the following:

(a) A claim denial;

(b) A final claim payment for less than the amount of the claim submitted. This does not include a claim that is paid less than the original amount to reflect the contracted health care provider's rate;

(c) An adverse benefit determination as defined in RCW 48.43.005(2); and

(d) Rescission, cancellation, termination or nonrenewal of a policy unless initiated by an insured. This does not apply to the end of a scheduled policy term or cancellation due to nonpayment of premium.

(3) On each adverse notification provided, the notice must include the following information:

"If you have questions or concerns about the actions of your insurance company or agent, or would like information on your rights to file an appeal, contact the Washington state Office of the Insurance Commissioner's consumer protection hotline at 1-800-562-6900 or visit [www.insurance.wa.gov](http://www.insurance.wa.gov). The insurance commissioner protects and educates insurance consumers, advances the public interest, and provides fair and efficient regulation of the insurance industry."

(4) The notice specified in subsection (3) of this section must be in the same font type and not less than the font size of the majority of the notification. This notice must appear on the first page, at the end of the adverse notification, or where this notice currently exists if adverse notices are already provided to insureds.

**WSR 20-03-114**  
**PERMANENT RULES**  
**OFFICE OF THE**  
**INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2019-10—Filed January 16, 2020,  
8:48 a.m., effective February 16, 2020]

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

Purpose: The purpose of this rule is to implement the legislative directives in SHB 1870 (chapter 33, Laws of 2019). By adopting this rule, carriers will have state-based standards that mirror the Affordable Care Act (ACA) protections included in SHB 1870, and understand the commissioner's expectations as to compliance with nondiscrimination requirements currently in the ACA.

Citation of Rules Affected by this Order: New WAC 284-43-5910, 284-43-5920, 284-43-5930, 284-43-5940 and 284-43-5950; and amending WAC 284-43-3050, 284-43-5400, 284-43-5602, 284-43-5622, and 284-43-5642.

Statutory Authority for Adoption: RCW 48.02.060, 48.43.012, 48.43.01211, 48.43.0123, 48.43.0124, 48.43.-0126, 48.43.0127, 48.43.0128, 48.43.715.

Adopted under notice filed as WSR 19-22-104 on November 6, 2018.

Changes Other than Editing from Proposed to Adopted Version: In WAC 284-43-5642(12) a typographical error in the reference to 42 U.S.C. 18116 was corrected.

In WAC 284-43-5642(3) a technical correction to the language was made to clarify that carriers are not required to categorize inpatient hospitalization services to two separate actuarial value categories.

A grammatical change was made in WAC 284-43-5930 (1) to correct use of the term "effect."

The final rule contained a grammatical edit in WAC 284-43-5950, deleting the word "the" before the citation to 81 Fed. Reg. 31375 and adding the citation phrase of "et seq." after "31375" and before "(2016)." Clarifying language was added to that section making it consistent with references to issuers in other sections.

Consistent clarifying language was added to references made throughout the rule set to 42 U.S.C. 18116, section 1557, and implementing rules, as well as references to specific state anti-discrimination laws, providing the specific citation rather than a general reference to current state law.

A final cost-benefit analysis is available by contacting Tabba Alam, P.O. Box 40360, Olympia, WA 98502, phone 360-725-7170, email TabbaA@oic.wa.gov, website www.insurance.wa.gov.

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 5, Amended 5, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental 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 0, Repealed 0.

Date Adopted: January 16, 2020.

Mike Kreidler  
Insurance Commissioner

**AMENDATORY SECTION** (Amending WSR 16-01-081, filed 12/14/15, effective 12/14/15)

**WAC 284-43-3050 Explanation of right to review.** A carrier must clearly communicate in writing the right to request a review of an adverse benefit determination.

(1) At a minimum, the notice must be sent at the following times:

- (a) Upon request;
  - (b) As part of the notice of adverse benefit determination;
  - (c) To new enrollees at the time of enrollment; and
  - (d) Annually thereafter to enrollees, group administrators, and subcontractors of the carrier.
- (e) The notice requirement is satisfied if the description of the internal and external review process is included in or attached to the summary health plan descriptions, policy, certificate, membership booklet, outline of coverage or other evidence of coverage provided to participants, beneficiaries, or enrollees.

(2) Each carrier and health plan must ensure that its network providers receive a written explanation of the manner in which adverse benefit determinations may be reviewed on both an expedited and nonexpedited basis.

(3) Any written explanation of the review process must include information about the availability of Washington's designated ombudsman's office, the services it offers, and contact information. A carrier's notice must also specifically direct appellants to the office of the insurance commissioner's consumer protection division for assistance with questions and complaints.

(4) The review process must be accessible to persons who are limited-English speakers, who have literacy problems, or who have physical or mental disabilities that impede their ability to request review or participate in the review process.

(a) Carriers must conform to federal ~~((requirements))~~ rules and guidance in effect on January 1, 2017, to provide notice of the process in a culturally and linguistically appropriate manner to those seeking review.

(b) In counties where ten percent or more of the population is literate in a specific non-English language, carriers must include in notices a prominently displayed statement in the relevant language or languages, explaining that oral assistance and a written notice in the non-English language are available upon request. Carriers may rely on the most recent data published by the U.S. Department of Health and Human Services Office of Minority Health to determine which counties and which languages require such notices.

(c) This requirement is satisfied if the National Commission on Quality Assurance certifies the carrier is in compliance with this standard as part of the accreditation process.

(5) Each carrier must consistently assist appellants with understanding the review process. Carriers may not use and health plans may not contain procedures or practices that the commissioner determines discourage an appellant from any type of adverse benefit determination review.

(6) If a carrier reverses its initial adverse benefit determination, which it may at any time during the review process, the carrier or health plan must provide appellant with written or electronic notification of the decision immediately, but in no event more than two business days of making the decision.

**AMENDATORY SECTION** (Amending WSR 16-14-106, filed 7/6/16, effective 8/6/16)

**WAC 284-43-5400 Purpose and scope.** For plan years beginning on or after January 1, 2014, each nongrandfathered health benefit plan offered, issued, or renewed to small employers or individuals, both inside and outside the Washington health benefit exchange, must provide coverage for a package of essential health benefits, pursuant to RCW 48.43-715. WAC 284-43-5400 through 284-43-5820 explains the regulatory standards defining this coverage, and establishes supplementation of the base-benchmark plan consistent with ~~((PPACA and))~~ RCW 48.43.715, and the parameters of the state EHB-benchmark plan.

(1) WAC 284-43-5400 through 284-43-5820 do not apply to a health benefit plan that provides excepted benefits as described in section 2722 of the federal Public Health Service Act (42 U.S.C. Sec. 300gg-21), ~~((not))~~ to a health benefit plan that qualifies as a grandfathered health plan as defined in RCW 48.43.005, nor to a health plan excluded

from the definition of "health plan" as defined in RCW 48.43.005.

(2) WAC 284-43-5400 through 284-43-5820 do not require provider reimbursement at the same levels negotiated by the base-benchmark plan's issuer for their plan.

(3) WAC 284-43-5400 through 284-43-5820 do not require a health benefit plan to exclude the services or treatments from coverage that are excluded in the base-benchmark plan.

**AMENDATORY SECTION** (Amending WSR 16-01-081, filed 12/14/15, effective 12/14/15)

**WAC 284-43-5602 Essential health benefits package benchmark reference plan.** A nongrandfathered individual or small group health benefit plan offered, issued, amended or renewed on or after January 1, 2017, must, at a minimum, include coverage for essential health benefits. "Essential health benefits" means all of the following:

(1) The benefits and services covered by health care service contractor Regence BlueShield as the *Regence Direct Gold* + small group plan, policy form number WW0114 CCONMSD and certificate form number WW0114BP-PO1SD, offered during the first quarter of 2014. The SERFF form filing number is RGWA-128968362.

(2) The services and items covered by a health benefit plan that are within the categories (~~identified in Section 1302(b) of PPACA~~) defined in RCW 48.43.005 as "essential health benefits" including, but not limited to:

- (a) Ambulatory patient services;
- (b) Emergency services;
- (c) Hospitalization;
- (d) Maternity and newborn care;
- (e) Mental health and substance use disorder services, including behavioral health treatment;
- (f) Prescription drugs;
- (g) Rehabilitative and habilitative services and devices;
- (h) Laboratory services;
- (i) Preventive and wellness services and chronic disease management;
- (j) Pediatric services, including oral and vision care; and
- (k) Other services as supplemented by the commissioner or required by the secretary of the U.S. Department of Health and Human Services.

(3) Mandated benefits pursuant to Title 48 RCW enacted before December 31, 2011.

(4) This section applies to health plans that have an effective date of January 1, 2017, or later.

**AMENDATORY SECTION** (Amending WSR 16-14-106, filed 7/6/16, effective 8/6/16)

**WAC 284-43-5622 Plan design.** (1) A nongrandfathered individual or small group health benefit plan offered, issued, or renewed, on or after January 1, 2017, must provide coverage that is substantially equal to the EHB-benchmark plan, as described in WAC 284-43-5642, 284-43-5702, and 284-43-5782.

(a) For plans offered, issued, or renewed for a plan or policy year beginning on or after January 1, 2017, an issuer must offer the EHB-benchmark plan without substituting

benefits for the benefits specifically identified in the EHB-benchmark plan.

(b) "Substantially equal" means that:

(i) The scope and level of benefits offered within each essential health benefit category supports a determination by the commissioner that the benefit is a meaningful health benefit;

(ii) The aggregate actuarial value of the benefits across all essential health benefit categories does not vary more than a de minimis amount from the aggregate actuarial value of the EHB-benchmark base plan; and

(iii) Within each essential health benefit category, the actuarial value of the category must not vary more than a de minimis amount from the actuarial value of the category for the EHB-benchmark plan.

(2) An issuer must classify covered services to an essential health benefits category consistent with WAC 284-43-5642, 284-43-5702, and 284-43-5782 for purposes of determining actuarial value. An issuer may not use classification of services to an essential health benefits category for purposes of determining actuarial value as the basis for denying coverage under a health benefit plan.

(3) The base-benchmark plan does not specifically list all types of services, settings and supplies that can be classified to each essential health benefits category. The base-benchmark plan design does not specifically list each covered service, supply or treatment. Coverage for benefits not specifically identified as covered or excluded is determined based on medical necessity. An issuer may use this plan design, provided that each of the essential health benefit categories is specifically covered in a manner substantially equal to the EHB-benchmark plan.

(4) An issuer is not required to exclude services that are specifically excluded by the base-benchmark plan. If an issuer elects to cover a benefit excluded in the base-benchmark plan, the issuer must not include the benefit in its essential health benefits package for purposes of determining actuarial value. A health benefit plan must not exclude a benefit that is specifically included in the base-benchmark plan.

(5) An issuer must not apply visit limitations or limit the scope of the benefit category based on the type of provider delivering the service, other than requiring that the service must be within the provider's scope of license for purposes of coverage. This obligation does not require an issuer to contract with any willing provider, nor is an issuer restricted from establishing reasonable requirements for credentialing of and access to providers within its network.

(6) Telemedicine or telehealth services are considered a method of accessing services, and are not a separate benefit for purposes of the essential health benefits package. Issuers must provide essential health benefits consistent with the requirements of ~~((add RCW citation for SSB 5175 when it becomes available))~~ RCW 48.43.735.

(7) Consistent with state and federal law, a health benefit plan must not contain an exclusion that unreasonably restricts access to medically necessary services for populations with special needs including, but not limited to, a chronic condition caused by illness or injury, either acquired or congenital.

(8) Benefits under each category set forth in WAC 284-43-5642, 284-43-5702, or 284-43-5782 must be covered for both pediatric and adult populations unless:

(a) A benefit is specifically limited to a particular age group in the base-benchmark plan and such limitation is consistent with state and federal law; or

(b) The category of essential health benefits is specifically stated to be applicable only to the pediatric population, such as pediatric oral services.

(9) A health benefit plan must not be offered if the commissioner determines that:

(a) It creates a risk of biased selection based on health status;

(b) The benefits within an essential health benefit category are limited so that the coverage for the category is not a meaningful health benefit; or

(c) The benefit has a discriminatory effect in practice, outcome or purpose in relation to age, present or predicted disability, and expected length of life, degree of medical dependency, quality of life or other health conditions, race, gender, national origin, sexual orientation, and gender identity or in the application of Section 511 of Public Law 110-343 (the federal Mental Health Parity and Addiction Equity Act of 2008). The commissioner will approve health benefit plans for offer in Washington state that are, at a minimum, consistent with current state law including, but not limited to, RCW 49.60.040, 49.60.178, 48.30.300, 48.43.0128, 48.43.072, 48.43.073, 48.44.220, and 48.46.370 and with federal rules and guidance implementing 42 U.S.C. 18116, Sec. 1557 including, but not limited to, those specifically found in 81 Fed. Reg. 31375, et seq. (2016), that were in effect on January 1, 2017.

(10) An issuer must not impose annual or lifetime dollar limits on an essential health benefit, other than those permitted under WAC 284-43-5642, 284-43-5702, and 284-43-5782.

(11) This section applies to health plans that have an effective date of January 1, 2017, or later.

**AMENDATORY SECTION** (Amending WSR 20-01-071, filed 12/11/19, effective 1/11/20)

**WAC 284-43-5642 Essential health benefit categories.** (1) A health benefit plan must cover "ambulatory patient services" in a manner substantially equal to the base-benchmark plan. For purposes of determining a plan's actuarial value, an issuer must classify as "ambulatory patient services" those medically necessary services delivered to enrollees in settings other than a hospital or skilled nursing facility, which are generally recognized and accepted for diagnostic or therapeutic purposes to treat illness or injury.

(a) A health benefit plan must include the following services, which are specifically covered by the base-benchmark plan, and classify them as ambulatory patient services:

(i) Home and outpatient dialysis services;

(ii) Hospice and home health care, including skilled nursing care as an alternative to hospitalization consistent with WAC 284-44-500, 284-46-500, and 284-96-500;

(iii) Provider office visits and treatments, and associated supplies and services, including therapeutic injections and related supplies;

(iv) Urgent care center visits, including provider services, facility costs and supplies;

(v) Ambulatory surgical center professional services, including anesthesiology, professional surgical services, surgical supplies and facility costs;

(vi) Diagnostic procedures including colonoscopies, cardiovascular testing, pulmonary function studies and neurology/neuromuscular procedures; and

(vii) Provider contraceptive services and supplies including, but not limited to, vasectomy, tubal ligation and insertion or extraction of FDA-approved contraceptive devices.

(b) A health benefit plan may, but is not required to, include the following services as part of the EHB-benchmark package. The base-benchmark plan specifically excludes these services. If an issuer includes these benefits in a health plan, the issuer should not include the following benefits in establishing actuarial value for the ambulatory category:

(i) Infertility treatment and reversal of voluntary sterilization;

(ii) Routine foot care for those that are not diabetic;

(iii) Coverage of dental services following injury to sound natural teeth. However, health plans must cover oral surgery related to trauma and injury. Therefore, a plan may not exclude services or appliances necessary for or resulting from medical treatment if the service is either emergency in nature or requires extraction of teeth to prepare the jaw for radiation treatments of neoplastic disease;

(iv) Private duty nursing for hospice care and home health care, to the extent consistent with state and federal law;

(v) Adult dental care and orthodontia delivered by a dentist or in a dentist's office;

(vi) Nonskilled care and help with activities of daily living;

(vii) Hearing care, routine hearing examinations, programs or treatment for hearing loss including, but not limited to, externally worn or surgically implanted hearing aids, and the surgery and services necessary to implant them. However, plans must cover cochlear implants and hearing screening tests that are required under the preventive services category, unless coverage for these services and devices are required as part of and classified to another essential health benefits category; and

(viii) Obesity or weight reduction or control other than:

(A) Covered nutritional counseling; and

(B) Obesity-related services for which the U.S. Preventive Services Task Force for prevention and chronic care has issued A and B recommendations on or before the applicable plan year, which issuers must cover under subsection (9) of this section.

(c) The base-benchmark plan's visit limitations on services in the ambulatory patient services category include:

(i) Ten spinal manipulation services per calendar year without referral;

(ii) Twelve acupuncture services per calendar year without referral;

(iii) Fourteen days respite care on either an inpatient or outpatient basis for hospice patients, per lifetime; and

(iv) One hundred thirty visits per calendar year for home health care.

(d) State benefit requirements classified to the ambulatory patient services category are:

(i) Chiropractic care (RCW 48.44.310);

(ii) TMJ disorder treatment (RCW 48.21.320, 48.44.460, and 48.46.530); and

(iii) Diabetes-related care and supplies (RCW 48.20.391, 48.21.143, 48.44.315, and 48.46.272).

(2) A health benefit plan must cover "emergency medical services" in a manner substantially equal to the base-benchmark plan. For purposes of determining a plan's actuarial value, an issuer must classify as emergency medical services the care and services related to an emergency medical condition.

(a) A health benefit plan must include the following services which are specifically covered by the base-benchmark plan and classify them as emergency services:

(i) Ambulance transportation to an emergency room and treatment provided as part of the ambulance service;

(ii) Emergency room and department based services, supplies and treatment, including professional charges, facility costs, and outpatient charges for patient observation and medical screening exams required to stabilize a patient experiencing an emergency medical condition;

(iii) Prescription medications associated with an emergency medical condition, including those purchased in a foreign country.

(b) The base-benchmark plan does not specifically exclude services classified to the emergency medical services category.

(c) The base-benchmark plan does not establish visit limitations on services in the emergency medical services category.

(d) State benefit requirements classified to the emergency medical services category include services necessary to screen and stabilize a covered person (RCW 48.43.093).

(3) A health benefit plan must cover "hospitalization" in a manner substantially equal to the base-benchmark plan. For purposes of determining a plan's actuarial value, an issuer must classify as hospitalization services the medically necessary services delivered in a hospital or skilled nursing setting including, but not limited to, professional services, facility fees, supplies, laboratory, therapy or other types of services delivered on an inpatient basis.

(a) A health benefit plan must include the following services which are specifically covered by the base-benchmark plan and classify them as hospitalization services:

(i) Hospital visits, facility costs, provider and staff services and treatments delivered during an inpatient hospital stay, including inpatient pharmacy services;

(ii) Skilled nursing facility costs, including professional services and pharmacy services and prescriptions filled in the skilled nursing facility pharmacy;

(iii) Transplant services, supplies and treatment for donors and recipients, including the transplant or donor facility fees performed in either a hospital setting or outpatient setting;

(iv) Dialysis services delivered in a hospital;

(v) Artificial organ transplants based on an issuer's medical guidelines and manufacturer recommendations; ~~((and))~~

(vi) Respite care services delivered on an inpatient basis in a hospital or skilled nursing facility;

(vii) Inpatient hospitalization where mental illness is the primary diagnosis.

~~(b) ((A health benefit plan must include hospitalization where mental illness is the primary diagnosis, and must classify these services under the mental health and substance use disorder benefits category.~~

~~(e))~~ A health benefit plan may, but is not required to, include the following services as part of the EHB-benchmark package. The base-benchmark plan specifically excludes these services. If an issuer includes these benefits in a health plan, the issuer should not include the following benefits in establishing actuarial value for the hospitalization category:

(i) Cosmetic or reconstructive services and supplies except in the treatment of a congenital anomaly, to restore a physical bodily function lost as a result of injury or illness, or related to breast reconstruction following a medically necessary mastectomy;

(ii) The following types of surgery:

(A) Bariatric surgery and supplies;

(B) Orthognathic surgery and supplies unless due to temporomandibular joint disorder or injury, sleep apnea or congenital anomaly.

(iii) Reversal of sterilizations; and

(iv) Surgical procedures to correct refractive errors, astigmatism or reversals or revisions of surgical procedures which alter the refractive character of the eye.

~~((e))~~ (c) The base-benchmark plan establishes specific limitations on services classified to the hospitalization category that conflict with state or federal law as of January 1, 2017, and should not be included in essential health benefit plans). Health plans may not include the base-benchmark plan limitations listed below and must cover all services consistent with federal rules and guidance implementing 42 U.S.C. 18116, Sec. 1557, including those codified at 81 Fed. Reg. 31375 et seq. (2016), that were in effect on January 1, 2017, RCW 48.30.300, 48.43.0128, 48.43.072, 48.43.073, 49.60.040 and 49.60.178:

(i) The base-benchmark plan allows a waiting period for transplant services; ~~((and))~~

(ii) The base-benchmark plan excludes coverage for sexual reassignment treatment, surgery, or counseling services ~~((Health plans must cover such services consistent with 42 U.S.C. 18116, Section 1557, section 15, chapter 33, Laws of 2019, RCW 48.30.300 and 49.60.040)); and~~

(iii) The base-benchmark plan excludes coverage for hospitalization where mental illness or a substance use disorder is the primary diagnosis.

~~((e))~~ (d) The base-benchmark plan's visit limitations on services in the hospitalization category include:

(i) Sixty inpatient days per calendar year for illness, injury or physical disability in a skilled nursing facility;

(ii) Thirty inpatient rehabilitation service days per calendar year. For purposes of determining actuarial value, this benefit may be classified to the hospitalization category or to the rehabilitation services category, but not to both.



~~((f))~~ (e) State benefit requirements classified to the hospitalization category are:

(i) General anesthesia and facility charges for dental procedures for those who would be at risk if the service were performed elsewhere and without anesthesia (RCW 48.43.185);

(ii) Reconstructive breast surgery resulting from a mastectomy that resulted from disease, illness or injury (RCW 48.20.395, 48.21.230, 48.44.330, and 48.46.280);

(iii) Coverage for treatment of temporomandibular joint disorder (RCW 48.21.320, 48.44.460, and 48.46.530); and

(iv) Coverage at a long-term care facility following hospitalization (RCW 48.43.125).

(4) A health benefit plan must cover "maternity and newborn services" in a manner substantially equal to the base-benchmark plan. For purposes of determining a plan's actuarial value, an issuer must classify as maternity and newborn services the medically necessary care and services delivered to women during pregnancy and in relation to delivery and recovery from delivery and to newborn children.

(a) A health benefit plan must cover the following services which are specifically covered by the base-benchmark plan and classify them as maternity and newborn services:

(i) In utero treatment for the fetus;

(ii) Vaginal or cesarean childbirth delivery in a hospital or birthing center, including facility fees;

(iii) Nursery services and supplies for newborns, including newly adopted children;

(iv) Infertility diagnosis;

(v) Prenatal and postnatal care and services, including screening;

(vi) Complications of pregnancy such as, but not limited to, fetal distress, gestational diabetes, and toxemia; and

(vii) Termination of pregnancy. Termination of pregnancy may be included in an issuer's essential health benefits package, ~~((but nothing in this section requires an issuer to offer the benefit.))~~ and be consistent with 42 U.S.C. 18023 (b)(a)(A)(i) and 45 C.F.R. 156.115, as those sections do not require, but do not prohibit, an issuer from offering the benefit. This subsection does not relieve an issuer of requirements of current state law related to coverage for termination of pregnancy.

(b) A health benefit plan may, but is not required to, include genetic testing of the child's father as part of the EHB-benchmark package. The base-benchmark plan specifically excludes this service. If an issuer covers this benefit, the issuer may not include this benefit in establishing actuarial value for the maternity and newborn category.

(c) The base-benchmark plan's limitations on services in the maternity and newborn services category include coverage of home birth by a midwife or nurse midwife only for low risk pregnancy.

(d) State benefit requirements classified to the maternity and newborn services category include:

(i) Maternity services that include diagnosis of pregnancy, prenatal care, delivery, care for complications of pregnancy, physician services, and hospital services (RCW 48.43.041);

(ii) Newborn coverage that is not less than the postnatal coverage for the mother, for no less than three weeks (RCW 48.43.115); and

(iii) Prenatal diagnosis of congenital disorders by screening/diagnostic procedures if medically necessary (RCW 48.20.430, 48.21.244, 48.44.344, and 48.46.375).

(5) A health benefit plan must cover "mental health and substance use disorder services, including behavioral health treatment" in a manner substantially equal to the base-benchmark plan. For purposes of determining a plan's actuarial value, an issuer must classify as mental health and substance use disorder services, including behavioral health treatment, the medically necessary care, treatment and services for mental health conditions and substance use disorders categorized in the most recent version of the *Diagnostic and Statistical Manual of Mental Disorders (DSM)*, including behavioral health treatment for those conditions.

(a) A health benefit plan must include the following services, which are specifically covered by the base-benchmark plan, and classify them as mental health and substance use disorder services, including behavioral health treatment:

(i) Inpatient, residential, and outpatient mental health and substance use disorder treatment, including diagnosis, partial hospital programs or inpatient services;

(ii) Chemical dependency detoxification;

(iii) Behavioral treatment for a DSM category diagnosis;

(iv) Services provided by a licensed behavioral health provider for a covered diagnosis in a skilled nursing facility;

(v) Prescription medication including medications prescribed during an inpatient and residential course of treatment;

(vi) Acupuncture treatment visits without application of the visit limitation requirements, when provided for chemical dependency.

(b) A health benefit plan may, but is not required to, include the following services as part of the EHB-benchmark package. The base-benchmark plan specifically excludes these services. If an issuer includes these benefits in a health plan, the issuer may not include these benefits in establishing actuarial value for the category of mental health and substance use disorder services including behavioral health treatment:

(i) Counseling in the absence of illness, other than family counseling when the patient is a child or adolescent with a covered diagnosis and the family counseling is part of the treatment for mental health services;

(ii) Mental health treatment for diagnostic codes 302 through 302.9 in the most recent version of the *Diagnostic and Statistical Manual of Mental Disorders (DSM)*, or for "V code" diagnoses except for medically necessary services for parent-child relational problems for children five years of age or younger, neglect or abuse of a child for children five years of age or younger, bereavement for children five years of age or younger, and gender dysphoria consistent with federal rules and guidance implementing 42 U.S.C. 18116, ((See- tion)) Sec. 1557, as of January 1, 2017, including those found at 81 Fed. Reg. 31375 et seq. (2016), RCW 48.30.300 and 49.60.040, unless this exclusion is preempted by federal law; and

(iii) Court-ordered mental health treatment which is not medically necessary.

(c) The base-benchmark plan establishes specific limitations on services classified to the mental health and substance

abuse disorder services category that conflict with state or federal law as of January 1, 2017. The state EHB-benchmark plan requirements for these services are: The base-benchmark plan does not provide coverage for mental health services and substance use disorder treatment delivered in a home health setting in parity with medical surgical benefits consistent with state and federal law. Health plans must cover mental health services and substance use disorder treatment that is delivered in parity with medical surgical benefits, consistent with state and federal law.

(d) The base-benchmark plan's visit limitations on services in this category include court-ordered treatment only when medically necessary.

(e) State benefit requirements classified to this category include:

(i) Mental health services (RCW 48.20.580, 48.21.241, 48.44.341, and 48.46.285);

(ii) Chemical dependency detoxification services (RCW 48.21.180, 48.44.240, 48.44.245, 48.46.350, and 48.46.355); and

(iii) Services delivered pursuant to involuntary commitment proceedings (RCW 48.21.242, 48.44.342, and 48.46.-292).

(f) The Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (Public Law 110-343) (MHPAEA) applies to a health benefit plan subject to this section. Coverage of mental health and substance use disorder services, along with any scope and duration limits imposed on the benefits, must comply with the MHPAEA, and all rules, regulations and guidance issued pursuant to Section 2726 of the federal Public Health Service Act (42 U.S.C. Sec. 300gg-26) including where state law is silent, or where federal law preempts state law.

(6) A health benefit plan must cover "prescription drug services" in a manner substantially equal to the base-benchmark plan. For purposes of determining a plan's actuarial value, an issuer must classify as prescription drug services medically necessary prescribed drugs, medication and drug therapies.

(a) A health benefit plan must include the following services, which are specifically covered by the base-benchmark plan, and classify them as prescription drug services:

(i) Drugs and medications both generic and brand name, including self-administrable prescription medications, consistent with the requirements of (b) through (e) of this subsection;

(ii) Prescribed medical supplies, including diabetic supplies that are not otherwise covered as durable medical equipment under the rehabilitative and habilitative services category, including test strips, glucagon emergency kits, insulin and insulin syringes;

(iii) All FDA-approved contraceptive methods, and prescription-based sterilization procedures (~~for women with reproductive capacity~~);

(iv) Certain preventive medications including, but not limited to, aspirin, fluoride, and iron, and medications for tobacco use cessation, according to, and as recommended by, the United States Preventive Services Task Force, when obtained with a prescription order; and

(v) Medical foods to treat inborn errors of metabolism in accordance with RCW 48.44.440, 48.46.510, 48.20.520, 48.21.300, and 48.43.176.

(b) A health benefit plan may, but is not required to, include the following services as part of the EHB-benchmark package. The base-benchmark plan specifically excludes these services for the prescription drug services category. If an issuer includes these services, the issuer may not include the following benefits in establishing actuarial value for the prescription drug services category:

(i) Insulin pumps and their supplies, which are classified to and covered under the rehabilitation and habilitation services category; and

(ii) Weight loss drugs.

(c) The base-benchmark plan's visit limitations on services in the prescription drug services category include:

(i) Prescriptions for self-administrable injectable medication are limited to thirty day supplies at a time, other than insulin, which may be offered with more than a thirty day supply. This limitation is a floor, and an issuer may permit supplies greater than thirty days as part of its health benefit plan;

(ii) Teaching doses of self-administrable injectable medications are limited to three doses per medication per lifetime.

(d) State benefit requirements classified to the prescription drug services category include:

(i) Medical foods to treat inborn errors of metabolism (RCW 48.44.440, 48.46.510, 48.20.520, 48.21.300, and 48.43.176);

(ii) Diabetes supplies ordered by the physician (RCW 48.44.315, 48.46.272, 48.20.391, and 48.21.143). Inclusion of this benefit requirement does not bar issuer variation in diabetic supply manufacturers under its drug formulary;

(iii) Mental health prescription drugs to the extent not covered under the hospitalization or skilled nursing facility services, or mental health and substance use disorders categories (RCW 48.44.341, 48.46.291, 48.20.580, and 48.21.241);

(iv) Reproductive health-related over-the-counter drugs, devices, and products approved by the federal Food and Drug Administration.

(e) An issuer's formulary is part of the prescription drug services category. The formulary filed with the commissioner must be substantially equal to the base-benchmark plan formulary, both as to U.S. Pharmacopoeia therapeutic category and classes covered and number of drugs in each class. If the base-benchmark plan formulary does not cover at least one drug in a category or class, an issuer must include at least one drug in the uncovered category or class.

(i) An issuer must file its formulary quarterly, following the filing instructions defined by the insurance commissioner in WAC 284-44A-040, 284-46A-050, and 284-58-025.

(ii) An issuer's formulary does not have to be substantially equal to the base-benchmark plan formulary in terms of formulary placement.

(iii) An issuer may include over-the-counter medications in its formulary for purposes of establishing quantitative limits and administering the benefit.

(7) A health benefit plan must cover "rehabilitative and habilitative services" in a manner substantially equal to the base-benchmark plan.

(a) For purposes of determining a plan's actuarial value, an issuer must classify as rehabilitative services the medically necessary services that help a person keep, restore or improve skills and function for daily living that have been lost or impaired because a person was sick, hurt or disabled.

(b) A health benefit plan must include the following services, which are specifically covered by the base-benchmark plan, and classify them as rehabilitative services:

(i) Cochlear implants;

(ii) Inpatient rehabilitation facilities and professional services delivered in those facilities;

(iii) Outpatient physical therapy, occupational therapy and speech therapy for rehabilitative purposes;

(iv) Braces, splints, prostheses, orthopedic appliances and orthotic devices, supplies or apparatus used to support, align or correct deformities or to improve the function of moving parts; and

(v) Durable medical equipment and mobility enhancing equipment used to serve a medical purpose, including sales tax.

(c) A health benefit plan may, but is not required to, include the following services as part of the EHB-benchmark package. The base-benchmark plan specifically excludes these services. If an issuer includes the following benefits in a health plan, the issuer may not include these benefits in establishing actuarial value for the rehabilitative and habilitative services category:

(i) Off-the-shelf shoe inserts and orthopedic shoes;

(ii) Exercise equipment for medically necessary conditions;

(iii) Durable medical equipment that serves solely as a comfort or convenience item; and

(iv) Hearing aids other than cochlear implants.

(d) For purposes of determining a plan's actuarial value, an issuer must classify as habilitative services the range of medically necessary health care services and health care devices designed to assist a person to keep, learn or improve skills and functioning for daily living. Examples include services for a child who isn't walking or talking at the expected age, or services to assist with keeping or learning skills and functioning within an individual's environment, or to compensate for a person's progressive physical, cognitive, and emotional illness. These services may include physical and occupational therapy, speech-language pathology and other services for people with disabilities in a variety of inpatient or outpatient settings.

(i) As a minimum level of coverage, an issuer must establish limitations on habilitative services on parity with those for rehabilitative services. A health benefit plan may include such limitations only if the limitations take into account the unique needs of the individual and target measurable, and specific treatment goals appropriate for the person's age and physical and mental condition. When habilitative services are delivered to treat a mental health diagnosis categorized in the most recent version of the DSM, the mental health parity requirements apply and supersede any rehabilitative services parity limitations permitted by this subsection.

(ii) A health benefit plan must not limit an enrollee's access to covered services on the basis that some, but not all,

of the services in a plan of treatment are provided by a public or government program.

(iii) An issuer may establish utilization review guidelines and practice guidelines for habilitative services that are recognized by the medical community as efficacious. The guidelines must not require a return to a prior level of function.

(iv) Habilitative health care devices may be limited to those that require FDA approval and a prescription to dispense the device.

(v) Consistent with the standards in this subsection, speech therapy, occupational therapy, physical therapy, and aural therapy are habilitative services. Day habilitation services designed to provide training, structured activities and specialized assistance to adults, chore services to assist with basic needs, vocational or custodial services are not classified as habilitative services.

(vi) An issuer must not exclude coverage for habilitative services received at a school-based health care center unless the habilitative services and devices are delivered pursuant to federal Individuals with Disabilities Education Act of 2004 (IDEA) requirements and included in an individual educational plan (IEP).

(e) The base-benchmark plan's visit limitations on services in the rehabilitative and habilitative services category include:

(i) Inpatient rehabilitation facilities and professional services delivered in those facilities are limited to thirty service days per calendar year; and

(ii) Outpatient physical therapy, occupational therapy and speech therapy are limited to twenty-five outpatient visits per calendar year, on a combined basis, for rehabilitative purposes.

(f) State benefit requirements classified to this category include:

(i) State sales tax for durable medical equipment; and

(ii) Coverage of diabetic supplies and equipment (RCW 48.44.315, 48.46.272, 48.20.391, and 48.21.143).

(g) An issuer must not classify services to the rehabilitative services category if the classification results in a limitation of coverage for therapy that is medically necessary for an enrollee's treatment for cancer, chronic pulmonary or respiratory disease, cardiac disease or other similar chronic conditions or diseases. For purposes of this subsection, an issuer must establish limitations on the number of visits and coverage of the rehabilitation therapy consistent with its medical necessity and utilization review guidelines for medical/surgical benefits. Examples of these are, but are not limited to, breast cancer rehabilitation therapy, respiratory therapy, and cardiac rehabilitation therapy. Such services may be classified to the ambulatory patient or hospitalization services categories for purposes of determining actuarial value.

(8) A health plan must cover "laboratory services" in a manner substantially equal to the base-benchmark plan. For purposes of determining actuarial value, an issuer must classify as laboratory services the medically necessary laboratory services and testing, including those performed by a licensed provider to determine differential diagnoses, conditions, outcomes and treatment, and including blood and blood services,

storage and procurement, and ultrasound, X-ray, MRI, CAT scan and PET scans.

(a) A health benefit plan must include the following services, which are specifically covered by the base-benchmark plan, and classify them as laboratory services:

(i) Laboratory services, supplies and tests, including genetic testing;

(ii) Radiology services, including X-ray, MRI, CAT scan, PET scan, and ultrasound imaging; and

(iii) Blood, blood products, and blood storage, including the services and supplies of a blood bank.

(b) A health benefit plan may, but is not required to, include the following services as part of the EHB-benchmark package. The base-benchmark plan specifically excludes procurement and storage of personal blood supplies provided by a member of the enrollee's family when this service is not medically indicated. If an issuer includes this benefit in a health plan, the issuer may not include this benefit in establishing the health plan's actuarial value.

(9) A health plan must cover "preventive and wellness services, including chronic disease management" in a manner substantially equal to the base-benchmark plan. For purposes of determining a plan's actuarial value, an issuer must classify as preventive and wellness services, including chronic disease management, the services that identify or prevent the onset or worsening of disease or disease conditions, illness or injury, often asymptomatic; services that assist in the multi-disciplinary management and treatment of chronic diseases; and services of particular preventative or early identification of disease or illness of value to specific populations, such as women, children and seniors.

(a) If a plan does not have in its network a provider who can perform the particular service, then the plan must cover the item or service when performed by an out-of-network provider and must not impose cost-sharing with respect to the item or service. In addition, a health plan must not limit sex-specific recommended preventive services based on an individual's sex assigned at birth, gender identity or recorded gender. If a provider determines that a sex-specific recommended preventive service is medically appropriate for an individual, and the individual otherwise satisfies the coverage requirements, the plan must provide coverage without cost-sharing.

(b) A health benefit plan must include the following services as preventive and wellness services, including chronic disease management:

(i) Immunizations recommended by the Centers for Disease Control's Advisory Committee on Immunization Practices;

(ii)(A) Screening and tests for which the U.S. Preventive Services Task Force for Prevention and Chronic Care have issued A and B recommendations on or before the applicable plan year.

(B) To the extent not specified in a recommendation or guideline, a plan may rely on the relevant evidence base and reasonable medical management techniques, based on necessity or appropriateness, to determine the frequency, method, treatment, or setting for the provision of a recommended preventive health service;

(ii) Services, tests and screening contained in the U.S. Health Resources and Services Administration ("HRSA") Bright Futures guidelines as set forth by the American Academy of Pediatricians; and

(iv) Services, tests, screening and supplies recommended in the HRSA women's preventive and wellness services guidelines:

(A) If the plan covers children under the age of nineteen, or covers dependent children age nineteen or over who are on the plan pursuant to RCW 48.44.200, 48.44.210, or 48.46.320, the plan must provide the child with the full range of recommended preventive services suggested under HRSA guidelines for the child's age group without cost-sharing. Services provided in this regard may be combined in one visit as medically appropriate or may be spread over more than one visit, without incurring cost-sharing, as medically appropriate; and

(B) A plan may use reasonable medical management techniques to determine the frequency, method, treatment or setting for a recommended preventive service, including providing multiple prevention and screening services at a single visit or across multiple visits. Medical management techniques may not be used that limit enrollee choice in accessing the full range of contraceptive drugs, devices, or other products approved by the federal Food and Drug Administration.

(v) Chronic disease management services, which typically include, but are not limited to, a treatment plan with regular monitoring, coordination of care between multiple providers and settings, medication management, evidence-based care, measuring care quality and outcomes, and support for patient self-management through education or tools; and

(vi) Wellness services.

(c) The base-benchmark plan establishes specific limitations on services classified to the preventive services category that conflict with state or federal law as of January 1, 2017, and should not be included in essential health benefit plans.

Specifically, the base-benchmark plan excludes coverage for obesity or weight control other than covered nutritional counseling. Health plans must cover certain obesity-related services that are listed as A or B recommendations by the U.S. Preventive Services Task Force, consistent with 42 U.S.C. 300gg-13 (a)(1) and 45 C.F.R. 147.130 (a)(1)(i).

(d) The base-benchmark plan does not establish visit limitations on services in this category. In accordance with ((Section)) Sec. 2713 of the Public Health Service Act (PHS Act) and its implementing regulations relating to coverage of preventive services, the base-benchmark plan does not impose cost-sharing requirements with respect to the preventive services listed under (b)(i) through (iv) of this subsection that are provided in-network.

(e) State benefit requirements classified in this category are:

(i) Colorectal cancer screening as set forth in RCW 48.43.043;

(ii) Mammogram services, both diagnostic and screening (RCW 48.21.225, 48.44.325, and 48.46.275); and

(iii) Prostate cancer screening (RCW 48.20.392, 48.21.-227, 48.44.327, and 48.46.277).

(10) Some state benefit requirements are limited to those receiving pediatric services, but are classified to other categories for purposes of determining actuarial value.

(a) These benefits include:

(i) Neurodevelopmental therapy, consisting of physical, occupational and speech therapy and maintenance to restore or improve function based on developmental delay, which cannot be combined with rehabilitative services for the same condition (RCW 48.44.450, 48.46.520, and 48.21.310). This state benefit requirement may be classified to ambulatory patient services or mental health and substance abuse disorder including behavioral health categories; and

(ii) Treatment of congenital anomalies in newborn and dependent children (RCW 48.20.430, 48.21.155, 48.44.212, and 48.46.250). This state benefit requirement may be classified to hospitalization, ambulatory patient services or maternity and newborn categories.

(b) The base-benchmark plan contains limitations or scope restrictions that conflict with state or federal law as of January 1, 2017. Specifically, the plan covers outpatient neurodevelopmental therapy services only for persons age six and under. Health plans must cover medically necessary neurodevelopmental therapy for any DSM diagnosis without blanket exclusions.

(11) Issuers must know and apply relevant guidance, clarifications and expectations issued by federal governmental agencies regarding essential health benefits. Such clarifications may include, but are not limited to, Affordable Care Act implementation and frequently asked questions jointly issued by the U.S. Department of Health and Human Services, the U.S. Department of Labor and the U.S. Department of the Treasury.

(12) Each category of essential health benefits must at a minimum cover services required by current state law and be consistent with federal rules and guidance implementing 42 U.S.C. 18116, Sec. 1557, including those codified at 81 Fed. Reg. 31375 et seq. (2016), that were in effect on January 1, 2017.

(13) This section applies to health plans that have an effective date of January 1, (~~2017~~) 2020, or later.

#### NEW SECTION

**WAC 284-43-5910 Prohibition on organ transplant waiting periods.** An issuer offering an individual, small group or large group health plan may not impose waiting periods for organ transplant services in any health plan.

#### NEW SECTION

**WAC 284-43-5920 Health plan rescission.** A health plan cannot be rescinded by an issuer during the coverage period, except for an enrollee who has performed an act or practice that constitutes fraud or makes an intentional misrepresentation of a material fact as prohibited by the terms of the plan or coverage. If the plan is rescinded, the issuer must refund to the enrollee all payments made by or on behalf of the enrollee for the health plan coverage.

#### NEW SECTION

**WAC 284-43-5930 Qualified health plan marketing and benefit design.** (1) An issuer offering qualified health plans as defined in 42 U.S.C. 18021, and its officials, employees, agents, and representatives must not employ marketing practices or benefit designs with respect to these plans that the commissioner determines will have the effect of discouraging the enrollment of individuals with significant health needs. An example of such a prohibited design may occur when there are multiple nonspecialty drugs for persons with a specific condition or disorder, and a health plan places a majority of the drugs in the highest cost tier of the formulary.

(2) The commissioner will determine whether an issuer's actions to comply with this section are consistent with current state law, the legislative intent underlying RCW 48.43.0128 to maintain enrollee protections of the Affordable Care Act, and the federal regulations and guidance in effect as of January 1, 2017, including those issued by the U.S. Department of Health and Human Services Office of Civil Rights.

#### NEW SECTION

**WAC 284-43-5940 Nondiscrimination in individual and small group health plans.** (1) An issuer offering a non-grandfathered individual or small group health plan, and the issuer's officials, employees, agents, or representatives may not:

(a) Design plan benefits, including formulary design, or implement its plan benefits, in a manner that results in discrimination against individuals because of their age, expected length of life, present or predicted disability, degree of medical dependency, quality of life, or other health conditions; and

(b) With respect to health plan administration, member communication, medical protocols or criteria for medical necessity or other aspects of health plan operations:

(i) Discriminate on the basis of race, color, national origin, sex, gender identity, sexual orientation, age, or disability;

(ii) Deny, cancel, limit, or refuse to issue or renew a health plan, or deny or limit coverage of a claim, or impose additional cost sharing or other limitations or restrictions on coverage, on the basis of race, color, national origin, sex, gender identity, sexual orientation, age, or disability;

(iii) Have or implement marketing practices or benefit designs that discriminate on the basis of race, color, national origin, sex, gender identity, sexual orientation, age, or disability;

(iv) Deny or limit coverage, deny or limit coverage of a claim, or impose additional cost sharing or other limitations or restrictions on coverage, for any health services that are ordinarily or exclusively available to individuals of one sex, to a transgender individual based on the fact that an individual's sex assigned at birth, gender identity, or gender otherwise recorded is different from the one to which such health services are ordinarily or exclusively available;

(v) Have or implement a categorical coverage exclusion or limitation for all health services related to gender transition; or

(vi) Otherwise deny or limit coverage, deny or limit coverage of a claim, or impose additional cost sharing or other limitations or restrictions on coverage, for specific health services related to gender transition if such denial, limitation, or restriction results in discrimination against a transgender individual.

(2) The enumeration of specific forms of discrimination in subsection (1)(b)(ii) through (vi) of this section does not limit the general applicability of the prohibition in subsection (1)(b)(i) of this section.

(3) Nothing in this section may be construed to prevent an issuer from appropriately utilizing fair and reasonable medical management techniques. Appropriate use of medical management techniques includes use of evidence based criteria for determining whether a service or benefit is medically necessary and clinically appropriate.

(4) The commissioner will determine whether an issuer's actions to comply with this section are consistent with current state law, the legislative intent underlying RCW 48.43.0128 to maintain enrollee protections of the Affordable Care Act, and the federal regulations and guidance in effect as of January 1, 2017, including, but not limited to, those issued by the U.S. Department of Health and Human Services Office of Civil Rights.

NEW SECTION

**WAC 284-43-5950 Access for individuals with limited-English proficiency and individuals with disabilities.** Each issuer offering a nongrandfathered individual or small group health plan, and the issuer's officials, employees, agents or representatives must take fair and reasonable steps to provide meaningful access to each individual with limited-English proficiency and each individual with a disability consistent with federal rules and guidance implementing 42 U.S.C. 18116, Sec. 1557, including those set forth in 81 Fed. Reg. 31375 et seq. (2016), that were in effect on January 1, 2017.

**WSR 20-03-122  
PERMANENT RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Aging and Long-Term Support Administration)  
[Filed January 17, 2020, 8:58 a.m., effective February 17, 2020]

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

Purpose: The department adopted WAC 388-78A-2851 under WSR 20-02-104. The department received a comment on the proposed text made during the open public comment period, and the department agrees with the commenter but failed to update WAC 388-78A-2851 to remove subsection (3)(c) which references WAC 388-78A-2703. We are filing this CR-103 correction with updated language to address that comment because leaving the reference to WAC 388-78A-2703 put unintended requirements in place for existing facilities.

Citation of Rules Affected by this Order: New WAC 388-78A-2851.

Statutory Authority for Adoption: Chapters 18.20, 74.39A RCW.

Other Authority: None.

Adopted under notice filed as WSR 19-14-100 on July 2, 2019.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-78A-2851, remove subsection (3)(c) which references WAC 388-78A-2703.

A final cost-benefit analysis is available by contacting Jeanette Childress, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-2591, email Jeanette.Childress@dshs.wa.gov.

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 0, Repealed 0.

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

Number of Sections Adopted on the Agency's own Initiative: New 1, 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 1, Amended 0, Repealed 0.

Date Adopted: January 17, 2020.

Katherine I. Vasquez  
Rules Coordinator

NEW SECTION

**WAC 388-78A-2851 Applicability requirements for physical plant.** (1) The purpose of physical environment requirements is to provide for a safe and effective resident care environment in the buildings or portions of buildings licensed as assisted living facilities and used to provide assisted living services. This section applies to new construction which includes:

- (a) New buildings to be licensed;
- (b) Conversion of an existing building or portion of an existing building;
- (c) Additions;
- (d) Alterations; and
- (e) Excludes buildings used exclusively for administration functions.

(2) Standards for design and construction:

(a) The physical environment requirements of this chapter that are in effect at the time the application and fee is submitted to construction review services, and the project number is assigned by construction review services, apply for the duration of the construction project;

(b) Newly licensed assisted living facilities and new construction in existing assisted living facilities must meet the requirements of all current state and local building and zoning codes and applicable sections of this chapter; and

(c) Where permitted by the state building code, in resident rooms, spaces, and areas, including sleeping, treatment,

diagnosis, and therapeutic uses, the design and installation of an NFPA 72 private operating mode fire alarm shall be permitted.

(3) Existing licensed assisted living facilities must continue to meet the applicable codes in force at the time of construction, the fire code adopted by the Washington state building code council and the following sections:

(a) WAC 388-78A-2700 Emergency and disaster preparedness;

(b) WAC 388-78A-2880 Changing use of rooms;

(c) WAC 388-78A-2950 Water supply;

(d) WAC 388-78A-2960 Sewage and liquid waste disposal; and

(e) WAC 388-78A-2970 Garbage and refuse disposal.

(4) Where applicable, existing facilities may choose to meet either the requirements of chapter 388-78A WAC in effect at the time a project number is assigned by construction review services consistent with subsection (2)(a) of this section or the following standards:

(a) WAC 388-78A-2381 General design requirements for memory care;

(b) WAC 388-78A-2880(3) Freedom of movement;

(c) WAC 388-78A-2990(5) Heating and cooling—Temperature; and

(d) WAC 388-78A-2920 Area for nursing supplies and equipment.

(5) The department may require a facility to meet requirements if building components or systems are deemed by the department to jeopardize the health or safety of residents.

(6) The assisted living facility must ensure that construction is completed in compliance with the final construction review services approved documents. Compliance with these standards and regulations does not relieve the assisted living facility of the need to comply with applicable state and local building and zoning codes.

### WSR 20-03-123

#### PERMANENT RULES

#### DEPARTMENT OF HEALTH

(Podiatric Medical Board)

[Filed January 17, 2020, 9:27 a.m., effective February 17, 2020]

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

Purpose: WAC 246-922-675 (podiatric physicians) Patient notification, secure storage, and disposal. The podiatric medical board (board) adopted amendments to establish patient notification, documentation, counseling requirements, and right to refuse an opioid prescription or order for any reason, when prescribing opioid drugs, as directed by SSB 5380 (chapter 314, Laws of 2019), codified as RCW 18.22.810.

Citation of Rules Affected by this Order: Amending WAC 246-922-675.

Statutory Authority for Adoption: RCW 18.22.005 and 18.22.015.

Other Authority: RCW 18.22.810.

Adopted under notice filed as WSR 19-21-159 on October 22, 2019.

A final cost-benefit analysis is available by contacting Susan Gragg, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4941, fax 360-236-2901, TTY 360-833-6388 or 711, email [podiatric@doh.wa.gov](mailto:podiatric@doh.wa.gov), website [www.doh.wa.gov](http://www.doh.wa.gov).

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 Non-governmental 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: December 5, 2019.

Randy Anderson, DPM  
Chair

**AMENDATORY SECTION** (Amending WSR 18-20-085, filed 10/1/18, effective 11/1/18)

**WAC 246-922-675 Patient notification, secure storage, and disposal.** (1) The podiatric physician shall provide information to the patient educating them of risks associated with the use of opioids, including the risk of dependence and overdose, as appropriate to the medical condition, the type of patient, and the phase of treatment. The podiatric physician shall document such notification in the patient record.

(2) Patient notification must occur, at a minimum, at the following points of treatment:

(a) The first issuance of a prescription for an opioid; and

(b) The transition between phases of treatment, as follows:

(i) Acute nonoperative pain or acute perioperative pain to subacute pain; and

(ii) Subacute pain to chronic pain.

(3) Patient notification must also include information regarding:

(a) Pain management alternatives to opioid medications as stated in WAC 246-922-680;

~~(b)~~ (b) The safe and secure storage of opioid prescriptions;

~~(c)~~ (c) The proper disposal of unused opioid medications including, but not limited to, the availability of recognized drug take-back programs; and

(d) The patient's right to refuse an opioid prescription or order for any reason. In accordance with RCW 18.22.810, if a patient indicates a desire not to receive an opioid, the podiatric physician must document the patient's request and avoid prescribing or ordering opioids, unless the request is revoked by the patient.

(4) ((The patient notification requirements in this section shall be deemed fulfilled by providing board-approved patient education information.)) If a patient is under eighteen years old or is not competent, the discussion required in subsections (1) through (3) of this section must include the patient's parent, guardian, or the person identified in RCW 7.70.065, unless otherwise provided in law.

(5) As required in RCW 69.50.317 of the Uniform Controlled Substances Act, any practitioner who writes the first prescription for an opioid during the course of treatment to any patient must discuss a written copy of the warning language provided by the department under RCW 43.70.765.

(6) This section does not apply to:

(a) Opioid prescriptions issued for the treatment of pain associated with terminal cancer or other terminal diseases, or for palliative, hospice, or other end-of-life care or where the practitioner determines the health, well-being, or care of the patient would be compromised by the requirements of this section and documents such basis for the determination in the patient's health care record; or

(b) Administration of an opioid in an inpatient or outpatient treatment setting.

(7) To fulfill the requirements in this section, a podiatric physician may designate any individual who holds a credential issued by a disciplining authority under RCW 18.130.040 to provide the notification.

**WSR 20-03-130**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 20-09—Filed January 17, 2020, 11:39 a.m., effective February 17, 2020]

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

Purpose: To comply fully with the legislation set forth in 2SHB 1579, as enacted in the 2019 legislative session. Keep current size limits and increase daily limits for largemouth bass, smallmouth bass, channel catfish and walleye in seventy-seven lakes, ponds, and reservoirs where these species occupy the same water as salmon smolts, and to remove all size restrictions and daily limits for these species in all rivers, streams, and beaver ponds.

Implements changes requested by petition to fishing boundaries in the upper Green (Duwamish) River.

Implements changes requested by petition to revert fishing season on the Colville River and to include Meyers Falls reservoir.

To implement gamefish housekeeping rules to clean up confusing language in the rule pamphlet, to create consistency between our regulations and those of our comanagers, or to correct rules that were inadvertently changed during our simplification process.

Citation of Rules Affected by this Order: Amending WAC 220-310-070 Statewide bait rules, 220-310-090 Game fish possession limits and size limits, 220-312-010 Freshwater exceptions to statewide rules—General rules, 220-312-020 Freshwater exceptions to statewide rules—Coast, 220-312-030 Freshwater exceptions to statewide rules—South-

west, 220-312-040 Freshwater exceptions to statewide rules—Puget Sound, and 220-312-050 Freshwater exceptions to statewide rules—Eastside.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047.

Adopted under notice filed as WSR 19-18-074 on September 3, 2019.

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 0, Repealed 0.

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 7, 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 0, Repealed 0.

Date Adopted: December 14, 2019.

Larry M. Carpenter, Chair  
Fish and Wildlife Commission

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-310-070 Statewide bait rules.** (1) It is unlawful to fish for sturgeon except with bait.

(2) It is unlawful to use lamprey as fishing bait, regardless of the source or species of lamprey.

(3) It is acceptable to use bait in saltwater.

(4) It is unlawful to chum, broadcast, feed, or distribute into freshwater any bait or other substance capable of attracting fish unless specifically authorized in exceptions to statewide rules.

(5) When fishing for trout with bait, all trout and kokanee that are lawful to possess and are equal to or greater than the minimum size are counted as part of the daily limit, whether kept or released, and it is unlawful to continue to fish once the daily limit has been achieved, except that steelhead trout may be caught and released until the daily limit is taken.

(6) It is unlawful to possess or use live aquatic animals as bait in fresh water except:

(a) Live aquatic animals (other than fish) collected from the water being fished may be possessed or used as bait.

(b) Live sand shrimp may be possessed or used as bait.

(c) Live forage fish may be possessed or used as bait in the Columbia River downstream of a line projected from Rocky Point on the Washington bank through Red Buoy 44 to the navigation light at Tongue Point on the Oregon bank.

(7) Use of bait in violation of this section is an infraction, punishable under RCW 77.15.160.

(8) It is unlawful to possess fish taken with bait in violation of the provisions of this section. Possession of fish while using bait in violation of the provisions of this section is a rebuttable presumption that the fish were taken with such



bait. Violation of this subsection is punishable under RCW 77.15.380((7)) Unlawful recreational fishing in the second degree—Penalty, unless the fish are taken in the amounts or manner to constitute a violation of RCW 77.15.370((7)) Unlawful recreational fishing in the first degree—Penalty—Criminal wildlife penalty assessment.

AMENDATORY SECTION (Amending WSR 18-06-045, filed 3/1/18, effective 4/1/18)

**WAC 220-310-090 Game fish possession limits and size limits.** It is unlawful to retain or possess game fish taken in excess of the daily, possession, or license year possession limits, or game fish that do not conform to the size limits provided for in this section, unless otherwise provided for in WAC 220-312-010 through 220-312-060.

(1) Daily game fish possession and size limits:

Species	Daily limit	Size limits
Largemouth Bass	No limit for <del>((Columbia River downstream of Chief Joseph Dam including all tributaries and their tributaries flowing into the Columbia River downstream of Chief Joseph Dam))</del> <u>all rivers, streams and beaver ponds.</u>	No size restriction.
Smallmouth Bass	5 from lakes, ponds, reservoirs( <del>(, all other rivers, streams and beaver ponds)).</del> ) No limit for <del>((Columbia River downstream of Chief Joseph Dam including all tributaries and their tributaries flowing into the Columbia River downstream of Chief Joseph Dam))</del> <u>all rivers, streams and beaver ponds.</u>	Release bass 12 to 17 inches in length. Not more than 1 large-mouth bass 17 inches in length or greater may be retained. No size restriction.
Burbot	10 from lakes, ponds, reservoirs( <del>(, all other rivers, streams and beaver ponds)).</del> )	No minimum size. Not more than one smallmouth bass over 14 inches in length or greater may be retained.
Channel catfish	5	No size restriction.
Eastern brook trout	No limit for <del>((Columbia River downstream of Chief Joseph Dam including all tributaries and their tributaries flowing into the Columbia River downstream of Chief Joseph Dam))</del> <u>all rivers, streams and beaver ponds.</u>	No size restriction.
Grass carp	5 from lakes, ponds, reservoirs( <del>(, all other rivers, streams and beaver ponds)).</del> )	No size restriction.
Tiger Musklunge	No daily limit	No size restriction.
Kokanee	Unlawful to retain unless otherwise provided in WAC 220-312-020 and 220-312-040.	Not applicable.
Trout (except Eastern brook trout and Kokanee)	1	Minimum size 50 inches in length.
Hatchery steelhead	10	No size restriction.
	5 from lakes, ponds and reservoirs.	No size restriction.
	2 from rivers, streams, and beaver ponds.	Wild trout 8-inch minimum length. Hatchery trout no minimum length.
	The daily trout limit is 5 trout, regardless of origin.	

Species	Daily limit	Size limits
Walleye	No limit for <del>((Columbia River downstream of Chief Joseph Dam including all tributaries and their tributaries flowing into the Columbia River downstream of Chief Joseph Dam))</del> <u>all rivers, streams and beaver ponds.</u> 8 from lakes, ponds, reservoirs <del>((, all other rivers, streams and beaver ponds))</del> .	No size restriction.  12-inch minimum size. Not more than 1 walleye greater than 22 inches in length may be retained.
Whitefish	15	No size restriction.
All other game fish	No limit.	No size restriction.

(2) Possession limit: The game fish possession limit in the field or in transit is two daily limits in fresh, frozen or processed form.

(3) Wild steelhead, Dolly Varden, and bull trout: Except as provided for in this section and WAC 220-312-010 through 220-312-060, it is unlawful to retain wild steelhead, Dolly Varden, or bull trout.

(4) Saltwater game fish retention: Game fish taken in saltwater may not be retained, except that up to two hatchery steelhead per day may be retained.

**AMENDATORY SECTION** (Amending WSR 18-06-045, filed 3/1/18, effective 4/1/18)

**WAC 220-312-010 Freshwater exceptions to state-wide rules—General rules.** The following provisions and definitions apply to this section through WAC 220-312-060.

(1) It is unlawful to fish for, take, or possess salmon from freshwater streams and lakes that are not specifically listed as open for salmon fishing.

(2) Waters listed as open during a specific date range that do not reference a particular species are open during the date range for game fish only.

(3) All limits are daily limits, unless otherwise provided.

(4) ~~((Within Puget Sound,))~~ Beaver ponds located within or adjoining streams that are listed as open to trout and other game fish follow the same rules as the stream, except as otherwise provided.

(5) It is permissible to retain up to two hatchery steelhead in waters where the season is open for game fish or salmon in WAC 220-312-020 through 220-312-060, unless

explicitly listed as closed to hatchery steelhead in WAC 220-312-020 through 220-312-060.

(6) A "float" or "bobber" means a hookless, floating device that is attached to or slides along the mainline or leader above the hook(s) for the purpose of suspending hook(s) (which are not part of the bait, lure, or fly) off the bottom of the stream or lake and visually signal (from the surface of the water) a fish's strike at the hook(s).

(7) "Lead jig" means a lure consisting of a hook permanently or temporarily attached directly to a lead weight by any method.

(8) "Lead weight" means material constructed of lead and applied to a fishing line or lure and designed to help keep the hook, bait, or lure underwater.

(9) "Unmarked salmon" means salmon without either a clipped ventral fin or a clipped adipose fin as evidenced by a healed scar.

(10) Kokanee/sockeye definition for Lake Washington and the Lake Washington Ship Canal in King County: Kokanee and sockeye less than fifteen inches in length are considered kokanee and kokanee and sockeye fifteen inches and over in length are considered sockeye salmon.

(11)(a) A violation of this section through WAC 220-312-060 is an infraction, punishable under RCW 77.15.160, unless the person has harvested fish. If the person has harvested fish, the violation is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the fish are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree—Penalty.

(b) Freshwater terminal gear restrictions:

(i) Terminal gear restrictions apply to all species, including salmon, unless otherwise provided.

(ii) In all waters with freshwater terminal gear restrictions including, but not limited to, night closures, selective gear rules, whitefish gear rules, single-point barbless hooks required, fly-fishing only, and anti-snagging rules, violation of the gear rules is an infraction, punishable under RCW 77.15.160.

(iii) It is unlawful to possess fish taken with gear in violation of the freshwater terminal gear restrictions. Possession of fish while using gear in violation of the freshwater terminal gear restrictions is a rebuttable presumption that the fish were taken with such gear. Possession of such fish is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the fish are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree—Penalty.

(12) For sturgeon fishing rules, see WAC 220-316-010 Sturgeon—Areas, seasons, limits and unlawful acts.

**AMENDATORY SECTION** (Amending WSR 19-15-050, filed 7/12/19, effective 8/12/19)

**WAC 220-312-020 Freshwater exceptions to state-wide rules—Coast.** (1) **Aberdeen Lake (Grays Harbor County):** Open the fourth Saturday in April through October 31.

**(2) Bear Creek (Clallam County) (Bogachiel River tributary):**

(a) It is unlawful to use anything other than one barbless hook.

(b) It is unlawful to use bait.

(c) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow trout.

**(3) Bear Creek (Clallam County) (Sol Duc River tributary):**

(a) It is unlawful to use anything other than one barbless hook.

(b) It is unlawful to use bait.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(4) Bear River (Pacific County):**

(a) Open the Saturday before Memorial Day through March 31.

(b) From August 16 through November 30: Night closure.

(c) From the mouth (Highway 101 Bridge) to Lime Quarry Road (approximately 2 river miles):

(i) From August 16 through November 30:

(ii) Barbless hooks required.

(iii) Anti-snagging rule.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon:

(A) Open September 1 through January 31.

(B) Daily limit 6 fish; only 2 adults may be retained.

(C) Release wild Chinook.

(d) From the Lime Quarry Road upstream to the Longview Fiber Bridge:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

**(5) Beaver Creek (Clallam County) (Sol Duc River tributary):**

(a) From the mouth upstream to Beaver Falls:

(b) It is unlawful to use anything other than one barbless hook.

(c) It is unlawful to use bait.

(d) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(6) **Beaver Lake (Clallam County):** Selective gear rules.

**(7) Big River (Clallam County), outside of Olympic National Park:**

(a) Open the Saturday before Memorial Day through October 15, and January 1 through the last day of February.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(8) **Big River tributaries (Clallam County), outside of Olympic National Park:** Open the Saturday before Memorial Day through October 15.

(9) **Black River (Grays Harbor/Thurston counties):** From the mouth to the bridge on 128th Ave. S.W.:

(a) Anti-snagging rule.

(b) Night closure.

(c) Barbless hooks required.

(d) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(e) Salmon: Open October 1 through December 31.

(i) Daily limit 6, of which 2 may be adults.

(ii) Release Chinook.

(10) **Bogachiel Hatchery Pond, South (Clallam County):** Open the fourth Saturday in April through October 31.

**(11) Bogachiel River (Clallam County):**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use anything other than one barbless hook.

(c) From the mouth to Highway 101 Bridge:

(i) Open the Saturday before Memorial Day through April 30.

(ii) It is unlawful to use bait the Saturday before Memorial Day through August 31 and February 16 through April 30.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(C) November 1 through last day in February: Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iv) Salmon:

(A) From July 1 through August 31:

(I) Daily limit 6; no more than 2 adults may be retained.

(II) Release wild adult Chinook and wild adult coho.

(B) From September 1 through November 30: Daily limit 3; no more than 1 adult may be retained.

(d) From Highway 101 Bridge to Olympic National Park boundary:

(i) Open the Saturday before Memorial Day through April 30.

(ii) It is unlawful to use bait.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

**(12) Calawah River (Clallam County):**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use anything other than one barbless hook.

(c) From the mouth to the Highway 101 Bridge:

(i) Open the Saturday before Memorial Day through April 30.

(ii) It is unlawful to use bait the Saturday before Memorial Day through August 31 and February 16 through April 30.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(C) From November 1 through the last day in February:  
Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iv) Salmon:

(A) Open July 1 through August 31:

(I) Daily limit 6; only 2 adults may be retained.

(II) Release wild adult Chinook and wild adult coho.

(B) Open September 1 through November 30: Daily limit 3; only 1 adult may be retained.

(d) From the Highway 101 Bridge to the forks:

(i) Open the Saturday before Memorial Day through April 30.

(ii) It is unlawful to use bait.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(13) **Calawah River, North Fork (Clallam County):**

(a) It is unlawful to use anything other than one barbless hook.

(b) It is unlawful to use bait.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

(14) **Calawah River, South Fork (Clallam County):**

(a) From the mouth to the Olympic National Park boundary:

(b) Open the Saturday before Memorial Day through the last day in February.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) It is unlawful to use anything other than one barbless hook.

(e) It is unlawful to use bait.

(f) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

(15) **Canyon River (Grays River County):** Closed waters.

(16) **Cases Pond (Pacific County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(17) **Cedar Creek (Jefferson County), outside Olympic National Park:**

(a) Open the Saturday before Memorial Day through the last day in February.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(18) **Chehalis River (Grays Harbor County), including all channels, sloughs, and interconnected waterways:**

(a) From the mouth (Highway 101 Bridge in Aberdeen) to Highway 107 Bridge including all channels, sloughs, and interconnected waterways:

(i) From August 1 through November 30: Single-point barbless hooks are required.

(ii) Anglers may fish with two poles, provided they possess a valid two-pole endorsement.

(iii) Open the Saturday before Memorial Day through April 15:

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon:

(A) From August 1 through September 15:

(I) Daily limit 6.

(II) Release adult salmon.

(B) From September 16 through December 31:

(I) Daily limit 6; only 2 adult may be retained.

(II) Release Chinook.

(b) From the Highway 107 Bridge upstream to the South Elma Bridge (Wakefield Road).

(i) From August 1 through November 30: Single-point barbless hooks are required.

(ii) Anglers may fish with two poles from the mouth to the South Elma Bridge (Wakefield Road), provided they possess a valid two-pole endorsement.

(iii) Open the Saturday before Memorial Day through April 15.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon:

(A) From August 1 through September 15:

(I) Daily limit 6.

(II) Release adult salmon.

(B) From September 16 through December 31:

(I) Daily limit 6; only 2 adults may be retained.

(II) Release Chinook.

(c) From South Elma Bridge (Wakefield Road) to the confluence with Black River:

(i) All species: Single-point barbless hooks are required August 1 through November 30.

(ii) Open the Saturday before Memorial Day through April 15.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: From September 16 through December 31:

(A) Daily limit 6; only 2 adults may be retained.

(B) Release Chinook.

(d) From the confluence of Black River to the Highway 6 Bridge near the town of Adna:

(i) All species August 16 through November 30: Single-point barbless hooks are required.

(ii) Open the Saturday before Memorial Day through April 15.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: From October 1 through December 31:

(A) Daily limit 6; only 2 adults may be retained.

(B) Release Chinook.

(e) From Highway 6 Bridge near the town of Adna to the high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek (south of Pe Ell):

(i) All species August 16 through November 30: Single-point barbless hooks are required.

(ii) Open the Saturday before Memorial Day through April 15.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon:

(A) From October 1 through December 31:

(B) Daily limit 6; only 2 adults may be retained.

(C) Release Chinook.

(f) From high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek, south of Pe Ell, including all forks) upstream:

(i) Open the Saturday before Memorial Day through April 15.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(19) Chehalis River, South Fork (Lewis County):** From the mouth to County Highway Bridge near Boistfort School:

(a) Open the Saturday before Memorial Day through April 15.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

**(20) Chimacum Creek (Jefferson County):**

(a) From the mouth to Ness's Corner Road:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(b) From Ness's Corner Road upstream:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(21) Clallam River (Clallam County):**

(a) Open the Saturday before Memorial Day through October 31:

(i) Selective gear rules.

(ii) Release all fish.

(b) Open from November 1 through January 31:

(i) Game fish: Statewide minimum length/daily limit, except:

(ii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

**(22) Clearwater River (Jefferson County):**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use anything other than one barbless hook.

(c) From the mouth to Snahapish River:

(i) Open the Saturday before Memorial Day through September 30 and December 1 through April 15.

(ii) Bait is allowed September 1 through February 15.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(iv) Salmon: Open September 1 through November 30: Daily limit 3; only 1 adult may be retained.

(d) From the Snahapish River upstream:

(i) Open the Saturday before Memorial Day through September 30.

(ii) It is unlawful to use bait.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

**(23) Cloquallum Creek (Grays Harbor County):**

From the mouth to the outlet at Stump Lake:

(a) Open the Saturday before Memorial Day through the last day in February.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

**(24) Copalis River (Grays Harbor County):**

(a) From the mouth to Carlisle Bridge:

(i) From the Saturday before Memorial Day through last day in February.

(ii) It is permissible to retain hatchery steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: From September 1 through December 31.

(A) Daily limit 6; 2 adult salmon may be retained.

(B) Release Chinook.

(b) From Carlisle Bridge upstream:

(i) Open the Saturday before Memorial Day through the last day in February.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

**(25) Crim Creek (Lewis County) (Chehalis River tributary):** Closed waters.

**(26) Damon Lake (Grays Harbor County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

**(27) Deep Creek (Clallam County) (tributary to the straits):**

(a) Open December 1 through January 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((27))~~ (28) **Dickey Lake (Clallam County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(29) **Dickey River (Clallam County):**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use anything other than one barbless hook.

(c) From Olympic National Park boundary upstream to the confluence of the East and West forks:

(i) Open the Saturday before Memorial Day through April 30.

(ii) It is unlawful to use bait the Saturday before Memorial Day through August 31 and February 16 through April 30.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(iv) Salmon: Open July 1 through November 30:

(A) July 1 through August 31:

(I) Daily limit 6; only 2 adults may be retained.

(II) Release wild adult Chinook and wild adult coho.

(B) September 1 through November 30: Daily limit 3; only 1 adult may be retained.

(d) From the confluence of the East and West forks upstream (for both forks):

(i) Open the Saturday before Memorial Day through April 30.

(ii) It is unlawful to use bait.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

~~((28))~~ (30) **Duck Lake (Grays Harbor County):**

(a) Game fish: Statewide minimum length/daily limit, except: Crappie: No limit and no minimum length.

(b) Grass carp: No limit for anglers and bow and arrow fishing.

~~((29))~~ (31) **Dungeness River (Clallam County):** From the mouth to the forks at Dungeness Forks Campground:

(a) Open October 16 through January 31.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(c) Salmon:

(i) Open October 16 through November 30.

(ii) Daily limit 4 coho only.

(iii) Release wild coho.

~~((30))~~ (32) **East Twin River (Clallam County):**

(a) Selective gear rules.

(b) Release all fish.

~~((31))~~ (33) **Elk Creek (Lewis County) (Chehalis River tributary):** Open the Saturday before Memorial Day through September 30 and January 1 through March 31.

~~((32))~~ (34) **Elk Lake (Clallam County):**

(a) Open the Saturday before Memorial Day through October 15.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Release kokanee.

~~((33))~~ (35) **Elk River (Grays Harbor County):**

(a) From the mouth (Highway 105 Bridge) to the confluence of the middle branch:

(i) Open the Saturday before Memorial Day through the last day in February.

(ii) From August 16 through November 30: Single-point barbless hooks are required.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open October 1 through December 31.

(A) Daily limit 6, of which 2 may be adults.

(B) Release Chinook.

(b) From confluence of the middle branch upstream:

(i) Open the Saturday before Memorial Day through the last day in February.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((34))~~ (36) **Elwha River and all tributaries (Clallam County):** Closed waters.

~~((35))~~ (37) **Failor Lake (Grays Harbor County):** Open the fourth Saturday in April through September 15.

~~((36))~~ (38) **Fork Creek (Pacific County) (Willapa River tributary):**

(a) From Forks Creek Hatchery rack upstream 500 feet at fishing boundary sign:

(i) Open only for anglers with lower extremity disabilities who must permanently use a medically prescribed assistive device every time for mobility as defined in WAC 220-413-150 and possess a designated harvester companion card.

(ii) Night closure.

(iii) From October 1 through November 30:

(A) Single-point barbless hooks required.

(B) Stationary gear restriction.

(iv) Open the Saturday before Memorial Day through July 15 and October 1 through March 31.

(v) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(vi) Salmon open: From October 1 through January 31:

(A) Daily limit 6; only 2 adults may be retained.

(B) Release wild Chinook.

(b) From the fishing boundary sign 500 feet above Forks Creek Hatchery rack upstream to the source:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((37))~~ (39) **Goodman Creek (Jefferson County), outside Olympic National Park:**

(a) Open the Saturday before Memorial Day through the last day in February.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((38))~~ (40) **Gray Wolf River (Clallam County):**

(a) From the confluence with the Dungeness to the bridge at river mile 1.0: Closed waters.

(b) From the bridge at river mile 1.0, upstream:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((39))~~ (41) **Hoh River (Jefferson County):**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use anything other than one barbless hook.

(c) From the Olympic National Park boundary upstream to the DNR Oxbow Campground Boat Launch:

(i) It is unlawful to use bait from June 1 through September 15 and February 16 through April 15.

(ii) Open June 1 through August 31 and September 16 through April 15:

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(C) From November 1 through February 15: Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iv) Salmon:

(A) Open June 1 through June 30: Daily limit 1 hatchery Chinook.

(B) Open September 16 through November 30: Daily limit 6; only 2 adults may be retained of which only 1 may be a Chinook.

(d) From the DNR Oxbow Campground Boat Launch to Morgans Crossing Boat Launch:

(i) Open June 1 through April 15.

(ii) It is unlawful to use bait the Saturday before Memorial Day through October 15 and December 1 through April 15.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(iv) Salmon: Open October 16 through November 30: Daily limit 6; only 2 adults may be retained, of which only 1 may be a Chinook.

(e) From Morgan's Crossing Boat Launch upstream to the Olympic National Park boundary below mouth of South Fork Hoh River:

(i) Open June 1 through April 15.

(ii) It is unlawful to use bait.

(iii) It is unlawful to fish from a floating device.

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

~~((40))~~ (42) **Hoh River, South Fork (Jefferson County), outside the Olympic National Park boundary:**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) Open July 1 through August 31 and September 16 through April 15.

(c) It is unlawful to use anything other than one barbless hook.

(d) It is unlawful to use bait.

(e) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

~~((41))~~ (43) **Hoko River (Clallam County):**

(a) From the mouth to the upper Hoko Bridge:

(i) From the hatchery ladder downstream 100 feet: Closed waters.

(ii) Open the Saturday before Memorial Day through March 15.

(iii) From September 1 through October 31: Open to fly fishing only.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From the upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5):

(i) Open the Saturday before Memorial Day through March 31 to fly fishing only.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((42))~~ (44) **Hoquiam River, including West Fork (Grays Harbor County):**

(a) From the mouth (Highway 101 Bridge on Simpson) to Dekay Road Bridge (West Fork):

(i) August 16 through November 30: Single-point barbless hooks required.

(ii) Open the Saturday before Memorial Day through the last day of February:

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open October 1 through December 31.

(A) Daily limit 6, of which 2 may be adults.

(B) Release Chinook.

(b) From Dekay Road Bridge upstream:

(i) Open the Saturday before Memorial Day through the last day of February.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((43))~~ (45) **Hoquiam River, East Fork (Grays Harbor County):**

(a) From the mouth to the confluence of Berryman Creek:

(i) August 16 through November 30: Single-point barbless hooks are required.

(ii) Open the Saturday before Memorial Day through the last day of February.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open October 1 through December 31.

(A) Daily limit 6, of which 2 may be adults.

(B) Release Chinook.

(b) From the confluence of Berryman Creek upstream:

(i) Open the Saturday before Memorial Day through the last day of February.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) Selective gear rules.

~~((44))~~ (46) **Humptulips River (Grays Harbor County):**

(a) From the mouth (Jessie Slough) to the Highway 101 Bridge, including all channels, sloughs, and interconnected waterways:

(i) From August 16 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(ii) Open the Saturday before Memorial Day through March 31.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon:

(A) From September 1 through September 30:

(I) Daily limit 6; only 2 adults may be retained.

(II) Release wild Chinook and wild coho.

(B) From October 1 through November 30:

(I) Daily limit 6; only 1 adult may be retained.

(II) Release wild Chinook and wild coho.

(C) From December 1 through December 31:

(I) Daily limit 6; only 1 adult may be retained.

(II) Release Chinook and wild coho.

(b) From the Highway 101 Bridge to the confluence of the East and West forks:

(i) From December 1 through March 31: It is unlawful to fish from a floating device equipped with an internal combustion motor.

(ii) From August 16 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(iii) From March 1 through March 31: Selective gear rule.

(iv) Game fish:

(A) Open the Saturday before Memorial Day through the last day in February: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(B) Open March 1 through March 31: Release all fish, except: Anglers may retain up to 2 hatchery steelhead.

(v) Salmon:

(A) From September 1 through September 30:

(I) Daily limit 6; only 2 adults may be retained.

(II) Release wild Chinook and wild coho.

(B) From October 1 through November 30:

(I) Daily limit 6; only 1 adult may be retained.

(II) Release wild Chinook and wild coho.

(C) From December 1 through December 31:

(I) Daily limit 6; only 1 adult may be retained.

(II) Release Chinook and wild coho.

~~((45))~~ (47) **Humptulips River, East Fork (Grays Harbor County):** From August 16 through October 31:

(a) Anti-snagging rule.

(b) Night closure.

~~((46))~~ (48) **Humptulips River, West Fork (Grays Harbor County):** From the mouth to Donkey Creek:

(a) From August 16 through November 30:

(i) Anti-snagging rule.

(ii) Night closure.

(b) From March 1 through March 31: Selective gear rule.

(c) Game fish:

(i) Open the Saturday before Memorial Day through the last day in February: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(ii) Open March 1 through March 31: Release all fish, except: Anglers may retain up to 2 hatchery steelhead.

~~((47))~~ (49) **Joe Creek (Grays Harbor County):** From the mouth to Ocean Beach Road Bridge:

(a) August 16 through November 30: Single-point barbless hooks are required.

(b) Open the Saturday before Memorial Day through December 31.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) Salmon: Open September 1 through December 31:

(i) Daily limit 6; 2 adult salmon may be retained.

(ii) Release Chinook.

~~((48))~~ (50) **Johns River (Grays Harbor County):** From the mouth (Highway 105 Bridge) to Ballon Creek:

(a) August 16 through November 30: Single-point barbless hooks are required.

(b) Open the Saturday before Memorial Day through the last day in February.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) Salmon: Open October 1 through December 31.

(i) Daily limit 6, of which 2 may be adults.

(ii) Release Chinook.

~~((49))~~ (51) **Kalaloch Creek (Jefferson County), outside Olympic National Park:**

(a) Open the Saturday before Memorial Day through the last day in February:

(b) Selective gear rules.

(c) Game fish: State wide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((50))~~ (52) **Lena Lake, Lower (Jefferson County):** The inlet stream from the mouth upstream to the footbridge (about 100 feet): Closed waters.

~~((51))~~ (53) **Lincoln Pond (Clallam County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((52))~~ (54) **Little Hoko River (Clallam County):**

(a) Selective gear rules.



(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((53))~~ **(55) Loomis Lake (Pacific County):** Open the fourth Saturday in April through October 31.

~~((54))~~ **(56) Lyre River (Clallam County):**

(a) From the mouth to falls near river mile 3:

(i) Open the Saturday before Memorial Day through January 31.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From the falls to the Olympic National Park boundary:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((55))~~ **(57) Matheny Creek (Jefferson County) (Queets River tributary), outside the Olympic National Park:**

(a) Open the Saturday before Memorial Day through September 30.

(b) It is unlawful to use bait.

(c) It is unlawful to use anything other than one barbless hook.

(d) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

~~((56))~~ **(58) McDonald Creek (Clallam County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((57))~~ **(59) Moclips River (Grays Harbor County):**

(a) From the mouth to the Quinault Indian Reservation boundary.

(b) Open the Saturday before Memorial Day through the last day in February.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) It is permissible to retain steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.

(e) Salmon: Open September 1 through December 31.

(i) Daily limit 6, of which 2 may be an adult salmon.

(ii) Release Chinook.

~~((58))~~ **(60) Morse Creek (Clallam County):** From the mouth to Port Angeles Dam:

(a) Open from December 1 through January 31.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((59))~~ **(61) Mosquito Creek (Jefferson County):** From outside Olympic National Park upstream to the Goodman 3000 Mainline Bridge:

(a) Open the Saturday before Memorial Day through the last day in February.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((60))~~ **(62) Naselle River (Pacific/Wahkiakum counties):**

(a) From the Highway 101 Bridge to the South Fork:

(i) From August 1 through November 15:

(A) Night closure.

(B) Anti-snagging rule.

(C) Barbless hooks are required.

(ii) Anglers may fish with two poles August 1 through January 31, provided they possess a valid two-pole endorsement.

(iii) Open the Saturday before Memorial Day through April 15.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon: Open August 1 through January 31:

(A) Daily limit 6; only 2 adults may be retained.

(B) Release wild Chinook.

(b) From the confluence of the South Fork upstream to the Highway 4 Bridge:

(i) From February 1 through April 15: Selective gear rules.

(ii) From August 1 through November 15:

(A) Night closure.

(B) Anti-snagging rule.

(C) Barbless hooks are required.

(D) Stationary gear restriction.

(ii) Open the Saturday before Memorial Day through April 15.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon: Open August 1 through January 31.

(A) Daily limit 6; only 2 adults may be retained.

(B) Release wild Chinook.

(c) From the Highway 4 Bridge to 300 feet below the upstream entrance of the Naselle Hatchery attraction channel:

(i) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(ii) From February 1 through April 15: Selective gear rules.

(iii) From August 16 through October 15: Bait or lure must be suspended below a float.

(iv) From August 16 through November 15:

(A) Night closure.

(B) Anti-snagging rule.

(C) Barbless hooks are required.

(D) Stationary gear restrictions.

(v) Open the Saturday before Memorial Day through July 31 and August 16 through April 15.

(vi) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(vii) Salmon: Open August 16 through January 31.

(A) Daily limit 6; only 2 adults may be retained.

(B) Release wild Chinook.

(d) From 300 feet below the upstream entrance of the Naselle Hatchery attraction channel to the upstream entrance of the Naselle Hatchery attraction channel: Closed waters.

(e) From the upstream entrance of the Naselle Hatchery attraction channel to the full spanning concrete diversion structure at the Naselle Hatchery:

(i) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(ii) August 1 through October 15: Closed waters.

(iii) From October 16 through November 15:

(A) Night closure.

(B) Anti-snagging rule.

(C) Barbless hooks are required.

(D) Stationary gear rules.

(iv) From February 1 through April 15: Selective gear rules.

(v) Open the Saturday before Memorial Day through April 15.

(vi) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(vii) Salmon: Open October 16 through January 31.

(A) Daily limit 6; only 2 adults may be retained.

(B) Release wild Chinook.

(f) From the full spanning concrete diversion structure at the Naselle Hatchery to 400 feet downstream of the falls in Sec. 6 T10N R8W:

(i) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(ii) From August 1 through November 15:

(A) Night closure.

(B) Anti-snagging rule.

(C) Barbless hooks are required.

(D) Stationary gear rules.

(iii) Open the Saturday before Memorial Day through April 15.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon: Open October 16 through January 31.

(A) Daily limit 6; only 2 adults may be retained.

(B) Release wild Chinook.

(g) From 400 feet downstream of the falls in Sec. 6, T10N, R8W to the falls in (Wahkiakum County): Closed waters.

(h) From the falls in Sec. 6, T10N, R8W to the Crown Mainline (Salme) Bridge:

(i) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(ii) From August 1 through November 15:

(A) Night closure.

(B) Anti-snagging rule.

(C) Barbless hooks are required.

(D) Stationary gear rules.

(iii) Open the Saturday before Memorial Day through April 15.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon: Open October 16 through January 31.

(A) Daily limit 6; only 2 adults may be retained.

(B) Release wild Chinook.

(i) From the Crown Mainline (Salme) Bridge to the mouth of the North Fork:

(i) From February 1 through April 15; selective gear rules.

(ii) Open the Saturday before Memorial Day through April 15.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) From August 16 through November 30:

(A) Night closure.

(B) Anti-snagging rule.

(j) Upstream from the mouth of the North Fork.

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((61))~~ **(63) Naselle River, South (Pacific County):**

(a) From the mouth to Bean Creek: Open the Saturday before Memorial Day through the last day in February.

(b) From the Saturday before Memorial Day through August 15: Selective gear rules.

(c) From August 16 through November 30: Anti-snagging rule and night closure.

(d) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((62))~~ **(64) Nemah River, Middle (Pacific County):**

(a) From the mouth upstream to the department of natural resources decommissioned bridge on the Middle Nemah A-Line Road:

(i) Open the Saturday before Memorial Day through March 31.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) From August 1 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(iv) Salmon:

(A) Open September 1 through January 31.

(B) Daily limit 6; no more than 2 adults may be retained.

(C) Release wild Chinook.

(b) From the department of natural resources decommissioned bridge on the Middle Nemah A-Line Road upstream:

(i) Open the Saturday before Memorial Day through March 31:

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) From August 16 through November 30: Night closure.

~~((63))~~ **(65) Nemah River, North (Pacific County):**

(a) From Highway 101 Bridge upstream to the bridge on Nemah Valley Road:

(i) Open the Saturday before Memorial Day through March 31.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) From August 1 through November 30:

(A) Night closure.

(B) Stationary gear restriction.

(C) Single-point barbless hooks are required.

(iv) Salmon: Open August 1 through January 31.

(A) Daily limit 6; only 2 adults may be retained.

(B) Release wild Chinook.

(b) From the bridge on Nemah Valley Road upstream to approximately 1.66 miles to the Hancock property line:

(i) Open the Saturday before Memorial Day through July 31 and November 16 through March 31.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) From August 16 through November 30:

(A) Anti-snagging rule.

(B) Night closure.

(iv) From December 1 through March 31: Selective gear rules.

(c) From the Hancock property line upstream to the temporary weir (approximately 210 feet above the Nemah Hatchery Bridge):

(i) Open only for salmon for anglers that possess a senior's license from August 1 through September 15:

(A) Salmon: Daily limit 6; only 2 adults may be retained.

(B) Release wild Chinook.

(ii) Open the Saturday before Memorial Day through July 31 and November 16 through March 31.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) From August 16 through November 30:

(A) Anti-snagging rule.

(B) Night closure.

(v) From December 1 through March 31: Selective gear rules.

(d) From the temporary weir (approximately 210 feet above the Nemah Hatchery Bridge) upstream to the Nemah Hatchery Dam: Closed waters.

(e) From the Nemah Hatchery Dam upstream to N-700 Road (46° 28.58N, 123° 48.54W):

(i) Open the Saturday before Memorial Day through March 31.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) From August 16 through November 30:

(A) Night closure.

(B) Anti-snagging rule.

(iv) From December 1 through March 31: Selective gear rules.

(v) Salmon: Open October 1 through January 31:

(A) Daily limit 6; only 2 adults may be retained.

(B) Release wild Chinook.

(f) From the N-700 Road (46° 28.58N, 123° 48.54W) to Cruiser Creek:

(i) Open the Saturday before Memorial Day through March 31.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) From August 16 through November 30:

(A) Night closure.

(B) Anti-snagging rule.

(iv) From December 1 through March 31: Selective gear rules.

~~((64))~~ **(66) Nemah River, South (Pacific County):**

(a) From September 1 through November 30:

(i) Night closure.

(ii) Single-point barbless hooks are required.

(b) Open the Saturday before Memorial Day through March 31:

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) Salmon: Open September 1 through January 31.

(i) Daily limit 6; only 2 adults may be retained.

(ii) Release wild Chinook.

~~((65))~~ **(67) Newaukum River, including South Fork (Lewis County):**

(a) From the mouth to Leonard Road near Onalaska:

(i) Open the Saturday before Memorial Day through March 31:

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) From August 16 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(iv) Salmon: Open October 16 through December 31:

(A) Daily limit 6; only 2 adults may be retained.

(B) Release Chinook.

(b) From Leonard Road near Onalaska to Highway 508 Bridge near Kearny Creek:

(i) Open the Saturday before Memorial Day through March 31:

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) From August 16 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

~~((66))~~ **(68) Newaukum River, Middle Fork (Lewis County), from the mouth to Tauscher Road Bridge:**

(a) Open the Saturday before Memorial Day through March 31.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((67))~~ **(69) Newaukum River, North Fork (Lewis County), from the mouth to 400 feet below the Chehalis city water intake:**

(a) Open the Saturday before Memorial Day through March 31.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((68))~~ **(70) Niawiakum River (Pacific County):** From Highway 101 Bridge to the South Bend/Palix Road Bridge:

- (a) From August 16 through November 30:
  - (i) Night closure.
  - (ii) Single-point barbless hooks are required.
- (b) Open the Saturday before Memorial Day through November 30.

~~((69))~~ **(71) North River (Grays Harbor/Pacific counties):**

- (a) From the Highway 105 Bridge to Fall River:
  - (i) From August 16 through November 30:
    - (A) Night closure.
    - (B) Single-point barbless hooks are required.
    - (C) Anti-snagging rule.
  - (ii) Open the Saturday before Memorial Day through the last day in February.
  - (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open October 1 through January 31.

(A) Daily limit 6; only 2 adults may be retained.

(B) Release wild Chinook.

(b) From Fall River upstream to Raimie Creek:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((70))~~ **(72) Ozette Lake tributaries and their tributaries except Big River (Clallam County):** Outside of Olympic National Park. Open the Saturday before Memorial Day through October 15.

~~((71))~~ **(73) Palix River, including all forks (Pacific County):**

(a) From the Highway 101 Bridge to the mouth of the Middle Fork:

(i) From August 16 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(ii) Open the Saturday before Memorial Day through March 31.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From the confluence with the Middle Fork upstream and all forks, including South Fork Palix and Canon rivers:

(i) From August 16 through October 15:

(A) Anti-snagging rule.

(B) Night closure.

(ii) From the Saturday before Memorial Day through August 15, and from December 16 through March 31: Selective gear rules.

(iii) Open the Saturday before Memorial Day through October 15, and from December 16 through March 31.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((72))~~ **(74) Peabody Creek (Clallam County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((73))~~ **(75) Pleasant Lake (Clallam County):** ~~((+))~~ Game fish: Statewide minimum length/daily limit, except:

~~((+))~~ **(a) Kokanee:** Daily limit 5; minimum length 8 inches, maximum length 18 inches.

**(b) Largemouth bass:** Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

**(c) Smallmouth bass:** Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

**(d) Channel catfish:** Daily limit 10; no size restriction.

**(e) Walleye:** Daily limit 16; only 1 walleye over 22 inches may be retained.

~~((74))~~ **(76) Pysht River (Clallam County):**

(a) Open the Saturday before Memorial Day through January 31.

(b) Selective gear rules.

(c) From the Saturday before Memorial Day through October 31.

(i) Game fish: Statewide minimum length/daily limit, except:

(ii) Release cutthroat trout and wild rainbow trout.

(d) From November 1 through January 31:

(i) Game fish: Statewide minimum length/daily limit, except:

(ii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((75))~~ **(77) Quigg Lake (Grays Harbor County):**

(a) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) Salmon:

(i) Open October 1 through January 31.

(ii) Daily limit 6 hatchery coho salmon; only 4 may be adult hatchery coho.

~~((76))~~ **(78) Quillayute River (Clallam County), outside of Olympic National Park:**

(a) Open year-round, except closed Mondays and Tuesdays in September and October 1. Closed Mondays in October and October 29.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) It is unlawful to use anything other than one barbless hook.

(i) Game fish: Statewide minimum length/daily limit, except:

(A) Release wild rainbow trout.

(B) Cutthroat trout: Minimum length 14 inches.

(ii) From November 1 through the last day in February: Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

(i) From February 1 through August 31:

(A) Daily limit 6; only 2 adults may be retained.

(B) Release sockeye, wild adult Chinook and wild adult coho.

(ii) From September 1 through September 15:

(A) Daily limit 6; only 3 adults may be retained, of which only 1 may be a wild Chinook.

(B) Release sockeye and wild adult coho.

(iii) From September 16 through November 30:

(A) Daily limit 6; only 3 adults may be retained, of which only 1 may be a wild salmon.

(B) Release sockeye.

~~((77))~~ **(79) Quinault River (Grays Harbor County):**

From the mouth at the upper end of Quinault Lake upstream to the Olympic National Park boundary:

(a) Open the Saturday before Memorial Day through April 15.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) It is unlawful to use anything other than one barbless hook.

(d) It is unlawful to use bait the Saturday before Memorial Day through September 30 and February 16 through April 15.

(e) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

(f) It is permissible to retain steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.

(g) Salmon:

(i) Open July 1 through September 30: Daily limit 6 jack salmon only.

(ii) Open October 1 through November 30:

(A) Daily limit 6; only 2 adults may be retained.

(B) Release sockeye and chum.

~~((78))~~ **(80) Rocky Brook (Jefferson County)**

**(Dosewallips River tributary):** From the mouth upstream: Closed waters.

~~((79))~~ **(81) Salmon Creek (Pacific County) (tributary of Naselle River):**

(a) Open the Saturday before Memorial Day through the last day in February.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((80))~~ **(82) Salmon River (Jefferson County), outside Olympic National Park and the Quinault Indian Reservation:**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use anything other than one barbless hook.

(c) It is unlawful to use bait the Saturday before Memorial Day through August 31.

(d) Open the Saturday before Memorial Day through September 30 and December 1 through the last day in February.

(e) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

(ii) From Saturday before Memorial Day through September 30: It is permissible to retain steelhead with a dorsal fin height of less than 2 1/8 inches or with an adipose or ventral fin clip.

(iv) From December 1 through the last day in February: Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(f) Salmon: Open September 1 through November 30:

(i) Daily limit 6; only 2 may be adults and only 1 of the adults may be a Chinook.

(ii) Release wild coho.

~~((81))~~ **(83) Salt Creek (Clallam County):** From the mouth to the bridge on Highway 112:

(a) Selective gear rules.

(b) From the Saturday before Memorial Day through January 31:

(i) Game fish: Statewide minimum length/daily limit, except:

(ii) Release cutthroat trout and wild rainbow trout.

~~((82))~~ **(84) Satsop River and East Fork (Grays Harbor County):**

(a) From the mouth to the bridge at Schafer State Park:

(i) From August 16 through November 30:

(A) Night closure.

(B) Single-point barbless hooks are required.

(ii) Open the Saturday before Memorial Day through March 31:

(A) Game fish: Statewide minimum length/daily limit, except:

(B) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) Salmon: Open October 1 through December 31:

(A) Daily limit 6; only 2 adults may be retained.

(B) Release Chinook.

(b) From the bridge at Schafer State Park upstream to 400 feet below Bingham Creek Hatchery barrier dam:

(i) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(ii) From August 16 through October 31:

(A) Night closure.

(B) Single-point barbless hooks are required.

(c) From 400 feet downstream of the Bingham Creek Hatchery barrier dam upstream to the dam:

(i) Open within posted markers to anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card.

(ii) Night closure.

(iii) From August 16 through November 30: Single-point barbless hooks are required.

(iv) Open the Saturday before Memorial Day through March 31:

(A) Game fish: Statewide minimum length/daily limit, except:

(B) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Salmon: Open October 1 through December 31:

(A) Daily limit 6; only 2 adults may be retained.

(B) Release Chinook.

~~((83))~~ **(85) Satsop River, Middle Fork (Turnow Branch) (Grays Harbor County):**

- (a) From August 16 through November 30:
- (i) Anti-snagging rule.
  - (ii) Night closure.
- (b) Open the Saturday before Memorial Day through the last day in February:
- (i) Game fish: Statewide minimum length/daily limit, except:
  - (ii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((84))~~ **(86) Satsop River, West Fork (Grays Harbor County):**

- (a) From August 16 through November 30:
- (i) Anti-snagging rule.
  - (ii) Night closure.
- (b) Open the Saturday before Memorial Day through the last day in February:
- (i) Game fish: Statewide minimum length/daily limit, except:
  - (ii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((85))~~ **(87) Sekiu River (Clallam County):** From mouth to forks:

- (a) Open the Saturday before Memorial Day through January 31.
- (b) Selective gear rules.
  - (c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((86))~~ **(88) Siebert Creek (Clallam County):**

- (a) Selective gear rules.
- (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((87))~~ **(89) Sitkum River (Clallam County) (Calawah River tributary):**

- (a) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (b) It is unlawful to use anything other than one barbless hook.
- (c) It is unlawful to use bait.
- (d) Game fish: Statewide minimum length/daily limit, except:

- (i) Release wild rainbow trout.
- (ii) Cutthroat trout: Minimum length 14 inches.

~~((88))~~ **(90) Skookumchuck River (Thurston County):** From the mouth to 100 feet below the outlet of the TransAlta/WDFW steelhead rearing pond located at the base of the Skookumchuck Dam:

- (a) From August 16 through November 30:
- (i) Night closure.
  - (ii) Single-point barbless hooks are required.
- (b) Open the Saturday before Memorial Day through April 30:
- (i) Game fish: Statewide minimum length/daily limit, except:
  - (ii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
  - (c) Salmon: Open October 16 through December 31:
  - (i) Daily limit 6; only 2 adults may be retained.

- (ii) Release Chinook.

~~((89))~~ **(91) Smith Creek (near North River) (Pacific County):**

- (a) From the mouth to the Highway 101 Bridge:
- (i) From August 16 through November 30:
  - (A) Night closure.
  - (B) Single-point barbless hooks are required.
- (ii) Open the Saturday before Memorial Day through the last day in February:
- (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

- (iv) Salmon: Open October 1 through December 31:

- (A) Daily limit 6; only 2 adults may be retained.

- (B) Release wild Chinook.

- (b) From the Highway 101 Bridge upstream:

- (i) Selective gear rules.

- (ii) Open the Saturday before Memorial Day through the last day in February.

- (iii) Game fish: Statewide minimum length/daily limit, except:

- (iv) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((90))~~ **(92) Snahapish River (Jefferson County) (Clearwater River tributary):**

- (a) Open the Saturday before Memorial Day through September 30.

- (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

- (c) It is unlawful to use anything other than one barbless hook.

- (d) It is unlawful to use bait.

- (e) Game fish: Statewide minimum length/daily limit, except:

- (i) Release wild rainbow trout.

- (ii) Cutthroat trout: Minimum length 14 inches.

~~((91))~~ **(93) Snow Creek and all tributaries (Jefferson County):** Closed waters.~~((92))~~ **(94) Sol Duc River (Clallam County):**

- (a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

- (b) It is unlawful to use anything other than one barbless hook.

- (c) From the mouth to the concrete pump station at the Sol Duc Hatchery:

- (i) It is unlawful to use bait July 16 through August 31 and February 16 through April 30.

- (ii) Game fish: Open year-round: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

- (iii) Salmon:

- (A) From February 1 through August 31:

- (I) Daily limit 6; only 2 adults may be retained.

- (II) Release sockeye, wild adult Chinook and wild adult coho.

- (B) From September 1 through September 15:

- (I) Daily limit 6; only 3 adults may be retained, of which only 1 may be a wild Chinook.

- (II) Release sockeye and wild adult coho.

- (C) From September 15 through November 30:

(I) Daily limit 6; only 3 adults may be retained, of which only 1 may be wild salmon.

(II) Release sockeye.

(d) From the concrete pump station at Sol Duc Hatchery to the Highway 101 Bridge upstream of Klahowya Campground:

(i) Open the Saturday before Memorial Day through April 30.

(ii) It is unlawful to use bait.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(e) From the Highway 101 Bridge upstream of Klahowya Campground to the Olympic National Park boundary:

(i) It is unlawful to use bait.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((93))~~ **(95) Sol Duc River tributaries unless otherwise listed (Clallam County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((94))~~ **(96) Solleks River (Jefferson County) (Clearwater River tributary):**

(a) Open the Saturday before Memorial Day through September 30.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) It is unlawful to use anything other than one barbless hook.

(d) It is unlawful to use bait.

(e) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

~~((95))~~ **(97) Sooes River (Tsoo-Yess River) (Clallam County), outside of Makah Indian Reservation:** Open the Saturday before Memorial Day through the last day in February.

~~((96))~~ **(98) Soules Pond (Pacific County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

**(99) South Bend Mill Pond (Pacific County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((97))~~ **(100) Stevens Creek (Grays Harbor County):** From the mouth to the Highway 101 Bridge:

(a) From the WDFW hatchery outlet downstream to the cable crossing: Closed waters.

(b) Open the Saturday before Memorial Day through September 30 and December 1 through the last day in February.

(c) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((98))~~ **(101) Sutherland Lake (Clallam County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Kokanee: Daily limit 5; minimum length 8 inches and maximum length 18 inches.

~~((99))~~ **(102) Thrash Creek (Pacific/Lewis County):** Closed waters.

~~((100))~~ **(103) Thunder Creek (Clallam County) (Tributary to East Fork Dickey River):**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use anything other than one barbless hook.

(c) It is unlawful to use bait.

(d) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild rainbow trout.

(ii) Cutthroat trout: Minimum length 14 inches.

(e) From mouth to D2400 Road: Open the Saturday before Memorial Day through April 30.

(f) From D2400 Road upstream: Open the Saturday before Memorial Day through October 31.

~~((101))~~ **(104) Thunder Lake (Clallam County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

**(105) Valley Creek (Clallam County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((102))~~ **(106) Vance Creek/Elma Ponds (Grays Harbor County), Pond One (Bowers Lake) and Pond Two (Lake Ines):** Pond One/Bowers Lake is open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((103))~~ **(107) Van Winkle Creek (Grays Harbor County):**

(a) From August 16 through November 30:

(i) Night closure.

(ii) Anti-snagging rule.

(b) From the mouth to 400 feet below the outlet of Lake Aberdeen Hatchery:

(i) Open the Saturday before Memorial Day through January 31.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) Salmon: Open October 1 through December 31:

(A) Daily limit 6; only 2 adults may be retained.

(B) Release Chinook.

~~((104))~~ (108) **West Twin River (Clallam County):**

- (a) Selective gear rules.
- (b) Release all fish.

~~((105))~~ (109) **Willapa River (Pacific County):**

(a) From the mouth (city of South Bend boat launch) to the WDFW access site at the mouth of Ward/Wilson creeks:

- (i) From August 1 through November 30:
  - (A) Night closure.
  - (B) Single-point barbless hooks are required.
- (ii) August 1 through January 31: Anglers may fish with two poles, provided they possess a valid two-pole endorsement.

(iii) Open December 1 through January 31.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

- (v) Salmon: Open August 1 through January 31:
  - (A) Daily limit 6; only 2 adults may be retained.
  - (B) Release wild Chinook.

(b) From the WDFW access site at the mouth of Ward/Wilson creeks to the second bridge on Camp One Road:

- (i) From August 1 through November 30:
  - (A) Night closure.
  - (B) Single-point barbless hooks are required.
  - (C) Stationary gear restriction.
- (ii) August 1 through January 31: Anglers may fish with two poles, provided they possess a valid two-pole endorsement.

(iii) Open the Saturday before Memorial Day through March 31.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

- (v) Salmon: Open August 1 through January 31:
  - (A) Daily limit 6; only 2 adults may be retained.
  - (B) Release wild Chinook.

(c) From the second bridge on Camp One Road upstream to the mouth of Mill Creek (approximately 0.5 miles):

- (i) From August 1 through November 30:
  - (A) Night closure.
  - (B) Single-point barbless hooks are required.
  - (C) Stationary gear restriction.
  - (D) It is unlawful to fish from a floating device.
- (ii) Open the Saturday before Memorial Day through March 31.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

- (iv) Salmon: Open August 1 through January 31:
  - (A) Daily limit 6; only 2 adults may be retained.
  - (B) Release wild Chinook.

(d) From the mouth of Mill Creek to the Highway 6 bridge (approximately 2 miles below the mouth of Trap Creek):

- (i) From August 1 through November 30:
  - (A) Night closure.
  - (B) Single-point barbless hooks are required.
  - (C) Stationary gear restriction.

(ii) Open the Saturday before Memorial Day through March 31.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

- (iv) Salmon: Open August 1 through January 31:
  - (A) Daily limit 6; only 2 adults may be retained.
  - (B) Release wild Chinook.

(e) From Highway 6 Bridge (approximately 2 miles below the mouth of Trap Creek) to Fork Creek:

- (i) From August 16 through November 30:
  - (A) Night closure.
  - (B) Single-point barbless hooks are required.
  - (C) Stationary gear restriction.

(ii) Open the Saturday before Memorial Day through March 31:

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

- (iv) Salmon: Open August 16 through January 31:
  - (A) Daily limit 6; only 2 adults may be retained.
  - (B) Release wild Chinook.

(f) From Fork Creek upstream to the Highway 6 Bridge near the town of Lebam:

- (i) From August 16 through October 31:
  - (A) Night closure.
  - (B) Single-point barbless hooks are required.
  - (C) Stationary gear restriction.

(ii) Open the Saturday before Memorial Day through March 31:

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

- (iv) Salmon: Open October 1 through January 31:
  - (A) Daily limit 6; only 2 adults may be retained.
  - (B) Release wild Chinook.

(g) From the Highway 6 Bridge near the town of Lebam upstream:

- (i) From August 16 through October 31:
  - (A) Night closure.
  - (B) Single-point barbless hooks are required.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((106))~~ (110) **Willapa River, South Fork (Pacific County):**

(a) From the mouth to the bridge on Pehl Road:

(i) From the falls/fish ladder downstream 400 feet in Section 6, Township 13 North, and Range 8 West: Closed waters.

(ii) From the Saturday before Memorial Day through July 31: Selective gear rules.

- (iii) From August 1 through November 30:
  - (A) Night closure.
  - (B) Anti-snagging rule.
  - (C) Barbless hooks are required.

(b) Open the Saturday before Memorial Day through the last day in February:



(i) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(ii) Salmon: Open August 1 through January 31:

(A) Daily limit 6; only 2 adults may be retained.

(B) Release wild Chinook.

(c) From Pehl Road upstream:

(i) Open the Saturday before Memorial Day through the last day in February.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((107))~~ **(111) Wirkkala Pond 1 (Pacific County):**  
Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

**(112) Wishkah River (Grays Harbor County):**

(a) From August 16 through November 30: Single-point barbless hooks are required.

(b) From the mouth to 200 feet below the weir at the Wishkah Rearing Ponds:

(i) Open the Saturday before Memorial Day through the last day in February.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) Salmon: Open October 1 through December 31:

(A) Daily limit 6; only 2 adults may be retained.

(B) Release Chinook.

(iv) From 150 feet upstream to 150 feet downstream of the Wishkah adult attraction channel/outfall structure (within the posted fishing boundary): Open only to anglers with disabilities who permanently use a wheelchair and have a designated harvester companion card.

~~((108))~~ **(113) Wynoochee River (Grays Harbor County):**

(a) From the mouth to the WDFW White Bridge Access Site:

(i) From August 16 through November 30: Single-point barbless hooks are required.

(ii) Open the Saturday before Memorial Day through March 31:

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open October 1 through December 31.

(A) Daily limit 6; only 2 adults may be retained.

(B) Release Chinook.

(b) From the WDFW White Bridge Access Site to the 7400 line bridge:

(i) From August 16 through November 30: Single-point barbless hooks are required.

(ii) From September 16 through November 30: It is unlawful to use bait.

(iii) Open the Saturday before Memorial Day through March 31:

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(c) From the 7400 line bridge to 400 feet below Wynoochee Dam:

(i) From 400 feet downstream of Wynoochee Dam to the dam and from the barrier dam near Grisdale to the dam: Closed waters.

(ii) Open the Saturday before Memorial Day through March 31:

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Selective gear rules.

(d) From the confluence of the Wynoochee Reservoir upstream to Wynoochee Falls:

(i) Open the Saturday before Memorial Day through March 31:

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((109))~~ **(114) Wynoochee Reservoir (Grays Harbor County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(iii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iv) Channel catfish: Daily limit 10; no size restriction.

(v) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

**AMENDATORY SECTION** (Amending WSR 19-15-050, filed 7/12/19, effective 8/12/19)

**WAC 220-312-030 Freshwater exceptions to statewide rules—Southwest. (1) Abernathy Creek and tributaries (Cowlitz County):**

(a) From 200 feet above Abernathy Falls to posted markers 500 feet downstream from the Abernathy Fish Technology Center: Closed waters.

(b) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.

(c) Selective gear rules, except: Use of barbed hooks is allowed.

(d) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

- (e) Salmon:
  - (i) Open November 1 through December 31.
  - (ii) Limit 6; up to 2 may be adults.
  - (iii) Only hatchery Chinook and hatchery coho may be retained.
- (2) **Beaver Creek (Wahkiakum County):** Closed waters.
- (3) **Blue Creek (Lewis County), from the mouth to Spencer Road:**
  - (a) From posted sign above rearing pond outlet to Spencer Road: Closed waters.
  - (b) Anti-snagging rule.
  - (c) Night closure.
  - (d) Open Saturday before Memorial Day through April 15.
  - (e) Game fish: Statewide minimum length/daily limit, except:
    - (i) Trout: Daily limit 5; minimum length 8 inches.
    - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
  - (f) Salmon:
    - (i) Open August 1 through December 31.
    - (ii) Limit 6; up to 2 may be adults.
    - (iii) Only hatchery Chinook and hatchery coho may be retained.
- (4) **Blue Lake (Cowlitz County):**
  - (a) Open the fourth Saturday in April through October 31.
  - (b) Selective gear rules.
  - (c) Release all fish.
- (5) **Blue Lake Creek (Lewis County):** Selective gear rules.
- (6) **Butter Creek (Lewis County):** Selective gear rules.
- (7) **Canyon Creek (Clark County):** Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 5.
- (8) **Carlisle Lake (Lewis County):**
  - (a) Open the fourth Saturday in April through October 31.
  - (b) Landlocked salmon rules.
- (9) **Cedar Creek and tributaries (tributary of N.F. Lewis) (Clark County):**
  - (a) From the Grist Mill Bridge to 100 feet upstream of the falls: Closed waters.
  - (b) Selective gear rules, except: Use of barbed hooks is allowed.
  - (c) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.
  - (d) Game fish: Statewide minimum length/daily limit, except:
    - (i) Trout: Daily limit 2; minimum length 14 inches.
    - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
  - (e) Salmon:
    - (i) Open November 1 through December 31.
    - (ii) Limit 6; up to 2 may be adults.
    - (iii) Only hatchery Chinook and hatchery coho may be retained.
- (10) **Chinook River (Pacific County):** From the Highway 101 Bridge upstream:

- (a) Selective gear rules.
- (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (11) **Cispus River (Lewis County):** From the mouth to the falls, not including the North Fork:
  - (a) Open year-round, except closed to all angling within posted "Closed Waters" signs around the adult fish release site.
  - (b) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.
  - (c) Salmon:
    - (i) Limit 6; up to 2 may be adults.
    - (ii) Only hatchery Chinook and hatchery coho may be retained.
- (12) **Cispus River, North Fork (Lewis County):** Selective gear rules.
- (13) **Coal Creek (Cowlitz County):**
  - (a) From the mouth to 400 feet below the falls:
    - (i) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.
    - (ii) Selective gear rules, except: Use of barbed hooks is allowed.
    - (iii) Game fish: Statewide minimum length/daily limit, except:
      - (A) Trout: Daily limit 2; minimum length 14 inches.
      - (B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
    - (iv) Salmon:
      - (A) Open November 1 through December 31.
      - (B) Limit 6; up to 2 may be adults.
      - (C) Only hatchery Chinook and hatchery coho may be retained.
  - (b) From 400 feet below the falls to the falls: Closed waters.
- (14) **Coldwater Lake (Cowlitz County):**
  - (a) The Coldwater Lake inlet and outlet streams: Closed waters.
  - (b) Selective gear rules.
  - (c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.
- (15) **Cougar Creek (tributary to Yale Reservoir) (Cowlitz County):**
  - (a) Selective gear rules.
  - (b) Open the Saturday before Memorial Day through August 31.
- (16) **Coweman River and tributaries (Cowlitz County):**
  - (a) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.
  - (b) Game fish: Statewide minimum length/daily limit, except:
    - (i) Trout: Daily limit 2; minimum length 14 inches.
    - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
  - (c) Salmon:
    - (i) Open November 1 through December 31.
    - (ii) Limit 6; up to 2 may be adults.
    - (iii) Only hatchery Chinook and hatchery coho may be retained.

**(17) Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County):**

(a) The upstream boundary of the reservoir in the Cowlitz arm is at the posted Lewis County PUD sign on Peters Road.

(b) The upstream boundary of the reservoir in the Cispus arm is at the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arm.

(c) Game fish: Statewide minimum length/daily limit, except: (~~Trout:~~)

(i) Release wild rainbow and wild cutthroat trout.

(ii) ~~Trout:~~ Daily limit 10; minimum length 8 inches.

(iii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(iv) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(v) Channel catfish: Daily limit 10; no size restriction.

(vi) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(d) Salmon:

(i) Daily limit 6; minimum length 12 inches.

(ii) Up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

**(18) Cowlitz River (Lewis/Cowlitz counties):**

(a) From the boundary markers at the mouth to Lexington Bridge:

(i) July 1 through October 31: Night closure for salmon and steelhead fishing.

(ii) Game fish:

(A) Trout:

(I) Open the Saturday before Memorial Day through March 31: Daily limit 5; minimum length 8 inches. Release wild rainbow and wild cutthroat trout.

(II) Open April 1 through the Friday before Memorial Day: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

(B) Steelhead:

(I) Open July 1 through July 31: Daily limit 1 hatchery steelhead; minimum length 20 inches.

(II) Open August 1 through August 31: Catch and release.

(III) Open September 1 through October 31: Daily limit 1 hatchery steelhead; minimum length 20 inches.

(IV) Open November 1 through June 30: Daily limit 3 hatchery steelhead, minimum length 20 inches.

(C) Other game fish: Open year-round, statewide minimum size/daily limit.

(iii) Salmon:

(A) Open January 1 through July 31.

(I) Limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31.

(I) Limit 6; up to 4 may be adults.

(II) Only hatchery coho may be retained.

(b) From the Lexington Bridge to the mouth of Mill Creek:

(i) Within a 100 foot radius of the new Cowlitz Trout Hatchery outfall structure, except open to anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card within posted markers when adjacent waters are open: Closed waters.

(ii) Game fish:

(A) Trout:

(I) Open the Saturday before Memorial Day through March 31: Daily limit 5; minimum length 8 inches. Release wild rainbow and wild cutthroat trout.

(II) Open April 1 through the Friday before Memorial Day: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

(B) Steelhead: Open year-round; daily limit 3 hatchery steelhead; minimum length 20 inches.

(C) Other game fish: Open year-round, statewide minimum size/daily limit.

(iii) Salmon:

(A) Open January 1 through July 31.

(I) Limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31.

(I) Limit 6; up to 4 may be adults.

(II) Only hatchery coho may be retained.

(c) From the mouth of Mill Creek to 1,700 feet upstream of the Cowlitz Salmon Hatchery barrier dam:

(i) From 400 feet or posted markers below Cowlitz Salmon Hatchery barrier dam to boundary markers near the Cowlitz Salmon Hatchery water intake approximately 1,700 feet upstream of the Cowlitz Salmon Hatchery barrier dam: Closed waters.

(ii) Within a 100 foot radius of the Cowlitz Salmon Hatchery wheelchair ramp (within the posted fishing boundary) except for anglers with disabilities **and** who have a designated harvester companion card: Closed waters.

(iii) It is unlawful to fish from a floating device.

(iv) April 1 through November 30:

(A) Anti-snagging rule.

(B) Night closure.

(v) May 1 through June 15: It is unlawful to fish from the south side of the river.

(vi) Game fish:

(A) Trout:

(I) Open the Saturday before Memorial Day through March 31: Daily limit 5; minimum length 8 inches. Release wild rainbow and wild cutthroat trout.

(II) Open April 1 through the Friday before Memorial Day: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

(B) Steelhead: Open year-round; daily limit 3 hatchery steelhead; minimum length 20 inches.

(C) Other game fish: Open year-round, statewide minimum size/daily limit.

(vii) Salmon:

(A) Open January 1 through July 31.

(I) Limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31.

(I) Limit 6; up to 4 may be adults.

(II) Only hatchery coho may be retained.

(d) From 1,700 feet upstream of the Cowlitz Salmon Hatchery barrier dam to Mayfield Dam.

(i) From 400 feet below the Mayfield powerhouse upstream to Mayfield Dam: Closed waters.

(ii) Game fish:

(A) Trout:

(I) Open the Saturday before Memorial Day through March 31: Daily limit 5; minimum length 8 inches. Release wild rainbow and wild cutthroat trout.

(II) Open April 1 through the Friday before Memorial Day: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

(B) Steelhead: Open year-round; daily limit 3 hatchery steelhead; minimum length 20 inches.

(C) Other game fish: Open year-round, statewide minimum size/daily limit.

(iii) Salmon:

(A) Open January 1 through July 31.

(I) Limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31.

(I) Limit 6; up to 4 may be adults.

(II) Only hatchery coho may be retained.

(e) From the posted PUD sign on Peters Road to the Forest Road 1270 (old Jody's Bridge):

(i) Closed to all angling within posted "Closed Waters" signs around the adult fish release site.

(ii) September 1 through October 31: Anti-snagging rule and night closure.

(iii) Open year-round.

(iv) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

(v) Salmon:

(A) Open year-round.

(B) Limit 6; up to 2 may be adults.

(C) Only hatchery Chinook and hatchery coho may be retained.

(f) From Forest Road 1270 (old Jody's Bridge) upstream and tributaries.

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

(19) **Deep River (Wahkiakum County):**

(a) Open year-round.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(c) Salmon:

(i) Limit 6; up to 2 may be adults.

(ii) Only hatchery Chinook and hatchery coho may be retained.

(20) **Delameter Creek (Cowlitz County):**

(a) From 400 feet below to 200 feet above the temporary weir while the weir is installed in the creek: Closed waters.

(b) Selective gear rules, except: Use of barbed hooks is allowed.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

(i) Open August 1 through October 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(21) **Drano Lake (Skamania County):** In the waters downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery and upstream of the Highway 14 Bridge:

(a) Closed on Wednesdays beginning the second Wednesday in April through June 30.

(b) Closed from 6 p.m. Tuesdays through 6 p.m. Wednesdays during the month of October.

(c) March 16 through October 31: Night closure.

(d) August 1 through December 31: Anti-snagging rule.

(e) May 1 through June 30 and October 1 through December 31:

(i) Each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.

(ii) Two-pole fishing for salmon/steelhead is permissible so long as the angler possesses a two-pole endorsement.

(f) April 16 through June 30: The area west of a line projected from the easternmost pillar of the Highway 14 Bridge to a posted marker on the north shore is open only to bank fishing.

(g) Open year-round.

(i) Game fish: Statewide minimum length/daily limit, except:

(A) Bass: No limit and no size restriction.

(B) Channel catfish: No limit.

(C) Walleye: No limit and no size restriction.

(D) Release trout.

(E) Steelhead: From January 1 through March 15; daily limit 2 hatchery steelhead; minimum length 20 inches.

(ii) Salmon and steelhead: Open March 16 through December 31:

(A) March 16 through June 30: Daily limit 2 hatchery steelhead or 2 hatchery Chinook, or one of each. Release all other salmon.

(B) July 1 through July 31: Daily limit 2 hatchery Chinook or 1 hatchery Chinook and 1 hatchery steelhead. Release all other salmon.

(C) August 1 through September 30: Daily limit 6; no more than 1 adult salmon. Release all steelhead.

(D) October 1 through December 31: Daily limit 6; of which only one may be an adult salmon or hatchery steelhead.

(22) **Elochoman River (Wahkiakum County):**

(a) From the mouth to Foster (Risk) Road Bridge:

(i) August 1 through October 31:

- (A) Anti-snagging rule.
- (B) Night closure.
- (C) Stationary gear restriction.
- (ii) Open the Saturday before Memorial Day through March 15.
- (iii) Game fish: Statewide minimum length/daily limit, except:
  - (A) Trout: Daily limit 2; minimum length 14 inches.
  - (B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
- (iv) Salmon: Open the Saturday before Memorial Day through March 15.
  - (A) Daily limit 6; up to 2 may be adults.
  - (B) Only hatchery Chinook may be retained.
- (v) Salmon and steelhead: Open April 16 through the Friday before Memorial Day: Daily limit 6; of which 3 may be adult hatchery Chinook or hatchery steelhead. Release wild Chinook.
  - (b) From Foster (Risk) Road Bridge upstream to 200 feet above the WDFW temporary weir:
    - (i) From Foster (Risk) Road Bridge to 200 feet above the WDFW temporary weir while the weir is installed in the river: Closed waters.
    - (ii) August 1 through October 31:
      - (A) Anti-snagging rule.
      - (B) Night closure.
      - (C) Stationary gear restriction.
    - (iii) Open the Saturday before Memorial Day through March 15.
    - (iv) Game fish: Statewide minimum length/daily limit, except:
      - (A) Trout: Daily limit 2; minimum length 14 inches.
      - (B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
    - (v) Salmon: Open the Saturday before Memorial Day through March 15.
      - (A) Daily limit 6; up to 2 may be adults.
      - (B) Only hatchery Chinook may be retained.
    - (vi) Salmon and steelhead: Open April 16 through the Friday before Memorial Day: Daily limit 6; of which 3 may be adult hatchery Chinook or hatchery steelhead. Release wild Chinook.
      - (c) From 200 feet above the WDFW temporary weir to the Elochoman Hatchery Bridge:
        - (i) September 1 through October 31: From 200 feet above the temporary weir upstream to the Elochoman Hatchery Bridge: Release all salmon.
        - (ii) August 1 through October 31:
          - (A) Anti-snagging rule.
          - (B) Night closure.
          - (C) Stationary gear restriction.
        - (iii) Open the Saturday before Memorial Day through March 15.
        - (iv) Game fish: Statewide minimum length/daily limit, except:
          - (A) Trout: Daily limit 2; minimum length 14 inches.
          - (B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
        - (v) Salmon: Open the Saturday before Memorial Day through March 15.

- (A) Daily limit 6; up to 2 may be adults.
- (B) Only hatchery Chinook may be retained.
- (vi) Salmon and steelhead:
  - (A) Open April 16 through the Friday before Memorial Day.
  - (B) Daily limit 6; of which 3 may be adult hatchery Chinook or hatchery steelhead. Release wild Chinook.
  - (d) Elochoman Hatchery Bridge to West Fork:
    - (i) August 1 through October 31:
      - (A) Anti-snagging rule.
      - (B) Night closure.
      - (C) Stationary gear restriction.
    - (ii) Open the Saturday before Memorial Day through March 15.
    - (iii) Game fish: Statewide minimum length/daily limit, except:
      - (A) Trout: Daily limit 2; minimum length 14 inches.
      - (B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
    - (iv) Salmon: Open the Saturday before Memorial Day through March 15.
      - (A) Daily limit 6; up to 2 may be adults.
      - (B) Only hatchery Chinook may be retained.
    - (e) From West Fork upstream:
      - (i) Game fish: Statewide minimum length/daily limit, except: Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
      - (ii) Salmon:
        - (A) Daily limit 6; up to 2 may be adults.
        - (B) Only hatchery Chinook may be retained.
  - (23) **Franz Lake (Skamania County):** Closed waters.
  - (24) **Germany Creek (Cowlitz County) and all tributaries:**
    - (a) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.
    - (b) Selective gear rules, except: Use of barbed hooks is allowed.
    - (c) Game fish: Statewide minimum length/daily limit, except:
      - (i) Trout: Daily limit 2; minimum length 14 inches.
      - (ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
      - (d) Salmon:
        - (i) Open November 1 through December 31.
        - (ii) Limit 6; up to 2 may be adults.
        - (iii) Only hatchery Chinook and hatchery coho may be retained.
    - (25) **Grays River (Wahkiakum County):** From the mouth to South Fork:
      - (a) From mouth to Barr Road Bridge:
        - (i) August 1 through November 15:
          - (A) Anti-snagging rule.
          - (B) Night closure.
          - (C) Stationary gear restriction.
        - (ii) January 1 through March 15: Selective gear rules, except: Use of barbed hooks is allowed.
        - (iii) Open Saturday before Memorial Day through March 15.
        - (iv) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

- (v) Salmon:
- (A) Open Saturday before Memorial Day through July 31:
  - (I) Daily limit 6; up to 2 may be adults.
  - (II) Only hatchery Chinook may be retained.
- (B) Open August 1 through December 31:
  - (I) Daily limit 6; up to 2 may be adults.
  - (II) Only hatchery Chinook may be retained.
  - (III) All Chinook must be adipose and/or ventral fin clipped to be retained.
    - (b) From Barr Road Bridge to Highway 4 Bridge:
      - (i) August 1 through November 15:
        - (A) Anti-snagging rule.
        - (B) Night closure.
        - (C) Stationary gear restriction.
      - (ii) January 1 through March 15: Selective gear rules, except: Use of barbed hooks is allowed.
      - (iii) Open Saturday before Memorial Day through March 15.
        - (iv) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
    - (v) Salmon:
      - (A) Open Saturday before Memorial Day through July 31:
        - (I) Daily limit 6; up to 2 may be adults.
        - (II) Only hatchery Chinook may be retained.
      - (B) Open August 1 through December 31:
        - (I) Daily limit 6; up to 2 may be adults.
        - (II) Only hatchery Chinook may be retained.
        - (III) All Chinook must be adipose and/or ventral fin clipped to be retained.
          - (c) From the Highway 4 Bridge to the mouth of South Fork:
            - (i) From 400 feet below to 200 feet above the temporary weir while the weir is installed in the river: Closed waters.
            - (ii) August 1 through October 15:
              - (A) Anti-snagging rule.
              - (B) Night closure.
              - (C) Stationary gear restriction.
            - (iii) January 1 through March 15: Selective gear rules, except: Use of barbed hooks is allowed.
            - (iv) Open Saturday before Memorial Day through October 15 and December 1 through March 15.
            - (v) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
            - (vi) Salmon:
              - (A) Open Saturday before Memorial Day through July 31:
                - (I) Daily limit 6; up to 2 may be adults.
                - (II) Only hatchery Chinook may be retained.
              - (B) Open August 1 through October 15:
                - (I) Daily limit 6; up to 2 may be adults.
                - (II) Only hatchery Chinook may be retained.
                - (III) All Chinook must be adipose and/or ventral fin clipped to be retained.
                  - (C) Open December 1 through December 31:
                    - (I) Daily limit 6; up to 2 may be adults.
                    - (II) Only hatchery Chinook may be retained.
                    - (III) All Chinook must be adipose and/or ventral fin clipped to be retained.

- (d) From South Fork upstream:
  - (i) Selective gear rules, except: Use of barbed hooks is allowed.
  - (ii) Open the Saturday before Memorial Day through March 15.
    - (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
    - (iv) Salmon:
      - (A) Open the Saturday before Memorial Day through December 31.
        - (B) Daily limit 6; minimum length 12 inches. Up to 2 adults may be retained.
        - (C) Only hatchery Chinook may be retained. All Chinook must be adipose and/or ventral fin clipped to be retained.
- (26) Grays River tributaries (unless otherwise listed) (Wahkiakum County):**
  - (a) Selective gear rules.
  - (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (27) Grays River, East Fork (Wahkiakum County):**
  - (a) Selective gear rules, except: Use of barbed hooks is allowed.
    - (b) Open the Saturday before Memorial Day through October 31.
    - (c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
    - (d) Salmon:
      - (i) Open the Saturday before Memorial Day through October 31.
        - (ii) Limit 6; up to 2 may be adults.
        - (iii) Only hatchery Chinook and hatchery coho may be retained.
        - (iv) Effective August 1, all Chinook must be adipose and/or ventral fin clipped to be kept.
  - (28) Grays River, East Fork tributaries (unless otherwise listed) (Wahkiakum County):**
    - (a) Selective gear rules.
    - (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
  - (29) Grays River, South Fork (Wahkiakum County):**
    - (a) Selective gear rules, except: Use of barbed hooks is allowed.
      - (b) Open the Saturday before Memorial Day through October 31.
      - (c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
      - (d) Salmon:
        - (i) Open the Saturday before Memorial Day through October 31.
          - (ii) Limit 6; up to 2 may be adults.
          - (iii) Only hatchery Chinook and hatchery coho may be retained; all Chinook must be adipose and/or ventral fin clipped to be kept.
    - (30) Grays River, South Fork tributaries (unless otherwise listed) (Wahkiakum County):**
      - (a) Selective gear rules.
      - (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
    - (31) Grays River, West Fork (Wahkiakum County):**

(a) Open the Saturday before Memorial Day through December 31.

(b) August 1 through November 15: Anti-snagging rule, night closure and stationary gear restriction.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(d) Salmon: Open the Saturday before Memorial Day through December 31.

(i) Daily limit 6; up to 2 may be adults.

(ii) Only hatchery Chinook may be retained; all Chinook must be adipose and/or ventral fin clipped to be kept.

**(32) Grays River, West Fork tributaries (unless otherwise listed) (Wahkiakum County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(33) Green River (Cowlitz County):**

(a) From the mouth to Miner's Creek:

(i) From 400 feet above and 400 feet below the salmon hatchery rack (or from the posted signs above and below the salmon hatchery rack) when the rack is installed in the river: Closed waters.

(ii) From 400 feet below to 400 feet above the water intake at the upper end of the hatchery grounds from September 1 through November 30: Closed waters.

(iii) September 1 through October 31: Anti-snagging rule applies and night closure in effect from the mouth to 400 feet below the salmon hatchery rack.

(iv) Selective gear rules, except: Use of barbed hooks is allowed from the Saturday before Memorial Day through July 31 and December 1 through March 15.

(v) Open the Saturday before Memorial Day through March 15. Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(vi) Salmon:

(A) Open August 1 through November 30.

(B) Daily limit 6; up to 4 may be adults.

(C) Only hatchery coho may be retained.

(b) From Miner's Creek upstream:

(i) Selective gear rules, except: Use of barbed hooks is allowed.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(34) Green River tributaries (Cowlitz County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(35) Grizzly Lake (Skamania County):** Closed waters.

**(36) Hamilton Creek (Skamania County):**

(a) Tributaries downstream from the Highway 14 Bridge: Closed waters.

(b) Selective gear rules, except: Use of barbed hooks is allowed.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

(i) Open August 1 through October 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

**(37) Horsethief Lake (Klickitat County):** Open the fourth Saturday in April through October 31.

**(38) Indian Heaven Wilderness Lakes (Skamania County):** Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 8 inches.

**(39) Johnson Creek (Lewis County) (Cowlitz River tributary):** Selective gear rules.

**(40) Kalama River (Cowlitz County):**

(a) From the mouth to the railroad bridge below Interstate 5:

(i) July 1 through October 31: Night closure.

(ii) Game fish: Open year-round.

(A) Statewide minimum length/daily limit, except:

(B) Trout: Daily limit 2; minimum length 14 inches.

(iii) Steelhead:

(A) July 1 through July 31: Daily limit 1 hatchery steelhead; minimum length 20 inches.

(B) August 1 through August 31: Release all steelhead.

(C) September 1 through October 31: Daily limit 1 hatchery steelhead; minimum length 20 inches.

(D) November 1 through June 30: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iv) Salmon:

(A) Open January 1 through July 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31:

(I) Daily limit 6; up to 3 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(b) From the railroad bridge below Interstate 5 to Modrow Bridge:

(i) From Modrow Bridge downstream to the markers approximately 1,000 feet below the temporary rack when the rack is installed below Modrow Bridge: Closed waters.

(ii) April 1 through October 31:

(A) Night closure.

(B) Anti-snagging rule.

(iii) Game fish: Open year-round.

(A) Statewide minimum length/daily limit, except:

(B) Trout: Daily limit 2; minimum length 14 inches.

(C) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iv) Salmon:

(A) Open January 1 through July 31:

(I) Daily limit 6; up to 2 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(B) Open August 1 through December 31:

(I) Daily limit 6; up to 3 may be adults.

(II) Only hatchery Chinook and hatchery coho may be retained.

(c) From the Modrow Bridge to the natural gas pipeline crossing:

(i) It is unlawful to fish from a floating device equipped with an internal combustion motor.

- (ii) April 1 through October 31:
  - (A) Night closure.
  - (B) Anti-snagging rule.
- (iii) Game fish: Open year-round.
  - (A) Statewide minimum length/daily limit, except:
  - (B) Trout: Daily limit 2; minimum length 14 inches.
  - (C) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
- (iv) Salmon:
  - (A) Open January 1 through July 31:
    - (I) Daily limit 6; up to 2 may be adults.
    - (II) Only hatchery Chinook and hatchery coho may be retained.
  - (B) Open August 1 through December 31:
    - (I) Daily limit 6; up to 3 may be adults.
    - (II) Only hatchery Chinook and hatchery coho may be retained.
- (d) From the natural gas pipeline crossing to the deadline at the intake to the lower salmon hatchery:
  - (i) It is unlawful to fish from a floating device equipped with an internal combustion motor.
  - (ii) April 1 through October 31:
    - (A) Night closure.
    - (B) Anti-snagging rule.
  - (iii) Open September 1 through October 31 for fly fishing only, except: Use of barbed hooks is allowed.
  - (iv) Game fish: Open year-round.
    - (A) Statewide minimum length/daily limit, except:
    - (B) Trout: Daily limit 2; minimum length 14 inches.
    - (C) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
  - (v) Salmon:
    - (A) Open January 1 through July 31:
      - (I) Daily limit 6; up to 2 may be adults.
      - (II) Only hatchery Chinook and hatchery coho may be retained.
    - (B) Open August 1 through December 31:
      - (I) Daily limit 6; up to 3 may be adults.
      - (II) Only hatchery Chinook and hatchery coho may be retained.
- (e) From intake of the lower salmon hatchery to 1,000 feet below fishway at the upper salmon hatchery:
  - (i) It is unlawful to fish from a floating device equipped with an internal combustion motor.
  - (ii) Game fish: Open year-round.
    - (A) Statewide minimum length/daily limit, except:
    - (B) Trout: Daily limit 2; minimum length 14 inches.
    - (C) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
  - (iii) Salmon:
    - (A) Open January 1 through July 31:
      - (I) Daily limit 6; up to 2 may be adults.
      - (II) Only hatchery Chinook and hatchery coho may be retained.
    - (B) Open August 1 through December 31:
      - (I) Daily limit 6; up to 3 may be adults.
      - (II) Only hatchery Chinook and hatchery coho may be retained.
- (f) From 1,000 feet below to 1,000 feet above the fishway at upper salmon hatchery: Closed waters.
  - (g) From 1,000 feet above the fishway at the upper salmon hatchery, upstream to Summers Creek:
    - (i) Open year-round.
    - (ii) Selective gear rules, except: Use of barbed hooks is allowed.
    - (iii) Game fish: Statewide minimum length/daily limit, except:
      - (A) Trout: Daily limit 2; minimum length 14 inches.
      - (B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
  - (h) From Summers Creek upstream to the intersection of 6000 and 6420 roads: Open year-round:
    - (i) Fly fishing only, except: Use of barbed hooks is allowed.
    - (ii) Game fish: Statewide minimum length/daily limit, except:
      - (A) Trout: Daily limit 2; minimum length 14 inches.
      - (B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
    - (i) From the intersection of 6000 and 6420 roads to the 6600 road bridge immediately downstream of Jacks Creek:
      - (i) Selective gear rules, except: Use of barbed hooks is allowed.
      - (ii) Open the Saturday before Memorial Day through November 30.
      - (iii) Game fish: Statewide minimum length/daily limit, except:
        - (A) Trout: Daily limit 2; minimum length 14 inches.
        - (B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.
    - (j) From the 6600 road bridge immediately downstream of Jacks Creek to Kalama Falls and tributaries: Closed waters.
      - (41) **Klickitat River (Klickitat County):**
        - (a) From the mouth (Burlington Northern Railroad Bridge) to Fisher Hill Bridge:
          - (i) April 1 through the Friday before Memorial Day:
            - (A) Anti-snagging rule.
            - (B) Night closure.
          - (ii) July 1 through July 31: Night closure.
          - (iii) August 1 through January 31:
            - (A) Anti-snagging rule.
            - (B) Night closure.
          - (iv) Game fish:
            - (A) Open Saturday before Memorial Day through January 31.
            - (B) Statewide minimum length/daily limit, except:
            - (C) Trout: Daily limit 2; minimum length 14 inches.
          - (v) Steelhead:
            - (A) Open Saturday before Memorial Day through June 30: Daily limit 3 hatchery steelhead, minimum length 20 inches.
            - (B) Open July 1 through July 31: Daily limit 1 hatchery steelhead, minimum length 20 inches.
            - (C) August 1 through August 31: Catch and release.
            - (D) Open September 1 through October 31: Daily limit 1 hatchery steelhead, minimum length 20 inches.
            - (E) Open November 1 through January 31: Daily limit 3 hatchery steelhead, minimum length 20 inches.
          - (vi) Salmon:



(A) Open Saturday before Memorial Day through July 31: Daily limit 6; no more than 2 adults may be retained. Release wild Chinook.

(B) Open August 1 through January 31: Daily limit 6; no more than 3 adults may be retained.

(vii) Salmon and steelhead: Open April 1 to the Friday before Memorial Day for salmon and steelhead on Mondays, Wednesdays, and Saturdays only:

(A) Daily limit 2; no more than 2 hatchery steelhead, or 2 salmon, or one of each, may be retained.

(B) Release wild Chinook.

(b) From Fisher Hill Bridge to the boundary markers above Klickitat Salmon Hatchery, the following waters are closed: From Fishery Hill Bridge to 400 feet above #5 fishway, tributaries except Bird, Blockhouse, Bowman, Spring, Outlet creeks and the Little Klickitat River, and the waters from the boundary markers above Klickitat Salmon Hatchery to the boundary markers below the hatchery.

(c) From 400 feet above #5 fishway to the boundary markers below Klickitat Salmon Hatchery:

(i) Open the Saturday before Memorial Day through November 30:

(A) Game fish: Statewide minimum length/daily limit, except:

(B) Trout: Daily limit 2; minimum length 14 inches.

(C) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(ii) Whitefish:

(A) Open December 1 through the last day in February for Whitefish only.

(B) Whitefish gear rules.

(iii) Salmon:

(A) Saturday before Memorial Day through July 31:

(I) Limit 6 fish; no more than 2 adults may be retained.

(II) Release wild Chinook.

(B) August 1 through November 30: Limit 6 fish; no more than 3 may be adults, of which only 2 may be coho.

(d) From the boundary markers above Klickitat Salmon Hatchery to the Yakama Indian Reservation boundary:

(i) Game fish open the Saturday before Memorial Day through November 30.

(ii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iii) Whitefish:

(A) Open December 1 through the last day in February for whitefish only.

(B) Whitefish gear rules.

(42) **Lacamas Creek (Clark County):**

(a) From the mouth to the footbridge at the lower falls:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules, except: Use of barbed hooks is allowed.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(b) From the footbridge at the lower falls upstream: It is permissible to fish up to the base of Lacamas Lake Dam.

(43) **Lacamas Creek, tributary of Cowlitz River (Lewis County):**

(a) Selective gear rules, except: Use of barbed hooks is allowed.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(c) Salmon:

(i) Open August 1 through October 31.

(ii) Daily limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(44) **Lewis River (Clark County):**

(a) From the mouth to the mouth of the East Fork Lewis River:

(i) July 1 through October 31: Night closure for salmon and steelhead fishing.

(ii) Game fish:

(A) Open year-round.

(B) Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(iii) Steelhead:

(A) July 1 through July 31: Daily limit 1 hatchery steelhead; minimum length 20 inches.

(B) August 1 through August 31: Release all steelhead.

(C) September 1 through October 31: Daily limit 1 hatchery steelhead; minimum length 20 inches.

(D) November 1 through June 30: Daily limit 3 steelhead; minimum length 20 inches.

(iv) Salmon:

(A) Open January 1 through April 30: Daily limit 6 hatchery Chinook; only one may be an adult.

(B) Open August 1 through September 30:

(I) Limit 6; up to 4 may be adults, of which 2 may be Chinook.

(II) Only hatchery Chinook and hatchery coho may be retained.

(C) Open October 1 through December 31:

(I) Limit 6; up to 4 may be adults, of which 2 may be Chinook.

(II) Only Chinook and hatchery coho may be retained.

(b) From the mouth of the East Fork Lewis River to Johnson Creek.

(i) Game fish:

(A) Open year-round.

(B) Statewide minimum length/daily limit, except:

(I) Trout: Daily limit 2; minimum length 14 inches.

(II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(ii) Salmon:

(A) Open January 1 through April 30: Daily limit 6 hatchery Chinook; only one may be an adult.

(B) Open August 1 through September 30:

(I) Limit 6; up to 4 may be adults, of which 2 may be Chinook.

(II) Only hatchery Chinook and hatchery coho may be retained.

(C) Open October 1 through December 31:

(I) Limit 6; up to 4 may be adults, of which 2 may be Chinook.

(II) Only Chinook and hatchery coho may be retained.

(c) From Johnson Creek to Colvin Creek:

(i) May 1 through May 31: Closed waters.

(ii) Those waters shoreward of the cable buoy and cork-line at the mouth of the Lewis River Salmon Hatchery fish ladder: Closed waters.

(iii) June 1 through November 30 and April 1 through April 30: Anti-snagging rule and night closure.

(iv) Game fish:

(A) Open June 1 through April 30.

(B) Statewide minimum length/daily limit, except:

(I) Trout: Daily limit 2; minimum length 14 inches.

(II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(v) Salmon:

(A) Open January 1 through April 30: Daily limit 6 hatchery Chinook; only one may be an adult.

(B) Open August 1 through September 30:

(I) Daily limit 6; up to 4 may be adults, of which 2 may be Chinook.

(II) Only hatchery Chinook and hatchery coho may be retained.

(C) Open October 1 through December 31:

(I) Limit 6; up to 4 may be adults, of which only 2 may be Chinook.

(II) Only Chinook and hatchery coho may be retained.

(d) From the mouth of Colvin Creek to the overhead powerlines at Merwin Dam:

(i) Open June 1 through October 31 and December 16 through April 30.

(ii) Anti-snagging rule and night closure April 1 through April 30 and June 1 through October 31.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iv) Salmon:

(A) January 1 through April 30: Limit 6 hatchery Chinook; only one may be an adult.

(B) August 1 through September 30:

(I) Daily limit 6; up to 4 may be adults; of which 2 may be Chinook.

(II) Only hatchery Chinook and hatchery coho may be retained.

(C) October 1 through October 31 and December 16 through December 31:

(I) Daily limit 6; up to 4 may be adults, of which 2 may be Chinook.

(II) Only Chinook and hatchery coho may be retained.

(e) From the overhead powerlines below Merwin Dam to Merwin Dam: Closed waters.

(f) From the cable crossing 1,300 feet below Yale Dam to Yale Dam: Closed waters.

(g) From the old Lewis River streambed between Swift No. 1 Powerhouse and Swift No. 2 Powerhouse: Closed waters.

(h) Lewis River Power Canal:

(i) Open the fourth Saturday in April through October 31.

(ii) It is unlawful to fish from a floating device.

(iii) Game fish: Statewide minimum length/daily limit, except:

(iv) Trout: Daily limit 5; no minimum length.

(i) From Eagle Cliff Bridge to and including Muddy River, including tributaries:

(i) Selective gear rules.

(ii) Open the Saturday before Memorial Day through July 15.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 10; minimum length 8 inches.

(B) Release wild trout.

(j) From above Muddy River to the lower falls and tributaries:

(i) Selective gear rules.

(ii) Release all fish.

**(45) Lewis River, East Fork (Clark/Skamania counties):**

(a) From the posted markers at the lower end of Big Eddy to 100 feet above Lucia Falls: Closed waters.

(b) From 400 feet below to 400 feet above Moulton Falls: Closed waters.

(c) From 400 feet below Horseshoe Falls upstream, including tributaries above Horseshoe Falls: Closed waters.

(d) From the mouth to 400 feet below Horseshoe Falls:

(i) Open the Saturday before Memorial Day through July 15 and September 16 through March 15.

(ii) Selective gear rules, except: Use of barbed hooks is allowed.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(iv) Salmon:

(A) Open September 16 through December 31.

(B) Limit 6; up to 2 may be adults.

(C) Only hatchery Chinook and hatchery coho may be retained.

(e) Tributaries from the mouth to 400 feet below Horseshoe Falls:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(46) Little Klickitat River (Klickitat County):** Within Goldendale city limits:

(a) Open the fourth Saturday in April through the Friday before Memorial Day to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(b) Open the Saturday before Memorial Day through October 31 to all anglers.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Limit 5; no minimum length.

**(47) Little Washougal River (Clark County):**

(a) Selective gear rules, except: Use of barbed hooks is allowed.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(c) Salmon:

(i) Open August 1 through October 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

**(48) Little White Salmon River (Skamania County):**

(a) From the orange fishing boundary markers at Drano Lake upstream to the intake near the north boundary of the Little White Salmon National Fish Hatchery: Closed waters.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 5; minimum length 8 inches.

(49) **Love Lake (Clark County):** Closed waters.

**(50) Mayfield Lake (Reservoir) (Lewis County):**

(a) Open from the Mayfield Dam to Onion Rock Bridge.

(b) From the Tacoma Power safety signs at Onion Rock Bridge to Mossyrock Dam: Closed waters.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 10; minimum length 8 inches.

(ii) Release wild rainbow trout and wild cutthroat trout.

(iii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(iv) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(v) Channel catfish: Daily limit 10; no size restriction.

(vi) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(d) Salmon:

(i) Open September 1 through December 31:

(ii) Daily limit 6; minimum length 12 inches.

(iii) No more than 2 may be adults.

(iv) Only hatchery Chinook and hatchery coho may be retained.

**(51) Merrill Lake (Cowlitz County):**

(a) Fly fishing only.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Release all fish.

**(52) Merwin Lake (Reservoir) (Clark/Cowlitz counties):** Landlocked salmon rules.

**(53) Mill Creek (Cowlitz County):**

(a) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.

(b) Selective gear rules, except: Use of barbed hooks is allowed.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

(i) Open November 1 through December 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

**(54) Mill Creek (Lewis County):** From the mouth to the hatchery road crossing culvert.

(a) Selective gear rules, except: Use of barbed hooks is allowed.

(b) Open the Saturday before Memorial Day through October 31 and December 1 through December 31.

(c) Anti-snagging rule from December 1 through December 31.

(d) Night closure from December 1 through December 31.

(e) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(f) Salmon:

(i) Open August 1 through October 31 and December 1 through December 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

**(55) Mineral Lake (Lewis County):** Open the fourth Saturday in April through September 30.

**(56) Olequa Creek (Lewis/Cowlitz counties):**

(a) From 400 feet below to 200 feet above the temporary weir while the weir is installed in the creek: Closed waters.

(b) Selective gear rules, except: Use of barbed hooks is allowed.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

(i) Open August 1 through October 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

**(57) Ostrander Creek (Cowlitz County):**

(a) Selective gear rules, except: Use of barbed hooks is allowed.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

**(58) Outlet Creek (Silver Lake) (Cowlitz County):**

(a) From the Saturday before Memorial Day through November 30.

(b) Selective gear rules, except: Use of barbed hooks is allowed.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

(i) Open August 1 through November 30.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(59) **Rainey Creek (Lewis County):**

(a) From mouth to Highway 12.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 5; minimum length 8 inches.

(ii) Release wild rainbow and cutthroat trout.

(60) **Riffe Lake (Reservoir) (Lewis County):**

(a) Open from Mossyrock Dam to Cowlitz Falls Dam:

(b) From Cowlitz Falls Dam downstream to the Lewis County PUD safety signs located approximately 800 feet below the dam: Closed waters.

(c) It is permissible to fish up to the base of Swofford Pond Dam.

(d) Landlocked salmon rules.

(61) **Rock Creek (Klickitat County):**

(a) From Army Corps of Engineers Park upstream to the source: Closed waters.

(b) Open year-round from the mouth to the Army Corps of Engineers Park. Limits, size restrictions, and gear restrictions are the same as those in the adjacent portion of the Columbia River.

(62) **Rock Creek (Skamania County):** From the mouth to the falls at approximately river mile one:

(a) Open the Saturday before Memorial Day through March 15.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(c) Salmon:

(i) Open August 1 through December 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(63) **Rowland Lake, North (Klickitat County):** Open the fourth Saturday in April through March 31.

(64) **Salmon Creek (Clark County):** From the mouth to 182nd Avenue Bridge:

(a) Open the Saturday before Memorial Day through March 15.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(c) Salmon:

(i) Open August 1 through December 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(65) **Salmon Creek (Lewis County):**

(a) Selective gear rules, except: Use of barbed hooks is allowed.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(c) Salmon:

(i) Open August 1 through October 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook or hatchery coho may be retained.

(66) **Silver Lake (Cowlitz County):** Game fish: Statewide minimum length/daily limit, except:

(a) Crappie: Daily limit 10; minimum length 9 inches.

(b) Grass carp: No ~~((daily))~~ limit(;) and no minimum length.

(c) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(d) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(e) Channel catfish: Daily limit 10; no size restriction.

(f) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(67) **Silver Creek (tributary to Cowlitz River) (Lewis County):** From the mouth to USFS Road 4778. Selective gear rules.

(68) **Skamokawa Creek (Wahkiakum County):**

(a) Selective gear rules, except: Use of barbed hooks is allowed.

(b) Open the Saturday before Memorial Day through August 31 and November 1 through March 15.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) Salmon:

(i) Open November 1 through December 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

(69) **Skate Creek (tributary to Cowlitz River) (Lewis County):** Selective gear rules.

(70) **Spearfish Lake (Klickitat County):** Open the fourth Saturday in April through March 31.

(71) **Spirit Lake (Skamania County):** Closed waters.

(72) **Spring Creek (Klickitat County):** From Hill Road upstream to the Goldendale Hatchery: Game fish: Statewide minimum length/daily limit, except: Trout: Limit 5; minimum length 8 inches.

(73) **Stillwater Creek (Lewis County):**

(a) Selective gear rules, except: Use of barbed hooks is allowed.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(c) Salmon:

(i) Open August 1 through October 31.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery Chinook and hatchery coho may be retained.

**(74) Swift Reservoir (Skamania County):**

(a) From dam to posted markers approximately 3/8 mile below Eagle Cliff Bridge:

(i) Open the Saturday before Memorial Day through November 30.

(ii) Game fish: Statewide minimum length/daily limit, except: (~~Trout:~~)

(A) ~~Trout:~~ Daily limit 10; minimum length 8 inches.

(B) Release wild trout.

(C) Release all steelhead.

(iii) Salmon:

(A) Open the Saturday before Memorial Day through November 30.

(B) Salmon count toward trout daily limit.

(C) Minimum length 8 inches.

(D) Maximum length 15 inches.

(E) No catch record card required.

(b) From the posted markers approximately 3/8 mile below Eagle Cliff Bridge to the bridge:

(i) Selective gear rules.

(ii) Open the Saturday before Memorial Day through July 15.

(iii) Game fish: Statewide minimum length/daily limit, except: (~~Trout:~~)

(A) ~~Trout:~~ Daily limit 10; minimum length 8 inches.

(B) Release wild trout.

(C) Release all steelhead.

(iv) Salmon:

(A) Open the Saturday before Memorial Day through July 15.

(B) Landlocked salmon rules.

(C) Maximum length 15 inches.

**(75) Tilton River (Lewis County):** From the mouth to the West Fork:

(a) Within posted "Closed Waters": Signs around the adult fish release site: Closed waters.

(b) Anti-snagging rule from September 1 through October 31.

(c) Night closure from September 1 through October 31.

(d) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout. Open year-round.

(e) Salmon:

(i) Open year-round.

(ii) Limit 6; up to 2 may be adults.

(iii) Only hatchery coho may be retained.

**(76) Tilton River, East, North, South and West Forks (Lewis County):** Selective gear rules.

**(77) Toutle River (Cowlitz County):** From the mouth to the forks:

(a) Open the Saturday before Memorial Day through March 15.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(c) Salmon open August 1 through November 30:

(i) Daily limit 6; up to 4 may be adults.

(ii) Only hatchery coho may be retained.

**(78) Toutle River tributaries (unless otherwise listed) (Cowlitz County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release wild trout.

**(79) Toutle River, North Fork (Cowlitz County):**

(a) From the mouth to the posted deadline below the fish collection facility:

(i) Open the Saturday before Memorial Day through March 15.

(ii) September 1 through October 15: Anti-snagging rule and night closure on the North Fork from the confluence with the South Fork to the mouth of Green River.

(iii) Selective gear rules, except: Use of barbed hooks is allowed the Saturday before Memorial Day through July 31 and December 1 through March 15.

(iv) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(v) Salmon open August 1 through Nov 30:

(A) Daily limit 6; up to 2 may be adults, of which one may be a Chinook.

(B) Only hatchery Chinook and hatchery coho may be retained.

(b) From the posted deadline downstream of the fish collection facility upstream and tributaries: Closed waters.

**(80) Toutle River, North Fork tributaries from the mouth to the posted deadline below the fish collection facility (unless otherwise listed) (Cowlitz County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

**(81) Toutle River, South Fork (Cowlitz County):**

(a) From the mouth to 4700 Road Bridge:

(i) Open April 16 through the Friday before Memorial Day:

(A) Selective gear rules, except: Use of barbed hooks is allowed.

(B) Game fish: Statewide minimum length/daily limit, except:

(I) Release trout.

(II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(ii) Open the Saturday before Memorial Day through November 30:

Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iii) Open December 1 through March 15:

(A) Selective gear rules, except: Use of barbed hooks is allowed.

(B) Game fish: Statewide minimum length/daily limit, except:

(I) Trout: Daily limit 2; minimum length 14 inches.

(II) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(C) Salmon:

(I) Open August 1 through November 30.

(II) Limit 6; up to 2 may be adults.

(III) Only hatchery Chinook and hatchery coho may be retained.

(b) From 4700 Road Bridge upstream:

(i) Open the Saturday before Memorial Day through March 15.

(ii) From December 1 through March 15: Selective gear rules, except: Use of barbed hooks is allowed.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iv) Salmon:

(A) Open August 1 through November 30.

(B) Limit 6; up to 2 may be adults.

(C) Only hatchery Chinook and hatchery coho may be retained.

**(82) Vancouver Lake and all other waters west of Burlington Northern Railroad from the Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County):**

(a) Vancouver Lake flushing channel and the lake shoreline 400 feet east and west of the channel exit: Closed April 1 through May 31.

(b) Chumming is permissible.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(iii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iv) Channel catfish: Daily limit 10; no size restriction.

(v) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

**(83) Walupt Lake (Lewis County):** All inlet streams: Closed waters.

**(84) Washougal River (Clark County):**

(a) From the mouth to the boat ramp at the WDFW county line access site:

(i) From 1,000 feet (or posted markers) below to 200 feet above the temporary weir when the weir is installed in the river: Closed waters.

(ii) Night closure.

(iii) July 1 through October 31: Anti-snagging rule.

(iv) Open April 16 through the Friday before Memorial Day:

(A) Selective gear rules, except: Use of barbed hooks is allowed.

(B) Game fish: Statewide minimum length/daily limit, except: Release all trout.

(v) Open the Saturday before Memorial Day through March 15.

(A) Game fish: Statewide minimum length/daily limit, except:

(B) Trout: Daily limit 2; minimum length 14 inches.

(vi) Steelhead:

(A) April 16 through July 31: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(B) August 1 through October 15: Catch and release.

(C) October 16 through March 15: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(vii) Salmon:

(A) Open October 16 through December 31.

(B) Limit 6; up to 3 may be adults.

(C) Only hatchery coho may be retained.

(b) From the boat ramp at the WDFW county line access site to the bridge at Salmon Falls:

(i) From 1,000 feet (or posted markers) below to 200 feet above the temporary weir when the weir is installed in the river: Closed waters.

(ii) August 1 through October 31:

(A) Anti-snagging rule.

(B) Night closure.

(iii) Game fish:

(A) Open from the Saturday before Memorial Day through March 15.

(B) Game fish: Statewide minimum length/daily limit, except:

(C) Trout: Daily limit 2; minimum length 14 inches.

(D) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iv) Salmon:

(A) Open August 1 through December 31.

(B) Limit 6; up to 2 may be adults.

(C) Only hatchery coho may be retained.

(c) From the bridge at Salmon Falls upstream and tributaries: Closed waters.

**(85) Washougal River, West (North) Fork (Clark/Skamania counties):**

(a) From the mouth to the water intake at the department hatchery: Closed waters.

(b) From the intake at the department hatchery upstream:

(i) Open the Saturday before Memorial Day through March 15.

(ii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Steelhead: Daily limit 3 hatchery steelhead; minimum length 20 inches.

(iii) Salmon:

(A) Open August 1 through December 31.

(B) Limit 6; up to 2 may be adults.

(C) Only hatchery Chinook and hatchery coho may be retained.

**(86) White Salmon River (Klickitat/Skamania counties):**

(a) From the mouth (Burlington Northern Railroad Bridge) to the county road bridge below the former location of the powerhouse:

(i) Open year-round.

(ii) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat.

(iii) July 1 through October 31: Night closure for salmon and steelhead.

(iv) August 1 through December 31: Anti-snagging rule.

(v) Salmon and steelhead:

(A) April 1 through June 30:

(I) Daily limit 2; no more than 2 salmon, or 2 hatchery steelhead, or one of each, may be retained.

(II) Release wild Chinook.

(B) July 1 through July 31:

(I) Daily limit 2; no more than 2 salmon or 1 salmon and 1 hatchery steelhead.

(II) Release wild Chinook.

(C) August 1 through August 31:

(I) Daily limit 6; no more than 2 adult salmon. Release all steelhead.

(II) Only hatchery Chinook and hatchery coho may be retained.

(D) September 1 through October 31:

(I) Daily limit 6; no more than 2 adult salmon, or 1 adult salmon and 1 hatchery steelhead.

(II) Only hatchery Chinook and hatchery coho may be retained.

(E) November 1 through March 31:

(I) Daily limit 6; no more than 2 salmon, or 2 hatchery steelhead, or one of each, may be retained.

(II) Only hatchery Chinook and hatchery coho may be retained.

(b) From the county road bridge below the former location of the powerhouse upstream to Big Brother Falls (river mile 16):

(i) From Big Brother Falls downstream 400 feet: Closed waters.

(ii) Game fish: Statewide minimum length/daily limit, except: Release wild rainbow and wild cutthroat trout.

(iii) Selective gear rules, except: Use of barbed hooks is allowed.

(iv) Salmon and steelhead:

(A) Saturday before Memorial Day through July 31:

(I) Daily limit 2 fish, no more than 2 salmon, or 2 steelhead, or one of each may be retained.

(II) Only hatchery salmon and hatchery steelhead may be retained.

(B) August 1 through October 31:

(I) Daily limit 6; no more than 2 adult salmon, or 2 steelhead, or one of each may be retained.

(II) Only hatchery salmon and hatchery steelhead may be retained.

(87) **Wind River (Skamania County):**

(a) From the mouth to the Highway 14 Bridge:

(i) Open year-round.

(ii) March 16 through June 30: Night closure.

(iii) March 16 through June 30: Each angler aboard a vessel may deploy salmon/steelhead angling gear until the salmon/steelhead limit for all anglers aboard has been achieved.

(iv) March 16 through June 30: Two-pole fishing for salmon/steelhead is permissible so long as the angler possesses a two-pole endorsement.

(v) July 1 through October 31: Night closure for salmon and steelhead fishing.

(vi) August 1 through October 31: Anti-snagging rule applies.

(vii) Game fish: Statewide minimum length/daily limit, except:

(A) Release cutthroat trout and wild rainbow trout.

(B) Steelhead: Open November 1 through March 15; daily limit 3 hatchery steelhead; minimum length 20 inches.

(viii) Salmon and steelhead:

(A) March 16 through June 30: Daily limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained. Release wild Chinook and wild coho.

(B) July 1 through July 31: Daily limit 6, no more than 2 adult salmon or 1 adult salmon and 1 hatchery steelhead. Release wild Chinook and wild coho.

(C) August 1 through August 31: Daily limit 6, no more than 2 adult salmon. Release all steelhead, wild Chinook and wild coho.

(D) September 1 through October 31: Daily limit 6, no more than 2 adult salmon or 1 adult salmon and 1 hatchery steelhead. Release wild Chinook and wild coho.

(b) From the Highway 14 Bridge to 400 feet below Shipherd Falls:

(i) Open year-round.

(ii) March 16 through June 30: Night closure.

(iii) July 1 through October 31: Night closure for salmon and steelhead fishing.

(iv) Anti-snagging rule from May 1 through June 30 and August 1 through October 31.

(v) Game fish: Statewide minimum length/daily limit, except:

(A) Release cutthroat trout and wild rainbow trout.

(B) Steelhead: Open November 1 through March 15; daily limit 3 hatchery steelhead; minimum length 20 inches.

(vi) Salmon and steelhead:

(A) Open March 16 through June 30: Daily limit 6; no more than 2 salmon, or 2 hatchery steelhead, or one of each, may be retained. Release wild Chinook and wild coho.

(B) July 1 through July 31: Daily limit 6, no more than 2 adult salmon or 1 adult salmon and 1 hatchery steelhead. Release wild Chinook and wild coho.

(C) August 1 through August 31: Daily limit 6, no more than 2 adult salmon. Release all steelhead, wild Chinook and wild coho.

(D) September 1 through October 31: Daily limit 6, no more than 2 adult salmon or 1 adult salmon and 1 hatchery steelhead. Release wild Chinook and wild coho.

(c) From 400 feet below to 100 feet above Shipherd Falls fish ladder: Closed waters.

(d) From 100 feet above Shipherd Falls fish ladder to 400 feet below the Coffey Dam:

(i) Anti-snagging rule.

(ii) Night closure.

(iii) Open September 16 through November 30:

(A) Release all fish.

(B) Selective gear rules, except: Use of barbed hooks is allowed.

(iv) Salmon and steelhead:

(A) Open May 1 through June 30.

(B) Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(e) From 400 feet below the Coffey Dam to 100 feet above the Coffey Dam: Closed waters.

(f) From 100 feet above the Coffey Dam to 800 yards downstream from Carson National Fish Hatchery:

(i) Anti-snagging rule.

(ii) Night closure.

(iii) Open September 16 through November 30:

(A) Release all fish.

(B) Selective gear rules, except: Use of barbed hooks is allowed.

(iv) Salmon and steelhead open May 1 through June 30: Limit 6; no more than 2 adult salmon, or 2 hatchery steelhead, or one of each, may be retained.

(g) From 800 yards downstream from Carson National Fish Hatchery upstream to Moore Bridge:

(i) Open September 16 through November 30.

(ii) Release all fish.

(iii) Selective gear rules, except: Use of barbed hooks is allowed.

(h) From Moore Bridge upstream: Closed waters.

(88) **Wind River tributaries (Skamania County):** Closed waters.

(89) **Yale Reservoir (Cowlitz County):** Landlocked salmon rules.

(90) **Yellowjacket Creek (tributary to Cispus River) (Lewis County):** Selective gear rules.

**AMENDATORY SECTION** (Amending WSR 19-15-050, filed 7/12/19, effective 8/12/19)

**WAC 220-312-040 Freshwater exceptions to state-wide rules—Puget Sound.** (1) Beaver ponds located within or adjacent to streams that drain into Puget Sound listed as open to trout and other game fish follow the same rules as the adjacent stream.

(2) **County-wide freshwater exceptions to statewide rules:**

(a) Beaver ponds in Kitsap County and Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3):

(i) Open the fourth Saturday in April through October 31.

(ii) Trout: No minimum length.

(b) Beaver ponds in Kitsap County and Mason County east of Belfair-Bremerton Highway (S.R. 3):

(i) Open the first Saturday in June through October 31.

(ii) Trout: No minimum length.

(3) **AKL Pond (King County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(4) **Aldrich Lake (Mason County):** Open the fourth Saturday in April through October 31.

~~((4))~~ **(5) Alexander Lake (Kitsap County):** Closed waters.

~~((5))~~ **(6) American Lake (Pierce County):**

(a) Chumming is permissible.

(b) Game fish: Statewide minimum length/daily limit, except: Combined daily limit of trout and kokanee is 5, any length.

~~((6))~~ **(7) Anderson Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((7))~~ **(8) Armstrong Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

~~((8))~~ **(9) Bainbridge Island - All streams (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((9))~~ **(10) Baker Lake (Whatcom County):**

(a) Closed waters within a 200-foot radius around the pump discharge at the south end of the lake.

(b) Chumming is permissible.

(c) Open the fourth Saturday in April through October 31.

(d) Game fish: Statewide minimum length/daily limit, except:

Kokanee: Minimum length 8 inches and maximum length 18 inches.

(e) Salmon: Open July 6 through September 16.

(i) Sockeye: Daily limit 3; minimum length 18 inches.

(ii) Each angler aboard a vessel may deploy salmon angling gear until the limit for all licensed and juvenile anglers aboard is reached.

~~((10))~~ **(11) Baker River (Skagit/Whatcom County):** From the mouth to the Lower Baker Dam: Closed waters.

~~((11))~~ **(12) Ballinger Lake (Snohomish County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

**(13) Beaver Lake (Skagit County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

**(14) Beecher Lake (Snohomish County):** Game fish: Statewide minimum length/daily limit, except:



(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

**(15) Benson Lake (Mason County):** Open the fourth Saturday in April through October 31.

~~((12))~~ **(16) Big Beaver Creek (Whatcom County), from 1/4 mile upstream of the closed water markers on Ross Lake upstream, including tributary streams and beaver ponds:**

(a) Open July 1 through October 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((13))~~ **(17) Big Beef Creek (Kitsap County):**

(a) From Seabeck Highway Bridge to Lake Symington:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(iv) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(v) From August 1 through August 31: Closed waters within 100 feet of the Seabeck Highway N.W. Bridge.

(b) From Lake Symington upstream:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((14))~~ **(18) Big Lake (Skagit County):**

(a) Game fish: Statewide minimum length/daily limit, except:

(i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iii) Channel catfish: Daily limit 10; no size restriction.

(iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

inches may be retained.

(b) Landlocked salmon rules.

~~((15))~~ **(19) Big Mission Creek (Mason County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((16))~~ **(20) Big Quilcene River (Jefferson County):**

(a) From the mouth to Rodgers Street: Open the Saturday before Memorial Day through August 15.

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(b) From Rodgers Street to the Highway 101 Bridge:

(i) From the Saturday before Memorial Day through August 15: Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) From August 16 through October 31:

(A) Night closure.

(B) Anti-snagging rules.

(v) Salmon:

(A) Open August 16 through October 31.

(B) Daily limit 4 coho only; minimum length 12 inches.

(c) From the Highway 101 Bridge to the weir at Quilcene National Fish Hatchery: Closed waters.

(d) From the weir at Quilcene National Fish Hatchery to the upper boundary of Falls View campground:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((17))~~ **(21) Big Soos Creek (King County):** From the mouth to the hatchery rack:

(a) Open the Saturday before Memorial Day through August 31.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((18))~~ **(22) Black Lake (Thurston County):** Game fish: Statewide minimum length/daily limit, except: ~~((+))~~ Crappie: Daily limit 10; minimum length 9 inches.

~~((b))~~ ~~Cutthroat trout and wild rainbow trout: Minimum length 14 inches.~~

~~(19))~~ **(23) Blackjack Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((20))~~ **(24) Blacksmith Pond (Mason County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

**(25) Boise Creek (King County) (White River tributary):** From the mouth to the Highway 410 crossing: Closed waters.

~~((21))~~ **(26) Bosworth Lake (Snohomish County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iii) Channel catfish: Daily limit 10; no size restriction.

(iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

~~((22))~~ **(27) Boulder River (Snohomish County) (N.F. Stillaguamish River tributary):** From the mouth to Boulder Falls:

- (a) Open September 16 through October 31.
- (b) Selective gear rules.
- (c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((23))~~ **(28) Bradley Lake (Pierce County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((24))~~ **(29) Buck Lake (Kitsap County):** Open the fourth Saturday in April through October 31.

~~((25))~~ **(30) Buffington Pond (Kitsap County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

**(31) Burley Creek (Kitsap County):**

- (a) Selective gear rules.
- (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((26))~~ **(32) Cady Lake (Mason County):**

- (a) Fly fishing only.
- (b) Release all fish.
- (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

~~((27))~~ **(33) Cain Lake (Whatcom County):** Open the fourth Saturday in April through October 31.

~~((28))~~ **(34) Calligan Lake (King County):** It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

~~((29))~~ **(35) Campbell Creek (Mason County):**

- (a) Selective gear rules.
- (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((30))~~ **(36) Campbell Lake (Skagit County):** Grass carp: No daily limit for anglers and bow and arrow fishing allowed.

~~((31))~~ **(37) Canyon Creek (Snohomish County) (S.F. Stillaguamish River):**

- (a) From the mouth to the forks (North Fork and South Fork):
  - (i) Open September 16 through January 31.
  - (ii) Selective gear rules.
  - (iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
- (b) From the forks (North Fork and South Fork) upstream: Closed waters.

~~((32))~~ **(38) Capitol Lake (Thurston County):** Closed waters.

~~((33))~~ **(39) Carbon River (Pierce County):**

(a) From the mouth to Voight Creek:

(i) From September 1 through November 30:

(A) Night closure.

(B) Anti-snagging rules.

(ii) Open September 1 through November 30.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Open December 1 through January 15:

(A) Selective gear rules.

(B) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(v) Salmon:

(A) Open September 1 through November 30.

(B) Daily limit 6 fish of which no more than 2 may be adults, minimum length 12 inches.

(C) Release wild Chinook and chum.

(b) From Voight Creek to the Highway 162 Bridge:

(i) Open from December 1 through January 15.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((34))~~ **(40) Carney Lake (Pierce County):**

(a) Open the fourth Saturday in April through October 31.

(b) Salmon: Landlocked salmon rules.

~~((35))~~ **(41) Carpenter Lake (Kitsap County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

**(42) Cascade Creek (San Juan County):**

(a) From the mouth to Mountain Lake.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((36))~~ **(43) Cascade Lake (San Juan County):** Open the fourth Saturday in April through October 31.

~~((37))~~ **(44) Cascade River (Skagit County):**

(a) From the mouth to the Rockport-Cascade Road Bridge:

(i) Open June 1 through July 15 and September 16 through January 31:

(A) June 1 through July 15: Anti-snagging rules and night closure.

(B) Game fish: Statewide minimum length/daily limit, except:

(I) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(II) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(ii) Salmon:

(A) Open June 1 through July 15.

(B) Up to 4 hatchery Chinook may be retained; only 2 hatchery Chinook may be adults; minimum length 12 inches.

(C) Release all other salmon.

(iii) Open September 16 through November 30.

(A) Daily limit 4 coho may be retained; minimum length 12 inches. Release all other salmon.

(B) Game fish: Statewide length/daily limit, except:

(I) Cutthroat trout and wild rainbow: Minimum length 14 inches.

(II) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(b) From the Rockport-Cascade Road Bridge upstream:

(i) Open June 1 through January 31.

(ii) Selective gear rules.

(iii) Release all fish except hatchery steelhead.

~~((38))~~ **(45) Cass Pond (King County): Game fish: Statewide minimum length/daily limit, except:**

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

**(46) Cavanaugh Lake (Skagit County):** Chumming is permissible.

~~((39))~~ **(47) Cedar River (King County):**

(a) From the mouth to Landsburg Road:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(iii) Night closure.

(iv) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(v) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) From Landsburg Bridge upstream to the falls: Closed waters.

~~((40))~~ **(48) Chain Lake (Snohomish County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(iii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iv) Channel catfish: Daily limit 10; no size restriction.

(v) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

~~((41))~~ **(49) Chambers Creek (Pierce County):**

(a) From the mouth (Burlington Northern Bridge) to the markers 400 feet below the Boise-Cascade Dam:

(i) Selective gear rules, except bait is permissible September 1 through October 15.

(ii) Open the Saturday before Memorial Day through November 15 for game fish and salmon.

(iii) Night closure.

(iv) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(v) Salmon:

(A) Limit 6 fish of which no more than 4 may be adult salmon; minimum length 12 inches.

(B) Release wild coho.

(b) From Boise-Cascade Dam to Steilacoom Lake:

(i) Selective gear rules.

(ii) Night closure.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((42))~~ **(50) Chambers Lake (within Ft. Lewis Military Reservation) (Pierce County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Release cutthroat trout and wild rainbow trout.

(ii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(iii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iv) Channel catfish: Daily limit 10; no size restriction.

(v) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

~~((43))~~ **(51) Channel Creek (Whatcom County) (Baker River tributary):** Open the Saturday before Memorial Day through August 31.

~~((44))~~ **(52) Chaplain Creek (Snohomish County) (Sultan River tributary):** Waters adjacent to the water filtration plant, from the inlet to the beaver pond (Grass Lake) below the water filtration plant gate to the waterfall approximately .4 miles upstream: Closed waters.

~~((45))~~ **(53) Cherry Creek (King/Snohomish County) (tributary to the Snoqualmie River):** From the mouth to Cherry Creek Falls: Selective gear rules.

~~((46))~~ **(54) Chico Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((47))~~ **(55) Christine, Lake (Mason County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(56) Church Creek (Mason County): From the mouth to the bridge on U.S. Forest Service Road #2361: Closed waters.

~~((48))~~ (57) Clear Creek (Kitsap County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((49))~~ (58) Clear Lake (Pierce County):

(a) Open the fourth Saturday in April through October 31.

(b) Chumming is permissible.

~~((50))~~ (59) Clear Lake (Skagit County): Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(60) Clear Lake (Thurston County): Open the fourth Saturday in April through October 31.

~~((51))~~ (61) Clearwater River (Pierce County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((52))~~ (62) Clover Creek (Pierce County): From the mouth upstream to Steilacoom Lake: Closed waters.

~~((53))~~ (63) Cottage Creek South Pond (King County): Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(64) Cottage Lake (King County):

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iii) Channel catfish: Daily limit 10; no size restriction.

(iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

~~((54))~~ (65) Coulter Creek (Kitsap/Mason counties):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((55))~~ (66) County Line Ponds (Skagit County): Closed waters.

~~((56))~~ (67) Crabapple Lake (Snohomish County): Open the fourth Saturday in April through October 31.

~~((57))~~ (68) Cranberry Creek (Mason County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((58))~~ (69) Cranberry Lake (Mason County): Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(70) Crescent Creek (Kitsap County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((59))~~ (71) Crescent Lake (Pierce County): Open the fourth Saturday in April through October 31.

~~((60))~~ (72) Crocker Lake (Jefferson County): Game fish: Statewide minimum length/daily limit, except: Closed to trout fishing.

~~((61))~~ (73) Cushman Lake (Mason County): Game fish: Statewide minimum length/daily limit, except:

(a) Kokanee: Minimum length 8 inches and maximum length 18 inches.

(b) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(c) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(d) Channel catfish: Daily limit 10; no size restriction.

(e) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

~~((62))~~ (74) Dakota Creek (Whatcom County): From the mouth to Giles Road Bridge.

(a) Open the Saturday before Memorial Day through December 31.

(b) Selective gear rules.

(c) Salmon:

(i) Open October 1 through December 31.

(ii) Daily limit 2 salmon; minimum length 12 inches.

(iii) Release wild Chinook.

~~((63))~~ (75) De Coursey Pond (Pierce County): Open the fourth Saturday in April through October 31 to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((64))~~ (76) Deer Creek (Mason County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((65))~~ (77) Deer Creek (Snohomish/Skagit counties)  
**(Tributary to the N.F. Stillaguamish) and all tributaries:**  
 Closed waters.

~~((66))~~ (78) Deer Lake (Island County): Open the fourth Saturday in April through October 31.

~~((67))~~ (79) Deer Lake (Mason County): Open the fourth Saturday in April through October 31.

~~((68))~~ (80) Deschutes River (Thurston County):  
 From Old Highway 99 Bridge upstream:

(a) Selective gear rules.

(b) Game fish:

(i) Open year-round.

(ii) Statewide minimum length/daily limit, except:  
 Release cutthroat trout and wild rainbow trout.

(c) Salmon:

(i) Open year-round.

(ii) Limit 6; no more than 2 adult salmon may be retained.

(iii) Release coho.

~~((69))~~ (81) Devereaux Lake (Mason County): Open the fourth Saturday in April through October 31.

~~((70))~~ (82) Dewatto River (Mason County):

(a) From the mouth to Dewatto-Holly Road Bridge:

(i) Open the Saturday before Memorial Day through August 15 and October 1 through October 31.

(ii) Selective gear rules.

(iii) October 1 through October 31: Night closure.

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Release cutthroat trout and wild rainbow trout.

(B) No steelhead retention.

(b) From Dewatto-Holly Road Bridge upstream:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((71))~~ (83) Dogfish Creek (Kitsap County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((72))~~ (84) Don Lake (also known as "Clara Lake") (Mason County): Open the fourth Saturday in April through October 31.

~~((73))~~ (85) Dosewallips River (Jefferson County):

(a) From the mouth to Highway 101 Bridge:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(iv) Salmon:

(A) Open November 1 through December 15.

(B) Limit 2 chum only.

(b) From Highway 101 Bridge to Olympic National Park boundary about three-quarters of a mile downstream of the falls:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((74))~~ (86) Duckabush River (Jefferson County):

(a) From the mouth to Mason County PUD #1 overhead distribution line:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(iv) Salmon:

(A) Open November 1 through December 15.

(B) Daily limit 2 chum only.

(b) From Mason County PUD #1 overhead distribution line to the Olympic National Park boundary:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((75))~~ (87) Echo Lake (Snohomish County): Open the fourth Saturday in April through October 31.

~~((76))~~ (88) Eglon Creek (Kitsap County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((77))~~ (89) Elson Creek (Thurston County): Closed waters.

~~((78))~~ (90) Erdman Lake (Mason County): Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(91) Erickson Pond (Kitsap County): Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(92) Erickson Reservoir (Kitsap County): Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

~~((93))~~ **(93) Erie Lake (Skagit County):** Open the fourth Saturday in April through October 31.

~~((79))~~ **(94) Fawn Lake (Upper and Lower) (Mason County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

~~((95))~~ **(95) Fazon Lake (Whatcom County):** It is unlawful to fish from any floating device from the first Friday in October through January 27.

~~((80))~~ **(96) Finch Creek (Mason County):** Anglers with disabilities who permanently use a wheelchair and possess a designated harvester companion card may fish from the ADA accessible site at the Hoodsport Salmon Hatchery, so long as those anglers follow all applicable rules of the adjoining waters of Marine Area 12.

~~((81))~~ **(97) Finney Creek (Skagit County):** From the mouth up to the USFS 17 road bridge: Closed waters.

~~((82))~~ **(98) Fisher Creek Slough (Skagit County):** From the mouth to the I-5 Bridge: Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((83))~~ **(99) Fortson Mill Pond #1 (Snohomish County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

**(100) Fortson Mill Pond #2 (Snohomish County):**

(a) Open the fourth Saturday in April through October 31 for juvenile anglers only.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iii) Channel catfish: Daily limit 10; no size restriction.

(iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

~~((84))~~ **(101) Fulton Creek (Mason County):** From the mouth to falls at river mile 0.8:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((85))~~ **(102) Geneva Lake (King County):** Open the fourth Saturday in April through October 31.

~~((86))~~ **(103) Gibbs Lake (Jefferson County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 1; minimum length 18 inches.

(ii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(iii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iv) Channel catfish: Daily limit 10; no size restriction.

(v) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

~~((87))~~ **(104) Gissberg Pond, North (Snohomish County):** Open for juvenile anglers only.

~~((88))~~ **(105) Goat Ranch Pond (Mason County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

**(106) Goldsborough Creek and tributaries (Mason County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((89))~~ **(107) Goodwin Lake (Snohomish County):** Chumming is permissible.

~~((90))~~ **(108) Goss Lake (Island County):** Open the fourth Saturday in April through October 31.

~~((91))~~ **(109) Gorst Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((92))~~ **(110) Grandy Lake (Skagit County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

**(111) Granite Lakes (near Marblemount) (Skagit County):** Game fish: Statewide minimum length/daily limit, except: Release Grayling.

~~((93))~~ **(112) Grass Lake (Mason County):** Open the fourth Saturday in April through October 31.

~~((94))~~ **(113) Green (Duwamish) River (King County):**

(a) From an east-west line extending through the southernmost tip of Harbor Island to Tukwila International Boulevard/Old Highway 99:

(i) Open for game fish the Saturday before Memorial Day through July 31.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) In years ending in odd numbers, open for game fish and salmon August 20 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum.

(I) Release Chinook.

(II) Salmon minimum length 12 inches.

(III) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) In years ending in even numbers, open for game fish and salmon September 1 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Salmon: Daily limit 6 salmon of which no more than 3 adults may be retained. Release Chinook.

(D) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From Tukwila International Boulevard/Old Highway 99 to the South 212th Street Bridge:

(i) Open for game fish the Saturday before Memorial Day through July 31.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) In years ending in odd numbers: Open for salmon and game fish August 20 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Salmon: Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum. Only 1 Chinook may be retained.

(D) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) In years ending in even numbers, open for game fish and salmon September 1 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Daily limit 6 salmon, up to 3 adults may be retained, of which one may be a Chinook.

(D) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(c) From the South 212th Street Bridge to the Highway 18 Eastbound Bridge:

(i) Open for game fish the Saturday before Memorial Day through August 15.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) In years ending in odd numbers, open for game fish and salmon September 16 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Salmon: Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum. Release Chinook.

(D) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) In years ending in even numbers, open for game fish and salmon October 1 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Salmon: Daily limit 6 salmon of which no more than 3 adults may be retained. Release Chinook.

(D) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) From Highway 18 Eastbound Bridge to the Auburn-Black Diamond Road Bridge: Closed waters.

(e) From the Auburn-Black Diamond Road Bridge to the mouth of Cristy Creek (at Flaming Geyser State Park):

(i) Closed waters within 150 feet of the mouth of Keta (Crisp) Creek.

(ii) Open for game fish the Saturday before Memorial Day through September 15.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Open for game fish and salmon November 1 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum. Release Chinook.

(D) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(f) From the mouth of Cristy Creek (at Flaming Geyser State Park) to the ~~((water pipeline walk bridge (1/2 mile downstream of))~~ Tacoma Municipal Watershed Boundary Marker (1.3 miles downstream to Tacoma Headworks Dam):

(i) Within 150 feet of the Palmer Pond outlet rack: Closed waters.

(ii) Open for game fish the Saturday before Memorial Day through December 31.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Open for game fish and salmon November 1 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum. Release Chinook.

(g) From Tacoma Municipal Watershed Boundary Marker (1.3 miles downstream to Tacoma Headworks Dam) to Friday Creek: Closed waters.

~~((95))~~ **(114) Greenwater River (King County):** From the mouth to Greenwater Lakes:

(a) Open December 1 through last day in February for whitefish only.

(b) Whitefish gear rules.

~~((96))~~ **(115) Grovers Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((97))~~ **(116) Hamma Hamma River (Mason County):** From the mouth to 400 feet below the falls:

(a) Open the Saturday before Memorial Day through August 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((98))~~ **(117) Hancock Lake (King County):** It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

~~((99))~~ **(118) Harvey Creek (Snohomish County):** Closed waters.

~~((100))~~ **(119) Haven Lake (Mason County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iii) Channel catfish: Daily limit 10; no size restriction.

(iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

~~((101))~~ **(120) Heart Lake (near Anacortes) (Skagit County):** Open the fourth Saturday in April through October 31.

~~((102))~~ **(121) Heins Lake (Kitsap County):** Closed waters.

~~((103))~~ **(122) Hicks Lake (Thurston County):** Open the fourth Saturday in April through October 31.

~~((104))~~ **(123) Horseshoe Lake (Jefferson County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

~~((105))~~ **(124) Horseshoe Lake (King County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

**(125) Horseshoe Lake (Kitsap County):** Open the fourth Saturday in April through October 31.

~~((106))~~ **(126) Howard Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

~~((107))~~ **(127) Howell Lake (Mason County):** Open the fourth Saturday in April through October 31.

~~((108))~~ **(128) Hozomeen Lake (Whatcom County):** It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

~~((109))~~ **(129) Illahee Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((110))~~ **(130) Isabella Lake (Mason County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

**(131) Issaquah Creek (King County):** Open the Saturday before Memorial Day through August 31.

~~((111))~~ **(132) Jackson Lake (Pierce County):** Open the fourth Saturday in April through October 31.

~~((112))~~ **(133) Jennings Park Pond (Snohomish County):** Open for juvenile anglers, senior anglers and anglers with a disability who possess a designated harvester companion card.

~~((113))~~ **(134) Jimmy-come-lately Creek (Clallam County):** From the mouth to the confluence with East Fork. Open the Saturday before Memorial Day through August 31.

~~((114))~~ **(135) Johns Creek (Mason County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((115))~~ **(136) Jov, Lake (King County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.



(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(137) Kapowsin Lake (Pierce County): Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(138) Keefe Lake (Whatcom County): Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(139) Kendall Creek (Whatcom County) (N.F. Nooksack tributary): From the mouth through the hatchery to the hatchery boundary fence: Closed waters.

((H16)) (140) Kennedy Creek (Mason County):

(a) From the mouth to Highway 101 Bridge:

(i) Open the Saturday before Memorial Day through the last day in February.

(ii) October 1 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(iv) Salmon:

(A) Open October 1 through November 30.

(B) Daily limit 6; no more than 2 adults may be retained.

(C) Release wild coho.

(b) From Highway 101 Bridge upstream:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(iv) October 1 through October 31: Night closure.

((H17)) (141) Ki Lake (Snohomish County): Open the fourth Saturday in April through October 31.

((H18)) (142) Kings Lake Bog (King County): Closed waters.

((H19)) (143) Kitsap Creek (Kitsap County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

((H20)) (144) Kitsap Lake (Kitsap County): Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(145) Koeneman Lake (Fern Lake) (Kitsap County):

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Release all fish.

((H21)) (146) Langlois Lake (King County): Open the fourth Saturday in April through October 31.

((H22)) (147) Larsen Lake (King County): Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(148) LeBar Creek (Mason County): From the mouth to the falls at river mile 1: Closed waters.

((H23)) (149) Lilliwaup River (Mason County): From the mouth to 200 feet below the falls:

(a) Open the Saturday before Memorial Day through August 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

((H24)) (150) Limerick Lake (Mason County):

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iii) Channel catfish: Daily limit 10; no size restriction.

(iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(151) Little Menzel Lake (Snohomish County): Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

~~((125))~~ **(152) Little Quilcene River (Jefferson County):** From the mouth to the Little Quilcene River Bridge on Penny Creek Road:

(a) From the mouth to the Highway 101 Bridge: Open the Saturday before Memorial Day through August 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((126))~~ **(153) Little Scandia Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((127))~~ **(154) Lois Lakes (Thurston County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

**(155) Lone Lake (Island County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 1; minimum length 18 inches.

(ii) Grass carp: No limit for anglers and bow and arrow fishing.

~~((128))~~ **(156) Long Lake (Kitsap County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

**(157) Long's Pond (Thurston County):** Open for juvenile anglers, senior anglers and anglers with a disability who possess a designated harvester companion card only.

~~((129))~~ **(158) Maggie Lake (Mason County):** Open the fourth Saturday in April through October 31.

~~((130))~~ **(159) Malaney Creek (Mason County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((131))~~ **(160) Margaret Lake (King County):** Open the fourth Saturday in April through October 31.

~~((132))~~ **(161) Martha Lake (Alderwood Manor) (Snohomish County):** Open the fourth Saturday in April through October 31.

~~((133))~~ **(162) Martha Lake (Warm Beach) (Snohomish County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

~~((134))~~ **(163) Mashel River (Pierce County):** Closed waters.

~~((135))~~ **(164) Mason Lake (Mason County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

**(165) McAllister Creek (Thurston County):**

(a) Open the Saturday before Memorial Day through November 30.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(c) Salmon:

(i) Open July 1 through November 30.

(ii) Daily limit 6; of which no more than 2 may be adults.

(iii) Release chum, wild coho, and wild Chinook.

~~((136))~~ **(166) McLane Creek (Thurston County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(c) Night closure.

~~((137))~~ **(167) McMurray Lake (Skagit County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iii) Channel catfish: Daily limit 10; no size restriction.

(iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(c) Landlocked salmon rules.

~~((138))~~ **(168) Melbourne Lake (Mason County):**

Open the fourth Saturday in April through October 31.

~~((139))~~ **(169) Mill Creek (Mason County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

~~((140))~~ (170) **Mill Pond (Auburn) (King County):**

Open for juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((141))~~ (171) **Millers Pond (King County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(172) **Minter Creek (Pierce/Kitsap counties):** From the mouth to the fishing boundary markers approximately 50 feet downstream of the hatchery rack:

(a) Open for salmon September 16 through December 15.

(b) Night closure.

(c) Anti-snagging rule.

(d) Daily limit 6; up to 4 adult salmon may be retained of which only 2 may be coho or Chinook. Release wild coho.

~~((142))~~ (173) **Mission Lake (Kitsap County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iii) Channel catfish: Daily limit 10; no size restriction.

(iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(174) **Mission Lower Pond (Kitsap County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

~~((143))~~ (175) **Monte Cristo Lake (Snohomish County):**

(a) Open June 1 through August 31.

(b) Selective gear rules.

(c) Release all fish except hatchery steelhead.

~~((144))~~ (176) **Muck Lake (Pierce County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(177) **Mud Lake (Mason County):** Open the fourth Saturday in April through October 31.

~~((145))~~ (178) **Munn Lake (Thurston County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Release all fish.

~~((146))~~ (179) **Nisqually River (Pierce County):**

(a) From the mouth to Military Tank Crossing Bridge:

(i) Anti-snagging rules.

(ii) Night closure.

(iii) Barbless hooks are required.

(iv) Open July 1 through November 15.

(v) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(vi) Salmon: Open July 1 through November 15: Closed Sundays.

(A) Daily limit 6; no more than 2 adults may be retained.

(B) Release chum and wild Chinook.

(b) From Military Tank Crossing Bridge to 400 feet below La Grande Powerhouse:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((147))~~ (180) **Nisqually River tributaries downstream of Alder Dam not otherwise listed (Pierce County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((148))~~ (181) **Nooksack River (Whatcom County):**

(a) From the Lummi Indian Reservation boundary to the yellow marker at the FFA High School barn at Deming:

(i) Open the Saturday before Memorial Day through January 31.

(ii) From the Saturday before Memorial Day through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon: Open September 1 through December 31:

(A) Daily limit 2, plus 2 additional hatchery coho.

(B) Release pink salmon September 1 through December 31.

(C) Release wild Chinook September 1 through September 30.

(b) From the yellow marker at the FFA High School barn in Deming to the confluence of the forks:

(i) Open from October 1 through January 31.

(ii) October 1 through November 30:

- (A) Anti-snagging rules.
- (B) Night closure.
- (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- (iv) Salmon:
  - (A) Open October 1 through December 31:
  - (B) Daily limit 2, plus anglers may retain 2 additional hatchery coho.
  - (C) Release pink salmon.
- ~~((+49))~~ **(182) Nooksack River, North Fork (Whatcom County):**
  - (a) From the mouth to the Highway 9 bridge: Closed waters.
  - (b) From the Highway 9 bridge to Maple Creek:
    - (i) Open the Saturday before Memorial Day through February 15.
    - (ii) From the Saturday before Memorial Day through November 30:
      - (A) Anti-snagging rules.
      - (B) Night closure.
    - (iii) November 1 through February 15: It is unlawful to fish from a floating device equipped with a motor.
    - (iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
    - (v) Salmon:
      - (A) Open October 1 through November 30.
      - (B) Daily limit 2 salmon, plus anglers may retain 2 additional hatchery coho.
      - (C) Release pink salmon.
    - (c) From Maple Creek to Nooksack Falls:
      - (i) Open the Saturday before Memorial Day through January 31.
      - (ii) Selective gear rules.
      - (iii) November 1 through January 31: It is unlawful to fish from a floating device equipped with a motor.
      - (iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
  - ~~((+50))~~ **(183) Nooksack River, Middle Fork (Whatcom County):** From the mouth to the city of Bellingham diversion dam:
    - (a) November 1 through January 31: It is unlawful to use motors.
    - (b) Open the Saturday before Memorial Day through January 31.
    - (c) Selective gear rules.
    - (d) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
  - ~~((+51))~~ **(184) Nooksack River, South Fork (Skagit/Whatcom counties):**
    - (a) From the mouth to Skookum Creek:
      - (i) Open October 1 through January 31.
      - (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
      - (iii) Only one single-point hook allowed.

- (iv) From October 1 through November 30: Night closure.
- (v) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (vi) Salmon open October 1 through December 31:
  - (A) Daily limit 2; plus anglers may retain 4 additional hatchery coho.
  - (B) Release chum and pink salmon.
  - (C) Release wild Chinook October 1 through October 15.
    - (b) From Skookum Creek upstream to Wanlick Creek: Closed waters.
    - (c) Upstream from and including Wanlick Creek, including all tributaries:
      - (i) Open the Saturday before Memorial Day through October 31 for fly fishing only.
      - (ii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.
  - ~~((+52))~~ **(185) North Lake (King County):** Open the fourth Saturday in April through October 31.
  - ~~((+53))~~ **(186) Northern State Hospital Pond (Skagit County):** Open for juvenile anglers only.
  - ~~((+54))~~ **(187) Ohop Lake (Pierce County):** Game fish: Statewide minimum length/daily limit, except:
    - (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
    - (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
    - (c) Channel catfish: Daily limit 10; no size restriction.
    - (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
  - ~~((+55))~~ **(188) Olalla Creek (Kitsap County):**
    - (a) Selective gear rules.
    - (b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
  - ~~((+55))~~ **(189) Old Fishing Hole Pond (Kent, King County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card.
  - ~~((+56))~~ **(190) Osborne Lake (Mason County):** Open the fourth Saturday in April through October 31.
  - ~~((+57))~~ **(191) Padden Lake (Whatcom County):** Open the fourth Saturday in April through October 31.
  - ~~((+58))~~ **(192) Panther Lake (Kitsap/Mason counties):** Open the fourth Saturday in April through October 31.
  - ~~((+59))~~ **(193) Panther Lake (Snohomish County):** Game fish: Statewide minimum length/daily limit, except:
    - (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
    - (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
    - (c) Channel catfish: Daily limit 10; no size restriction.
    - (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
  - ~~((+59))~~ **(194) Pass Lake (Skagit County):**

- (a) Fly fishing only.
- (b) All motors prohibited.
- (c) Game fish: Statewide minimum length/daily limit, except: Release all trout.

~~((160))~~ (195) **Perry Creek (Thurston County)**: From the mouth to the falls:

- (a) Selective gear rules.
- (b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((161))~~ (196) **Phillips Lake (Mason County)**: Open the fourth Saturday in April through October 31.

~~((162))~~ (197) **Pilchuck Creek (Snohomish County)**:

- (a) From the mouth to the Highway 9 Bridge:
  - (i) Open September 16 through January 31.
  - (ii) Selective gear rules.
  - (iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From the Highway 9 Bridge to Pilchuck Falls:

(i) Open the Saturday before Memorial Day through January 31.

(ii) From the Saturday before Memorial Day through November 30; selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((163))~~ (198) **Pilchuck River (Snohomish County)**:

(a) From the mouth to 500 feet downstream from the Snohomish City diversion dam:

(i) Open from December 1 through January 31.

(ii) It is unlawful to fish from any floating device.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From 500 feet downstream from the Snohomish City diversion dam upstream: Closed waters.

~~((164))~~ (199) **Pine Lake (King County)**: Open the fourth Saturday in April through October 31.

~~((165))~~ (200) **Pioneer Ponds (tributary to Stillaguamish River) (Snohomish County)**: Closed waters.

~~((166))~~ (201) **Pipers Creek (King County) and tributaries**: Closed waters.

~~((167))~~ (202) **Portage Creek (Snohomish County)**: Closed waters.

~~((168))~~ (203) **Prices Lake (Mason County)**:

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Release all fish.

~~((169))~~ (204) **Puyallup River (Pierce County)**:

(a) From the 11th Street Bridge to East Main Bridge:

(i) From August 15 through August 31 all waters closed Sundays.

(ii) From September 1 through October 31 all waters closed Sundays, Mondays, and Tuesdays.

(iii) August 15 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(C) Barbless hooks are required.

(iv) Open for game fish August 15 through December 31.

(v) Game fish: statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(vi) Salmon:

(A) Open August 15 through December 31.

(B) Daily limit 6. No more than 2 adults may be retained.

(C) Release chum and wild Chinook.

(b) From East Main Bridge to Carbon River:

(i) From August 15 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Barbless hooks are required.

(ii) Game fish:

(A) Open August 15 through December 31.

(B) Statewide minimum length/daily limit except: Release cutthroat trout and wild rainbow trout.

(iii) Salmon:

(A) Open August 15 through December 31.

(B) Daily limit 6. No more than 2 adults may be retained.

(C) Release chum and wild Chinook.

(c) From Carbon River upstream:

(i) Open the Saturday before Memorial Day through January 15.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((170))~~ (205) **Raging River (King County)**: From the mouth to the Highway 18 Bridge:

(a) Open the Saturday before Memorial Day through January 31.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((171))~~ (206) **Rapjohn Lake (Pierce County)**: Open the fourth Saturday in April through October 31.

~~((172))~~ (207) **Rattlesnake Lake (King County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

~~((173))~~ (208) **Ravensdale Lake (King County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(iii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iv) Channel catfish: Daily limit 10; no size restriction.

(v) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

~~((174))~~ (209) **Riley Lake (Snohomish County)**: Open the fourth Saturday in April through October 31.

~~((175))~~ (210) **Robbins Lake (Mason County)**: Open the fourth Saturday in April through October 31.

~~((176))~~ (211) **Rocky Creek (Mason County)**:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat and wild rainbow trout.

~~((177))~~ (212) **Roesiger Lake (Snohomish County):** Game fish: statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.

~~((178))~~ (213) **Ross Lake (Reservoir) (Whatcom County):**

(a) Open July 1 through October 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout except eastern brook trout: Daily limit 1; minimum length 16 inches.

(ii) Eastern brook trout: Daily limit 5; no minimum size.

~~((179))~~ (214) **Ross Lake tributary streams, and their tributaries, except Big Beaver Creek and Ruby Creek (Whatcom County):**

(a) From mouth to one mile upstream: Closed waters.

(b) From one mile above the mouths to the headwaters: Open July 1 through October 31.

~~((180))~~ (215) **Ruby Creek (Whatcom County):** Closed waters.

~~((181))~~ (216) **Ruby Creek tributaries (Whatcom County):** Open July 1 through October 31.

~~((182))~~ (217) **Salmon Creek and all forks (Jefferson/Clallam counties):** Closed waters.

~~((183))~~ (218) **Salmonberry Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((184))~~ (219) **Samish Lake (Whatcom County):** Game fish: Statewide minimum length/daily limit, except:

(a) Cutthroat trout: Daily limit 2; minimum length 14 inches.

(b) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(c) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(d) Channel catfish: Daily limit 10; no size restriction.

(e) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

~~((185))~~ (220) **Samish River (Skagit County):**

(a) From the mouth to the I-5 Bridge:

(i) Open the Saturday before Memorial Day through November 30.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) From August 1 through November 30:

(A) Night closure.

(B) It is unlawful to use anything other than one single-point hook.

(iv) From December 1 through December 31: Selective gear rules.

(v) Salmon:

(A) Open August 1 through September 22.

(B) Daily limit 2; anglers may only retain fish hooked inside the mouth.

(C) Release pink and wild coho.

(b) From the I-5 Bridge to the Old Highway 99 Bridge:

(i) Closed waters from the Old Highway 99 Bridge to the WDFW salmon rack.

(ii) Open the Saturday before Memorial Day through August 30.

(iii) Selective gear rules.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(c) From the WDFW hatchery rack to Hickson Bridge:

(i) Open the Saturday before Memorial Day through November 30.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((186))~~ (221) **Sammamish Lake (King County):**

(a) Closed waters within 100 yards of the mouth of Issaquah Creek August 16 through November 30.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Release all kokanee.

(ii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(iii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iv) Channel catfish: Daily limit 10; no size restriction.

(v) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(c) December 1 through June 30: Release all steelhead and rainbow trout over 20 inches in length.

(d) Landlocked salmon rules apply for December 1 through May 31. Hatchery coho only may be retained as part of the trout daily limit under the landlocked salmon rules, minimum length 12 inches.

(e) Open for salmon from October 1 through November 30.

(i) Salmon: Daily limit 4 coho only.

(ii) Release Chinook and sockeye.

~~((187))~~ (222) **Sammamish River (Slough) (King County):** From the 68th Avenue N.E. Bridge to Lake Sammamish:

(a) Open from January 1 through August 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((188))~~ (223) **Sandyshore Lake (Jefferson County):** Open the fourth Saturday in April through October 31.

~~((189))~~ (224) **Sauk River (Skagit/Snohomish counties):**

(a) Selective gear rules.

(b) Release all fish except hatchery steelhead.

(c) From the mouth to Darrington Bridge:

(i) Open June 1 through January 31.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) From Darrington Bridge to the mouth of the White Chuck River: Open June 1 through January 31.

(e) From the Whitechuck River to the headwaters, including the North Fork from mouth to North Forks Falls and the South Fork from mouth to Elliot Creek: Open June 1 through October 31.

(f) In the South Fork upstream from Elliot Creek: Open June 1 through August 31.

~~((190))~~ **(225) Sawyer Lake (King County):**

(a) Chumming is permissible.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iii) Channel catfish: Daily limit 10; no size restriction.

(iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

~~((191))~~ **(226) Schneider Creek (Thurston County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((192))~~ **(227) Serene Lake (Snohomish County):** Open the fourth Saturday in April through October 31.

~~((193))~~ **(228) Shady Lake (King County):** Open the fourth Saturday in April through October 31.

~~((194))~~ **(229) Shannon, Lake (Skagit County):**

(a) Open the fourth Saturday in April through October 31.

(b) Chumming is permissible.

(c) Game fish: Statewide minimum length/daily limit, except: Kokanee: Minimum length 8 inches.

~~((195))~~ **(230) Shelton Creek (Mason County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((196))~~ **(231) Sherwood Creek (Mason County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((197))~~ **(232) Sherwood Creek Mill Pond (Mason County):** Game fish: Statewide minimum length/daily limit, except:

(a) Trout: Daily limit 2; minimum length 14 inches.

(b) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(c) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(d) Channel catfish: Daily limit 10; no size restriction.

(e) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

~~((198))~~ **(233) Shoe Lake (Mason County):** Open the fourth Saturday in April through October 31.

~~((199))~~ **(234) Silent Lake (Jefferson County):** Open the fourth Saturday in April through October 31.

~~((200))~~ **(235) Silver Lake (Pierce County):** Open the fourth Saturday in April through October 31.

~~((201))~~ **(236) Silver Lake (Whatcom County):** Open the fourth Saturday in April through October 31.

~~((202))~~ **(237) Sixteen Lake (Skagit County):** Open the fourth Saturday in April through October 31.

~~((203))~~ **(238) Skagit River (Skagit/Whatcom counties):**

(a) From the mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon):

(i) Open March 1 through January 31.

(ii) March 1 through August 31:

(A) Selective gear rule except anglers fishing for sturgeon must use bait.

(B) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank, except anglers fishing for sturgeon may use single-point barbless hooks of any size.

(ii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Dolly Varden/Bull Trout: Minimum length of 20 inches as part of the trout limit.

(v) Salmon:

(A) Open September 1 through December 31.

(B) Daily limit 3 adult salmon, release Chinook, pink, and chum.

(b) From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gilligan Creek:

(i) Open June 1 through January 31.

(A) Night closure: June 1 through July 15.

(B) From June 1 through June 15 and July 16 through August 31.

(I) Selective gear rules except for sturgeon.

(II) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank, except anglers fishing for sturgeon may use single-point barbless hooks of any size.

(ii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iii) Dolly Varden/Bull Trout: Minimum length of 20 inches as part of the trout limit.

(iv) Salmon:

(A) Open June 16 through July 15.

(B) Daily limit 3 sockeye only.

(I) Open September 1 through December 31.

(II) Daily limit 3 adult salmon, release Chinook, pink, and chum.

(c) From Gilligan Creek to The Dalles Bridge at Concrete:

(i) Open June 1 through January 31.

(ii) From June 1 through August 31:

(A) Selective gear rules.

(B) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

(C) Night closure.

(iii) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Dolly Varden/Bull Trout: Minimum length of 20 inches as part of the trout limit.

(v) Salmon:

(A) Open September 1 through December 31.

(B) Daily limit 3 adult salmon, release Chinook, pink, and chum.

(d) From The Dalles Bridge at Concrete to the Highway 530 Bridge at Rockport:

(i) Open June 1 through January 31.

(ii) June 1 through August 31: Closed waters between a line projected across the thread of the river 200 feet above the east bank of the Baker River to a line projected across the thread of the river 200 feet below the west bank of the Baker River.

(iii) June 1 through August 31:

(A) Night closure.

(B) Selective gear rules.

(C) It is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

(iv) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(v) Dolly Varden/Bull Trout: Minimum length of 20 inches as part of the trout limit.

(vi) Salmon:

(A) Open September 1 through December 31.

(B) Daily limit 3 adult salmon, release Chinook, pink, and chum.

(e) From the Highway 530 Bridge at Rockport to the Cascade River Road (Marblemount Bridge):

(i) Open June 1 through January 31:

(A) June 1 through July 15; anti-snagging rules.

(B) June 1 through July 15; night closure.

(C) July 16 through August 31: Selective gear rules and it is unlawful to use hooks other than those measuring 1/2 inch or less from point to shank.

(ii) Salmon:

(A) Open June 1 through July 15.

(B) Daily limit 4 hatchery Chinook only.

(C) Only 2 adult hatchery Chinook may be retained as part of the limit.

(D) Open September 1 through December 31.

(E) Daily limit 3 adult salmon, release Chinook, pink, and chum.

(f) From Cascade River Road to the Gorge Powerhouse:

(i) Open June 1 through January 31.

(ii) Selective gear rules.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Release all fish except hatchery steelhead.

~~((204))~~ (239) **Skokomish River (Mason County):**

(a) From the mouth to the city of Tacoma PUD overhead distribution lines: Closed waters.

(b) From the city of Tacoma PUD overhead distribution lines to the Bonneville Transmission lines west of Highway 101: Closed waters.

(c) From the Bonneville Transmission lines west of Highway 101 to the forks:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release steelhead, cutthroat trout, and wild rainbow trout.

~~((205))~~ (240) **Skokomish River, North Fork (Mason County):**

(a) From the mouth to the lower dam:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release steelhead, cutthroat trout, and wild rainbow trout.

(b) Above Lake Cushman, from the mouth to Olympic National Park boundary:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(iii) Release all fish.

~~((206))~~ (241) **Skokomish River, South Fork (Mason County):**

(a) From the mouth to the mouth of LeBar Creek:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release steelhead, cutthroat trout, and wild rainbow trout.

(b) From LeBar Creek to Rule Creek: Closed waters.

~~((207))~~ (242) **Skookum Creek (Mason County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((208))~~ (243) **Skykomish River (Snohomish County):**

(a) Game fish: Statewide minimum length/daily limit, except:

(i) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(ii) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(b) From the mouth to the mouth of Wallace River:

(i) Open the Saturday before Memorial Day through January 31.

(ii) From August 1 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) From November 1 through January 31: It is unlawful to fish from any floating device from the boat ramp below Lewis Street Bridge at Monroe downstream 2,500 feet.

(iv) Salmon:

(A) Open the Saturday before Memorial Day through July 31: Daily limit 4 hatchery Chinook; no more than 2 of which may be adults.

(B) For years ending in odd numbers:

(I) Open September 1 through September 30:

(II) Daily limit 1 coho salmon only.

(C) For years ending in even numbers: Open September 16 through November 15: Daily limit 2, release Chinook and chum.

(c) From the mouth of the Wallace River to the forks:

(i) Open the Saturday before Memorial Day through February 15.

(ii) From August 1 through November 30:

(A) Anti-snagging rules.



(B) Night closure.

(iii) From the Saturday before Memorial Day through February 15: It is unlawful to fish from any floating device in the area 1,500 feet upstream and 1,000 feet downstream of the outlet at Reiter Ponds.

(iv) Salmon: For years ending in odd numbers:

(A) Open September 1 through September 30.

(B) Daily limit 1 coho salmon only.

(v) Salmon: For years ending in even numbers:

(A) Open September 16 to November 15.

(B) Daily limit 2 salmon; release Chinook and chum.

~~((209))~~ (244) **Skykomish River, North Fork (Snohomish County):**

(a) From the mouth to 1,000 feet downstream of Bear Creek Falls:

(i) Open the Saturday before Memorial Day through January 31.

(ii) Selective gear rules.

(iii) Release all fish except hatchery steelhead.

(b) From 1000 feet downstream of Bear Creek Falls to Deer Falls and all tributaries: Closed waters.

~~((210))~~ (245) **Skykomish River, South Fork (King/Snohomish counties):**

(a) From the mouth to 600 feet downstream from the Sunset Falls fishway:

(i) Open the Saturday before Memorial Day through January 31.

(ii) From August 1 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From 600 feet downstream of Sunset Falls fishway to Sunset Falls: Closed waters.

(c) From Sunset Falls to the source:

(i) Open the Saturday before Memorial Day through the last day in February.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) All tributaries and their tributaries above Sunset Falls:

(i) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(ii) Selective gear rules.

~~((211))~~ (246) **Snohomish River (Snohomish County):**

(a) From the Burlington-Northern Railroad bridges to Highway 9 Bridge, including all channels, sloughs, and interconnected waterways, but excluding all tributaries:

(i) Sturgeon catch and release is permissible year-round.

(ii) August 1 through November 30:

(A) Anti-snagging rules; except anglers fishing for sturgeon may use single-point barbless hooks of any size.

(B) Night closure.

(iii) Open the Saturday before Memorial Day through January 31.

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(B) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(v) Salmon, for years ending in odd numbers:

(A) Open September 1 through September 30.

(B) Daily limit 1 coho salmon only.

(vi) Salmon, for years ending in even numbers:

(A) Open September 15 through November 15.

(B) Daily limit 2, release Chinook and chum.

(b) From the Highway 9 Bridge to the confluence of the Skykomish and Snoqualmie rivers and all channels:

(i) Open the Saturday before Memorial Day through January 31.

(ii) August 1 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(B) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

(iv) Salmon, for years ending in odd numbers:

(A) Open September 1 through September 30.

(B) Daily limit 1 coho salmon only.

(v) Salmon, for years ending in even numbers:

(A) Open September 15 through November 15.

(B) Daily limit 2, release Chinook and chum.

~~((212))~~ (247) **Snoqualmie River (King County):**

(a) From the mouth to Snoqualmie Falls:

(i) From the Saturday before Memorial Day through November 30: Selective gear rules.

(ii) From September 1 through November 30: Night closure.

(iii) From the mouth to the boat ramp at the Plum access: Open the Saturday before Memorial Day through January 31.

(iv) From the boat ramp at the Plum access to the falls: Open the Saturday before Memorial Day through February 15.

(v) From November 1 through February 15: It is unlawful to fish from any floating device in the waters from the boat ramp at the Plum access to the mouth of Tokul Creek (about 1/4 mile).

(vi) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(vii) Salmon, for years ending in odd numbers:

(A) Open September 1 through September 30.

(B) Daily limit 1 coho salmon only.

(viii) Salmon, for years ending in even numbers:

(A) Open September 15 through November 15.

(B) Daily limit 2, release Chinook and chum.

(b) From Snoqualmie Falls upstream, including the North Fork, South Fork, all tributaries except Middle Fork and tributaries to the Middle Fork:

(i) Selective gear rules.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Open the Saturday before Memorial Day through October 31.

(iv) Open November 1 through the Friday before Memorial Day: Release all fish.

(c) Middle Fork from the mouth to the source, including all tributaries:

(i) Open year-round.

(ii) Selective gear rules.

(iii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iv) Release all fish.

~~((213))~~ (248) South Prairie Creek (Pierce County): From the mouth to the city of Buckley diversion dam: Closed waters.

~~((214))~~ (249) Spada Lake (Reservoir) (Snohomish County):

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 5; maximum length 12 inches.

~~((215))~~ (250) Spada Lake (Reservoir) tributaries (Snohomish County): Closed waters.

~~((216))~~ (251) Spanaway Lake and Spanaway Lake outlet downstream to the dam (approximately 800 feet) (Pierce County): Open year-round.

~~((217))~~ (252) Sprague Pond (Kitsap County): Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(253) Squalicum Lake (Whatcom County):

(a) Fly fishing only.

(b) All motors prohibited.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

~~((218))~~ (254) Squire Creek (Snohomish County) (N.F. Stillaguamish River tributary):

(a) Open September 16 through October 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((219))~~ (255) Steel Lake (King County): Open the fourth Saturday in April through October 31.

~~((220))~~ (256) Stetattle Creek (Whatcom County): From the mouth to Bucket Creek: Closed waters.

~~((221))~~ (257) Stevens, Lake (Snohomish County):

(a) Chumming is permissible.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iii) Channel catfish: Daily limit 10; no size restriction.

(iv) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(258) Steilacoom Lake (Pierce County): Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

~~((222))~~ (259) Steves Lake (Stevens Lake) (Mason County): Open the fourth Saturday in April through October 31.

~~((223))~~ (260) Stickney Lake (Snohomish County): Open the fourth Saturday in April through October 31.

~~((224))~~ (261) Stillaguamish River (Snohomish County):

(a) From the mouth to Marine Drive, including all sloughs:

(i) Open year-round.

(ii) Night closure.

(iii) From August 1 through November 30: Anti-snagging rules, except anglers fishing for sturgeon may use single-point barbless hooks of any size.

(iv) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From Marine Drive to the forks:

(i) From the barrier dam (downstream of I-5) downstream 200 feet: Closed waters.

(ii) Open September 16 through November 30.

(A) Selective gear rules.

(B) Night closure.

(C) Release all fish except hatchery steelhead.

(iii) Open from December 1 through January 31. Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon:

(A) Open September 16 through November 15.

(B) Daily limit 2 coho salmon only.

~~((225))~~ (262) Stillaguamish River, North Fork (Snohomish County):

(a) From the North Fork mouth to the mouth of French Creek:

(i) It is unlawful to fish from any floating device upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge).

(ii) It is unlawful to fish from any floating device equipped with a motor downstream from the Highway 530 Bridge.

(iii) Open the September 16 through November 30:

(A) Fly fishing only.

(B) From September 16 through November 30; night closure.

(C) Release all fish except hatchery steelhead.

(iv) Open from December 1 through January 31. Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From the mouth of French Creek to Swede Heaven Bridge:

(i) From September 16 through November 30:

(A) Night closure.

(B) Anti-snagging rules.

(ii) Open September 16 through November 30:

(A) Fly fishing only.

(B) Release all fish except hatchery steelhead.

(iii) Open from December 1 through February 15. Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(c) From Swede Heaven Bridge to North Forks Falls approximately one mile upstream of Cascade Creek:

(i) Open September 16 through November 30.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((226))~~ (263) Stillaguamish River, South Fork (Snohomish County):

(a) From the mouth to 400 feet downstream of the outlet to Granite Falls fishway:

(i) Open September 16 through January 31.

(ii) From September 16 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From 400 feet below the Granite Falls Fishway to the Mountain Loop Highway Bridge above Granite Falls: Closed waters.

(c) From the Mountain Loop Highway Bridge above Granite Falls upstream to the source:

(i) Open Saturday before Memorial Day through November 30.

(ii) From August 1 through November 30:

(A) Anti-snagging rules.

(B) Night closure.

~~((227))~~ (264) Stitch Lake (Snohomish County): Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

~~(265)~~ Storm Lake (Snohomish County): Open the fourth Saturday in April through October 31.

~~((228))~~ (266) Suiattle River (Skagit/Snohomish County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Dolly Varden/Bull trout: Minimum length of 20 inches as part of trout limit.

~~((229))~~ (267) Sultan River (Snohomish County): From the mouth to a point 400 feet downstream from the diversion dam at river mile 9.7:

(a) Open the Saturday before Memorial Day through January 31.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(ii) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

~~((230))~~ (268) Sultan River; North Fork (Snohomish County): Closed waters.

~~((231))~~ (269) Sultan River; South Fork (Snohomish County): Closed waters.

~~((232))~~ (270) Summit Lake (Thurston County): Open the fourth Saturday in April through October 31.

~~((233))~~ (271) Sunset Lake (Whatcom County): Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(272) Susan Lake (Thurston County):

(a) Selective gear rules.

(b) Release all fish.

~~((234))~~ (273) Swan's Mill Pond (Stossel Creek) (King County): Open the Saturday before Memorial Day through October 31.

~~((235))~~ (274) Symington Lake (Kitsap County):

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Release cutthroat trout and wild rainbow trout.

(ii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(iii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(iv) Channel catfish: Daily limit 10; no size restriction.

(v) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(275) Tahuya Lake (Kitsap County): Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

~~((236))~~ (276) Tahuya River (Mason County):

(a) From the mouth to the Belfair Tahuya Road Bridge:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(b) From the Belfair Tahuya Road Bridge upstream: Selective gear rules.

~~((237))~~ (277) Tanwax Lake (Pierce County): Game fish: Statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.

~~((238))~~ (278) Tapps Lake (Reservoir) and Tapps Lake (Reservoir) intake canal (Pierce County), to within 400 feet of the screen at Dingle Basin: Open year-round.

~~((239))~~ (279) Tarboo Creek (Jefferson County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((240))~~ (280) Tarboo Lake (Jefferson County):

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

~~((241))~~ (281) Teal Lake (Jefferson County):

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

~~((242))~~ (282) Tenas Lake (Mason County): Open the fourth Saturday in April through October 31.

~~((243))~~ (283) Tennant Lake (Whatcom County): It is unlawful to fish from any floating device from the first Friday in October through January 27.

~~((244))~~ (284) Terrell, Lake (Whatcom County): It is unlawful to fish from any floating device from the first Saturday after Labor Day through the following Friday and from October 1 through January 31, except fishing from a floating dock is permissible.

~~((245))~~ (285) Thornton Creek (Whatcom County): Game fish: Statewide minimum length/daily limit, except: Cutthroat trout: No daily limit; no minimum length.

~~((246))~~ (286) Thornton Lake, lower (Whatcom County): Game fish: Statewide minimum length/daily limit, except: Cutthroat trout: No daily limit; no minimum length.

~~((247))~~ (287) Tiger Lake (Kitsap/Mason counties): Open the fourth Saturday in April through October 31.

~~((248))~~ (288) Toad Lake (Whatcom County): Open the fourth Saturday in April through October 31.

~~((249))~~ (289) Tokul Creek (King County) (Snoqualmie River tributary):

(a) From the mouth to the Fish Hatchery Road Bridge:

(i) Open December 1 through February 15, except closed waters from 5:00 p.m. to 7:00 a.m.

(ii) Anti-snagging rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From Fish Hatchery Road Bridge to the posted boundary marker located downstream of the diversion dam:

(i) Open January 15 through February 15, except closed waters from 5:00 p.m. to 7:00 a.m.

(ii) Anti-snagging rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(c) From the posted boundary marker downstream of the diversion dam to Tokul Road S.E.: Closed waters.

~~((250))~~ (290) Tolt River (King County):

(a) From the mouth to the USGS trolley cable near the confluence of the North and South Forks:

(i) Open the Saturday before Memorial Day through January 31.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(b) From the USGS trolley cable just below the confluence of the North Fork and South Forks to the forks: Closed waters.

~~((251))~~ (291) Tolt River, North Fork (King County):

(a) From the mouth upstream to the falls approximately 1/3 miles above the Northeast North Fork Road Bridge (Pipeline Bridge): Closed waters.

(b) From the falls approximately 1/3 mile above the Northeast North Fork Road Bridge (Pipeline Bridge) upstream, including all tributaries:

(i) Selective gear rules.

(ii) Release all fish.

~~((252))~~ (292) Tolt River, South Fork (King County):

From the mouth upstream to the dam: Closed waters.

~~((253))~~ (293) U Lake (Mason County): Open the fourth Saturday in April through October 31.

~~((254))~~ (294) Uncle John Creek (Mason County):

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

~~((255))~~ (295) Union River (Mason County):

(a) From the mouth to the lower bridge on Old Belfair Highway:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout and wild rainbow trout.

(b) From the lower bridge on Old Belfair Highway upstream:

- (i) Selective gear rules.
- (ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
- ~~((256))~~ **(296) Vogler Lake (Skagit County):**
  - (a) Fly fishing only.
  - (b) Release all fish.
- ~~((257))~~ **(297) Wagners Lake (Snohomish County):**  
Open the fourth Saturday in April through October 31.
- ~~((258))~~ **(298) Walker Lake (King County):** Open the fourth Saturday in April through October 31.
- ~~((259))~~ **(299) Wallace River (Snohomish County):**
  - (a) From the mouth to 363rd Ave. S.E./Reece Rd:
    - (i) Open from the Saturday before Memorial Day through February 15.
    - (ii) From the Saturday before Memorial Day through November 30:
      - (A) Anti-snagging rules.
      - (B) Night closure.
    - (iii) From November 1 through February 15: It is unlawful to fish from any floating device.
  - (b) Game fish: Statewide minimum length/daily limit, except:
    - (A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
    - (B) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.
    - (v) Salmon, in years ending in odd numbers:
      - (A) Open September 16 through September 30.
      - (B) Daily limit 1 coho salmon only.
    - (vi) Salmon, in years ending in even numbers:
      - (A) Open September 16 through November 15.
      - (B) Daily limit 2 salmon; release Chinook and chum.
  - (c) From 363rd Avenue S.E./Reece Road to 200 feet downstream of the water intake of the salmon hatchery:
    - (i) Open September 16 through February 15.
    - (ii) From September 16 through November 30:
      - (A) Anti-snagging rules.
      - (B) Night closure.
    - (iii) November 1 through February 15: It is unlawful to fish from any floating device.
    - (iv) Game fish: Statewide minimum length/daily limit, except:
      - (A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
      - (B) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.
      - (v) Salmon, in years ending in odd numbers:
        - (A) Open September 16 through September 30.
        - (B) Daily limit 1 coho salmon only.
      - (vi) Salmon, in years ending in even numbers:
        - (A) Open September 16 through November 15.
        - (B) Daily limit 2 salmon, release Chinook and chum.
    - (d) From 200 feet downstream of the water intake to 200 feet upstream of the water intake: Closed waters when the hatchery weir is in operation.
    - (e) From 200 feet upstream of the water intake of the salmon hatchery to Wallace Falls:
      - (i) Open November 1 through January 31.
      - (ii) It is unlawful to fish from any floating device.

- (iii) Game fish: Statewide minimum length/daily limit, except:
  - (A) Cutthroat trout and wild rainbow trout: Minimum length 14 inches.
  - (B) Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.
- ~~((260))~~ **(300) Walsh Lake (King County):** Game fish: Statewide minimum length/daily limit, except:
  - (a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
  - (b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
  - (c) Channel catfish: Daily limit 10; no size restriction.
  - (d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
- (301) Wapato Lake (Pierce County):** Open to juvenile anglers, senior anglers and anglers with a disability who possess a designated harvester companion card.
- ~~((261))~~ **(302) Washington Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream and Mercer slough (King County):**
  - (a) Open year-round.
  - (b) Chumming is permissible.
  - (c) From July 1 through November 30: Game fish: Statewide minimum length/daily limit, except:
    - (i) Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.
    - (ii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
    - (iii) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
    - (iv) Channel catfish: Daily limit 10; no size restriction.
    - (v) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
  - (d) December 1 through the last day in February:
    - (i) Game fish: Statewide minimum length/daily limit, except: Release steelhead and rainbow trout over 20 inches in length.
    - (ii) Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.
    - (iii) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.
    - (iv) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.
    - (v) Channel catfish: Daily limit 10; no size restriction.
    - (vi) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.
  - (e) March 1 through June 30: Game fish: Statewide minimum length/daily limit, except:
    - (i) Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.
    - (ii) Trout: Minimum length 12 inches.
    - (iii) Release steelhead and rainbow trout over 20 inches in length.

(iv) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(v) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(vi) Channel catfish: Daily limit 10; no size restriction.

(vii) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(f) Salmon:

(i) Open September 16 through October 31 north of Highway 520 Bridge and east of Montlake Bridge.

(ii) Daily limit 4 coho only.

~~((262))~~ **(303) Washington Lake, Ship Canal (King County) (waters east of a north-south line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge):**

(a) East of the Fremont Bridge: Chumming is permissible.

(b) From the west boundary to a north-south line 400 feet east of the eastern end of the northern wing wall of Chittenden Locks: Closed waters.

(c) From 400 feet east of the eastern end of the northern wing wall of Chittenden Locks to the east boundary:

(i) From July 1 through November 30: Game fish: Statewide minimum length/daily limit, except:

(A) Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(B) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(C) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(D) Channel catfish: Daily limit 10; no size restriction.

(E) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(ii) From December 1 through the last day in February: ~~((A))~~ Game fish: Statewide minimum length/daily limit, except:

(A) Release steelhead and rainbow trout over 20 inches in length.

(B) Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(C) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(D) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(E) Channel catfish: Daily limit 10; no size restriction.

(F) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(iii) March 1 through June 30: ~~((A))~~ Game fish: Statewide minimum length/daily limit, except:

(A) Kokanee: Daily limit 5; minimum length 8 inches; maximum length 18 inches.

(B) Trout: Minimum length 12 inches.

(C) Release steelhead and rainbow trout over 20 inches in length.

(D) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(E) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(F) Channel catfish: Daily limit 10; no size restriction.

(G) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

~~((263))~~ **(304) Whatcom Creek (Whatcom County):**

(a) From the mouth to the markers below the footbridge below Dupont Street in Bellingham:

(i) Open the Saturday before Memorial Day through December 31.

(ii) August 1 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Salmon:

(A) Open August 1 through December 31.

(B) Daily limit 2.

(C) Anglers fishing lawfully within 50 yards of the Bellingham Technical College Hatchery Collection Tube and on the hatchery side of the creek that hook and land chum salmon may remove those chum salmon from the water and immediately place them unharmed into the Hatchery Collection Tube.

(b) From the markers below the footbridge below Dupont Street in Bellingham to the footbridge below Dupont Street: Closed waters.

(c) From the footbridge below Dupont Street in Bellingham to the stone bridge at Whatcom Falls Park:

(i) From August 1 through October 31:

(A) Anti-snagging rules.

(B) Night closure.

(ii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(d) From the stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Open the fourth Saturday in April through October 31 for juvenile anglers only.

(e) Game fish: Statewide minimum length/daily limit, except: Trout: No minimum length.

~~((264))~~ **(305) Whatcom, Lake (Whatcom County):**

(a) The waters between the Electric Avenue Bridge and the outlet dam: Closed waters.

(b) Open the fourth Saturday in April through October 31.

(c) Game fish: Statewide minimum length/daily limit, except: Release all cutthroat trout.

~~((265))~~ **(306) Whatcom, Lake, tributaries (Whatcom County):** Closed waters.

~~((266))~~ **(307) White (Stuck) River (Pierce County):**

(a) From October 1 through October 31:

(i) Night closure.

(ii) Selective gear rules.

(b) Release all fish.

(c) Cascade Water Alliance canal, including the screen bypass channel above the screen at Dingle Basin: Closed waters.

(d) Whitefish: Open December 1 through the last day in February: Whitefish gear rules.

~~((267))~~ **(308) White Chuck River (Snohomish County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Dolly Varden/Bull trout: Minimum length of 20 inches as part of the trout limit.

~~((268))~~ **(309) Wildcat Creek (Kitsap County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((269))~~ **(310) Wildcat Lake (Kitsap County):** Open the fourth Saturday in April through October 31.

~~((270))~~ **(311) Wilderness Lake (King County):**

(a) Open the fourth Saturday in April through October 31.

(b) Landlocked salmon rules.

~~((271))~~ **(312) Wilkeson Creek (Pierce County) (South Prairie Creek tributary):** From the mouth to the confluence with Gale Creek: Closed waters.

~~((272))~~ **(313) Woodard Creek (Thurston County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((273))~~ **(314) Wood Lake (Mason County):** Open the fourth Saturday in April through October 31.

~~((274))~~ **(315) Woodland Creek (Thurston County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

~~((275))~~ **(316) Woodland Farm Reservoir (Snohomish County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

**(317) Wooten Lake (Mason County):** Open the fourth Saturday in April through October 31.

**AMENDATORY SECTION** (Amending WSR 19-15-050, filed 7/12/19, effective 8/12/19)

**WAC 220-312-050 Freshwater exceptions to statewide rules—Eastside.** (1) **Countywide freshwater exceptions to statewide rules:**

(a) Irrigation canals, wasteways, drains and the inlets and outlets of all lakes, ponds, and reservoirs in Grant and Adams counties (except Crab Creek, Rocky Ford Creek and Ponds, Columbia Basin Hatchery Creek, Bobcat Creek, Coyote Creek, Frenchman Hills Wasteway and Drains, Hays Creek, Red Rock Creek, Sand Hollow Creek, and Lake Lenore inlet and outlet) are open year-round, statewide lake rules apply to all species.

(b) In Adams, Douglas, Franklin, Grant, and Okanogan counties, except Zosel Dam (Okanogan River) and Enloe Dam (Similkameen River): It is permissible to fish up to the base of all dams.

**(2) Aeneas Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Fly fishing only.

(c) It is unlawful to fish from a floating device equipped with a motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

**(3) Ahtanum Creek (Yakima County):** Selective gear rules.

**(4) Ahtanum Creek, North Fork (Yakima County):**

(a) From the Grey Rock Trailhead Bridge crossing upstream to Shellneck Creek: Closed waters.

(b) Selective gear rules.

**(5) Ahtanum Creek, Middle Fork (Yakima County):**

(a) From the A2000 Spur Road Bridge in NE 1/4 of Section 34 upstream to the A2800 Road Bridge at Tree Phones Campground: Closed waters.

(b) Selective gear rules.

**(6) Alta Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

**(7) Amber Lake (Spokane County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Open March 1 through November 30.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

**(8) American River (Yakima County):**

(a) Selective gear rules.

(b) From the Highway 410 Bridge at river mile 5.4 to the Mesatchee Creek Trail crossing at river mile 15.8: Closed waters from July 16 through September 15.

**(9) Amon Wasteway (Benton County):** Selective gear rules.

**(10) Andrews Creek (tributary to Chewuch River) (Okanogan County):** From the mouth to the falls approximately 0.5 miles upstream: Closed waters.

**(11) Asotin Creek, mainstem and forks (Asotin County):**

(a) Closed waters:

(i) South Fork from mouth upstream.

(ii) North Fork from USFS border upstream.

(b) Game fish: Statewide minimum length/daily limit, except: It is unlawful to fish for steelhead.

(c) Selective gear rules.

(12) **Aspen Lake (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(13) **Badger Lake (Spokane County):** Open the fourth Saturday in April through September 30.

(14) **Banks Lake (Grant County):**

(a) Chumming is permissible.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Crappie: Daily limit 10; minimum length 9 inches.

(ii) Yellow perch: Daily limit 25.

(15) **Bayley Lake (Stevens County):**

(a) Inlet stream: Closed waters.

(b) Open the fourth Saturday in April through October 31.

(c) Fly fishing only.

(d) It is unlawful to fish from a floating device equipped with a motor.

(e) Release all fish.

(16) **Bear Creek (tributary to South Fork Tieton River) (Yakima County):** From the mouth to the falls (approximately 0.75 mile): Closed waters.

(17) **Bear Lake (Spokane County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(18) **Beaver Creek (tributary to Methow River) (Okanogan County):** Closed waters.

(19) **Beaver Lake (Big) (Okanogan County):** Open the fourth Saturday in April through October 31.

(20) **Beaver Lake, (Little):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(21) **Beda Lake (Grant County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(22) **Beehive (Lake) Reservoir (Chelan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

(23) **Beth Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

(24) **Big Four Lake (Columbia County):**

(a) Fly fishing only.

(b) It is unlawful to fish from any floating device.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(25) **Big Meadow Lake (Pend Oreille County):**

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(26) **Big Twin Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(27) **Billy's Acclimation Pond (Yakima County):** Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

(28) **Blackbird Island Pond (Chelan County):** Open July 1 through September 30 for juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((28))~~ (29) **Black Canyon Creek (tributary to Methow River) (Okanogan County):** Closed waters.

~~((29))~~ (30) **Black Lake (Chelan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((30))~~ (31) **Black Lake (Okanogan County):** Selective gear rules.

~~((31))~~ (32) **Black Lake (Stevens County):** Open the fourth Saturday in April through October 31.

~~((32))~~ (33) **Blue Lake (Columbia County):** It is unlawful to fish from any floating device.

~~((33))~~ (34) **Blue Lake (Grant County):** Open the fourth Saturday in April through September 30.

~~((34))~~ (35) **Blue Lake (near Sinlahekin) (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(d) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(e) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

~~((35))~~ (36) **Blue Lake (near Wannacut Lake) (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1, minimum length 18 inches.

~~((36))~~ (37) **Bobcat Creek and Ponds (Adams County):** Open the fourth Saturday in April through September 30.

~~((37))~~ (38) **Bonaparte Creek (Okanogan County):** From the mouth to the falls approximately river mile 1.0: Closed waters.

~~((38))~~ (39) **Bonaparte Lake (Okanogan County):**



(a) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((39))~~ **(40) Boulder Creek and tributaries (Okanogan County):** From the mouth to the barrier falls at river mile 1.0: Closed waters.

~~((40))~~ **(41) Box Canyon Creek and tributaries (Kittitas County):** From mouth (Kachess Reservoir) upstream approximately 2 miles to the 20 foot high waterfall, including that portion of the creek that flows through the dry lake bed: Closed waters.

~~((41))~~ **(42) Browns Lake (Pend Oreille County):**

(a) Open the fourth Saturday in April through October 31.

(b) Fly fishing only.

(c) It is unlawful to fish from a floating device equipped with a motor.

~~((42))~~ **(43) Bumping Lake (Reservoir) (Yakima County):** Chumming is permissible.

~~((43))~~ **(44) Buckskin Creek and tributaries (Yakima County):** From the mouth to the west boundary of Suntides Golf Course: Closed waters.

~~((44))~~ **(45) Bumping River (Yakima County):**

(a) It is permissible to fish up to the base of Bumping Dam.

(b) From the mouth to Bumping Reservoir; selective gear rules.

~~((45))~~ **(46) Burke Lake (Grant County):** Open March 1 through September 30.

~~((46))~~ **(47) Buttermilk Creek (tributary to Twisp River) (Okanogan County), including tributaries:**

(a) Open the Saturday before Memorial Day through August 15.

(b) Release all fish.

(c) Selective gear rules.

~~((47))~~ **(48) Buzzard Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

~~((48))~~ **(49) Caldwell Lake (Pend Oreille County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((49))~~ **(50) Caliche Lakes, Upper (Grant County):** Open March 1 through September 30.

~~((50))~~ **(51) Calispell Creek (Calispell River) (Pend Oreille County):** From the mouth to Calispell Lake: Open year-round.

~~((51))~~ **(52) Campbell Lake (Okanogan County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

~~((52))~~ **(53) Carl's Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

~~((53))~~ **(54) Cascade Lake (Grant County):** Open March 1 through September 30.

~~((54))~~ **(55) Cattail Lake (Grant County):** Open the fourth Saturday in April through September 30.

~~((55))~~ **(56) Cedar Creek (tributary to Early Winters Creek) (Okanogan County):**

(a) From the mouth to Cedar Falls:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(iii) Release all fish.

(b) From Cedar Falls upstream including tributaries: Selective gear rules.

~~((56))~~ **(57) Cedar Lake (Stevens County):** Open the fourth Saturday in April through October 31.

~~((57))~~ **(58) Chain Lake (Pend Oreille County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Release kokanee.

~~((58))~~ **(59) Chapman Lake (Spokane County):**

(a) Open the fourth Saturday in April through October 31.

(b) Chumming is permissible.

~~((59))~~ **(60) Chelan Hatchery Creek (Chelan County):** Closed waters.

~~((60))~~ **(61) Chelan Lake (Chelan County):**

(a) Game fish: Statewide minimum length/daily limit, except:

(i) Release wild cutthroat trout.

(ii) Lake trout: No limit and no size restriction.

(b) Salmon: Daily limit 1; minimum length 15 inches.

(c) No catch record card required.

~~((61))~~ **(62) Chelan Lake tributaries (Chelan County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release wild cutthroat trout.

~~((62))~~ **(63) Chelan River (Chelan County):** From the railroad bridge to the Chelan PUD safety barrier below the power house:

(a) July 1 through October 31: Anti-snagging rule and night closure.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Release trout.

(ii) Steelhead: Closed to fishing.

(c) From the Chelan PUD safety barrier below the power house upstream to Chelan Lake: Closed waters.

~~((63))~~ **(64) Chewuch River (Okanogan County):**

(a) From the mouth to Eight Mile Creek:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(iii) Release all fish.

(b) From the mouth to Pasayten Wilderness boundary falls: Whitefish:

(i) Open December 1 through the last day in February for whitefish only.

(ii) Whitefish gear rules.

~~((64))~~ (65) **Chiwaukum Creek (Chelan County):**

(a) From the mouth to Fool Hen Creek, including Fool Hen Creek and tributaries: Closed waters.

(b) From Fool Hen Creek upstream and tributaries: Selective gear rules.

~~((65))~~ (66) **Chiwawa River (Chelan County):**

(a) From the mouth to Buck Creek and tributaries not including Buck Creek: Closed waters.

(b) From Buck Creek upstream and tributaries (including Buck Creek): Selective gear rules.

~~((66))~~ (67) **Chopaka Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Fly fishing only.

(c) It is unlawful to fish from a floating device equipped with a motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

~~((67))~~ (68) **Chumstick Creek (Chelan County):** Closed waters.

~~((68))~~ (69) **Clear Lake (Chelan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((69))~~ (70) **Clear Lake (Spokane County):** Open the fourth Saturday in April through October 31.

~~((70))~~ (71) **Cle Elum Lake (Reservoir) (Kittitas County):** Game fish: Statewide minimum length/daily limit, except: Kokanee: Daily limit 5; minimum length 9 inches and maximum length 15 inches.

~~((71))~~ (72) **Cle Elum River (Kittitas County):**

(a) From the mouth to Cle Elum Dam:

(i) Open year-round.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release rainbow trout and cutthroat trout.

(iv) It is permissible to fish up to the base of Cle Elum Dam.

(v) Whitefish:

(A) Open December 1 through last day in February for whitefish only.

(B) Whitefish gear rules.

(b) From above Cle Elum Lake to outlet of Hyas Lake: Selective gear rules.

~~((72))~~ (73) **Cliff Lake (Grant County):** Open March 1 through September 30.

~~((73))~~ (74) **Coffee Pot Lake (Lincoln County):**

(a) Open March 1 through September 30.

(b) Selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 1; minimum length 18 inches.

(ii) Crappie: Daily limit 10; minimum length 9 inches.

~~((74))~~ (75) **Columbia Basin Hatchery Creek (Grant County):**

(a) Open April 1 through September 30 from the hatchery outflow to the confluence with Rocky Coulee Wasteway.

(b) Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((75))~~ (76) **Columbia Park Pond (Benton County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((76))~~ (77) **Colville River (Stevens County):** From the mouth to bridge at the town of Valley including Meyers Falls Reservoir: Open year-round.

(78) **Conconully Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

~~((77))~~ (79) **Conconully Reservoir (Okanogan County):** Open the fourth Saturday in April through October 31.

~~((78))~~ (80) **Conger Pond (Pend Oreille County):** Open the fourth Saturday in April through October 31.

~~((79))~~ (81) **Conner Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((80))~~ (82) **Cooper River (Kittitas County):** From the mouth to Cooper Lake: Selective gear rules.

~~((81))~~ (83) **Coot Lake (Grant County):** Open the fourth Saturday in April through September 30.

~~((82))~~ (84) **Corral Creek (Benton County):** Selective gear rules.

~~((83))~~ (85) **Cougar Lake (Pasayten Wilderness) (Okanogan County):** Selective gear rules.

~~((84))~~ (86) **Cougar Lake (near Winthrop) (Okanogan County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

~~((85))~~ (87) **Cowiche Creek (Yakima County):** Selective gear rules.

~~((86))~~ (88) **Coyote Creek and Ponds (Adams County):** Open the fourth Saturday in April through September 30.

~~((87))~~ (89) **Crab Creek (Adams/Grant/Lincoln counties):**

(a) From the mouth to Morgan Lake Road: Open the Saturday before Memorial Day through September 30.

(b) From Morgan Lake Road to O'Sullivan Dam (including Marsh Unit I and II impoundments): Closed waters.

(c) From the confluence of the Moses Lake outlets to Sand Dunes Road including tributaries:

(i) Open year-round.

(ii) Game fish: Statewide minimum length/daily limit, except:

(A) Crappie: Minimum length 9 inches.

(B) Crappie and bluegill: Combined limit of 25 fish.

(C) Yellow perch: Daily limit 25 fish.

(d) From the fountain buoy and shoreline markers of 150 feet down stream of the Alder Street fill to Grant County Road 7 NE:

(i) Open year-round.

(ii) Game fish: Statewide minimum length/daily limit, except:

(A) Crappie: Daily limit 10; minimum length 9 inches.

(B) Bluegill: Daily limit 5; minimum length 8 inches.

(C) Yellow perch: Daily limit 25.

(e) From Grant County Road 7 NE upstream (including all tributaries, except Goose Creek in the city of Wilbur): Open year-round.

~~((88))~~ **(90) Crawfish Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((89))~~ **(91) Crescent Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

~~((90))~~ **(92) Crystal Lake (Grant County):** Open March 1 through September 30.

~~((91))~~ **(93) Cub Creek (tributary to Chewuch River) (Okanogan County):** From mouth upstream to West Chewuch Road Bridge: Closed waters.

~~((92))~~ **(94) Cup Lake (Grant County):** Open March 1 through September 30.

~~((93))~~ **(95) Curl Lake (Columbia County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) It is unlawful to fish from any floating device.

~~((94))~~ **(96) Davis Lake (Ferry County):** Open the fourth Saturday in April through October 31.

~~((95))~~ **(97) Davis Lake (Okanogan County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

~~((96))~~ **(98) Dayton Pond (Columbia County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((97))~~ **(99) Deadman Lake (Adams County):** Open the fourth Saturday in April through September 30.

~~((98))~~ **(100) Deep Creek (tributary to Bumping Lake) (Yakima County):** From the mouth to the waterfall approximately 0.33 mile above the second bridge crossing on USFS Road 1808 (approximately 3.7 miles from the junction of USFS Roads 1800 and 1808): Closed waters.

~~((99))~~ **(101) Deep Lake (Grant County):** Open the fourth Saturday in April through September 30.

~~((100))~~ **(102) Deep Lake (Stevens County):** Open the fourth Saturday in April through October 31.

~~((101))~~ **(103) Deer Lake (Columbia County):**

(a) Open March 1 through November 30.

(b) It is unlawful to fish from any floating device.

~~((102))~~ **(104) Deer (Deer Springs) Lake (Lincoln County):** Open the fourth Saturday in April through September 30.

~~((103))~~ **(105) Deer Lake (Stevens County):**

(a) Open March 1 through November 30.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((104))~~ **(106) Delaney Springs (Grant County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((105))~~ **(107) De Roux Creek (Kittitas County):** From the mouth to the USFS trail 1392 (De Roux Creek Trail) stream crossing (approximately 1 river mile): Closed waters.

~~((106))~~ **(108) Dog Creek (tributary to Chewuch) (Okanogan County):** From mouth upstream to falls approximately 1.5 miles: Closed waters.

~~((107))~~ **(109) Domerie Creek (Kittitas County):** Selective gear rules.

~~((108))~~ **(110) Downs Lake (Lincoln/Spokane counties):**

(a) Open March 1 through September 30.

(b) Game fish: Statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.

~~((109))~~ **(111) Dry Falls Lake (Grant County):**

(a) Open March 1 through November 30.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

~~((110))~~ **(112) Dune Lake (Grant County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

~~((111))~~ **(113) Dusty Lake (Grant County):**

(a) Open March 1 through November 30.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

~~((112))~~ **(114) Eagle Creek (tributary to Twisp River) (Okanogan County):** From mouth upstream to the falls approximately 0.5 miles: Closed waters.

~~((113))~~ **(115) Early Winters Creek (tributary to Methow River) (Okanogan County):**

(a) From the mouth upstream to Forest Road 300: Closed waters.

(b) From Forest Road 300 upstream; including tributaries except Cedar Creek:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(iii) Release all fish.

~~((114))~~ **(116) Eightmile Creek (tributary to Chewuch River) (Okanogan County):** From the mouth upstream to Forest Road 5130 Bridge: Closed waters.

~~((115))~~ **(117) Elbow Lake (Stevens County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

- ((116)) **(118) Ell Lake (Okanogan County):**  
 (a) Open the fourth Saturday in April through October 31.  
 (b) Selective gear rules.  
 (c) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- ((117)) **(119) Eloika Lake (Spokane County):** Game fish: Statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.
- ((118)) **(120) Empire Lake (Ferry County):**  
 (a) Open the fourth Saturday in April through October 31.  
 (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- ((119)) **(121) Entiat River (Chelan County):**  
 (a) From mouth (railroad bridge) to the boundary marker/markers located approximately 1,500 feet upstream of the upper Roaring Creek Road Bridge (immediately downstream of the Entiat National Fish Hatchery):  
 (i) Open December 1 through the last day in February for whitefish only.  
 (ii) Whitefish gear rules.  
 (b) From the boundary marker/markers located approximately 1,500 feet upstream of the upper Roaring Creek Road Bridge (immediately downstream of the Entiat National Fish Hatchery) to Entiat Falls:  
 (i) Whitefish:  
 (ii) Open December 1 through the last day in February for whitefish only.  
 (iii) Whitefish gear rules.  
 (c) Entiat River and all tributaries above Entiat Falls: Selective gear rules.
- ((120)) **(122) Ephrata Lake (Grant County):** Closed waters.
- ((121)) **(123) Esquatzel Coulee (Franklin County):** Open year-round.
- ((122)) **(124) Esquatzel Coulee, West Branch (Franklin County):** Open year-round.
- ((123)) **(125) Falls Creek (tributary to Chewuch River) (Okanogan County):** From mouth upstream to the falls approximately .15 miles: Closed waters.
- ((124)) **(126) Fan Lake (Pend Oreille County):**  
 (a) Open the fourth Saturday in April through September 30.  
 (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- ((125)) **(127) Ferry Lake (Ferry County):** It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.
- ((126)) **(128) Fiorito Lakes (Kittitas County):** It is unlawful to fish from a floating device equipped with an internal combustion motor.
- ((127)) **(129) Fish Lake (Chelan County):** Game fish: Statewide minimum length/daily limit, except: Yellow perch: Daily limit 25.
- ((128)) **(130) Fish Lake (Okanogan County):** Open the fourth Saturday in April through October 31.
- ((129)) **(131) Fish Lake (Spokane County):**  
 (a) Open the fourth Saturday in April through September 30.

- (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- (c) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- ((130)) **(132) Fishhook Pond (Walla Walla County):** It is unlawful to fish from a floating device.
- ((131)) **(133) Fishtrap Lake (Lincoln/Spokane counties):** Open the fourth Saturday in April through September 30.
- ((132)) **(134) Forde Lake (Okanogan County):**  
 (a) Open the fourth Saturday in April through October 31.  
 (b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- ((133)) **(135) Fourth of July Lake (Adams/Lincoln counties):**  
 (a) Open the Friday after Thanksgiving through March 31.  
 (b) It is unlawful to fish from a floating device equipped with an internal combustion motor.
- ((134)) **(136) Frank's Pond (Chelan County):**  
 (a) Open the fourth Saturday in April through October 31.  
 (b) Open to juvenile anglers only.
- ((135)) **(137) Frater Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.
- ((136)) **(138) Frenchman Hills Wasteway and Drains (Grant County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.
- ((137)) **(139) Gadwall Lake (Grant County):** Open the fourth Saturday in April through September 30.
- ((138)) **(140) Garfield Juvenile Pond (Whitman County):** Open to juvenile anglers only.
- ((139)) **(141) Goat Creek (tributary to Methow River) (Okanogan County):** Closed waters.
- ((140)) **(142) Gold Creek, Gold Creek Pond and outlet channel (tributary to Keechelus Lake):** Including that portion of Gold Creek that flows through the dry Keechelus Reservoir lakebed: Closed waters.
- ((141)) **(143) Gold Creek (tributary to Methow River) (Okanogan County):** Closed waters.
- ((142)) **(144) Goose Creek (Lincoln County), within the city limits of Wilbur:** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.
- ((143)) **(145) Goose Lake, Lower (Grant County):** Game fish: Statewide minimum length/daily limit, except:  
 (a) Crappie: Daily limit 10; minimum length 9 inches.  
 (b) Bluegill: It is unlawful to retain more than 5 fish over 6 inches in length.
- ((144)) **(146) Grande Ronde River (Asotin County):**  
 (a) From the mouth to County Road Bridge, about 2.5 miles upstream:  
 (i) Open year-round for game fish other than trout and steelhead.  
 (ii) From August 1 through April 15: Selective gear rules.  
 (iii) Trout: Open from the Saturday before Memorial Day through October 31.

(iv) Steelhead:

(A) Open January 1 through April 15; daily limit 3 hatchery steelhead; minimum length 20 inches.

(B) August 1 through December 31; release steelhead.

(b) From the County Road Bridge upstream to the Oregon state line:

(i) Open year-round for game fish other than trout and steelhead.

(ii) From August 1 through April 15: Barbless hooks required.

(iii) Trout: Open from the Saturday before Memorial Day through October 31.

(iv) Steelhead: Open August 1 through April 15; daily limit 3 hatchery steelhead; minimum length 20 inches.

(c) All tributaries: Closed waters.

~~((145))~~ **(147) Green Lakes (Lower and Upper) (Okanogan County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 2; minimum length 14 inches.

(ii) Eastern brook trout count as part of trout daily limit.

~~((146))~~ **(148) Grimes Lake (Douglas County):**

(a) Open June 1 through August 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

~~((147))~~ **(149) Halfmoon Lake (Adams County):** Open the fourth Saturday in April through September 30.

~~((148))~~ **(150) Hampton Lakes (Lower and Upper) (Grant County):** Open the fourth Saturday in April through September 30.

~~((149))~~ **(151) H and H Reservoir Number One (Pascal's Pond) (Chelan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((150))~~ **(152) Harris Lake (Grant County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

~~((151))~~ **(153) Hatch Lake (Stevens County):** Open the Friday after Thanksgiving through March 31.

~~((152))~~ **(154) Hays Creek and Ponds (Adams County):** Open the fourth Saturday in April through September 30.

~~((153))~~ **(155) Headgate Pond (Asotin County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((154))~~ **(156) Hen Lake (Grant County):** Open the fourth Saturday in April through September 30.

~~((155))~~ **(157) Hog Canyon Creek (Spokane County):** From the mouth to Scroggie Road: Closed waters.

~~((156))~~ **(158) Hog Canyon Lake (Spokane County):** Open the Friday after Thanksgiving through March 31.

~~((157))~~ **(159) Homestead Lake (Grant County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

~~((158))~~ **(160) Hourglass Lake (Grant County):** Open the fourth Saturday in April through September 30.

~~((159))~~ **(161) Hutchinson Lake (Adams County):** Open the fourth Saturday in April through September 30.

~~((160))~~ **(162) I-82 Ponds, 1 through 7 (Yakima County):** It is unlawful to fish from a floating device equipped with an internal combustion motor.

~~((161))~~ **(163) Icicle River and tributaries (Creek) (Chelan County):**

(a) From the mouth upstream 800 feet to posted signs: Closed waters.

(b) From posted signs 800 feet upstream of the mouth to 500 feet below Leavenworth National Fish Hatchery: Closed waters.

(c) From 500 feet below Leavenworth National Fish Hatchery to shoreline markers where Cyo Road would intersect the Icicle River at the Sleeping Lady Resort: Closed waters.

(d) From shoreline markers where Cyo Road would intersect the Icicle River at the Sleeping Lady Resort to the Icicle Peshastin Irrigation District footbridge (approximately 750 feet upstream of the "Snow Lakes Trailhead" parking lot): Closed waters.

(e) From the Icicle Irrigation Peshastin District footbridge upstream, and tributaries: Selective gear rules.

~~((162))~~ **(164) Indian Creek (Yakima County):** From the mouth to the waterfall approximately six miles upstream including that portion that flows through the dry lake bed of the Rimrock Reservoir: Closed waters.

~~((163))~~ **(165) Ingalls Creek (Chelan County):** From the mouth to Alpine Lakes Wilderness boundary and tributaries: Closed waters.

~~((164))~~ **(166) Jameson Lake (Douglas County):** Open the fourth Saturday in April through October 31.

~~((165))~~ **(167) Jasmine Creek (Okanogan County):**

(a) Open year-round to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

(b) Game fish: Statewide minimum length/daily limit, except: Steelhead: Closed to fishing.

~~((166))~~ **(168) Jefferson Park Pond (Walla Walla County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((167))~~ **(169) Jolanda, Lake (Chelan County):** Closed waters.

~~((168))~~ **(170) Kachess Lake (Reservoir) (Kittitas County):**

(a) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(b) Chumming is permissible.

~~((169))~~ **(171) Kachess River (Kittitas County):**

(a) From Kachess Lake (Reservoir) upstream to the waterfall approximately 0.5 miles above Mineral Creek: Closed waters.

(b) It is permissible to fish up to the base of Kachess Dam.

(c) From the mouth to Kachess Dam: Selective gear rules.

~~((170))~~ (172) **Keechelus Lake (Reservoir) (Kittitas County):**

(a) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

(b) Chumming is permissible.

~~((171))~~ (173) **Kettle Creek (tributary to American River) (Yakima County):** Closed waters.

~~((172))~~ (174) **Kettle River (Stevens County):** From Barstow Bridge upstream:

(a) Selective gear rules, except for juvenile anglers, from the Canadian border upstream to Highway 21 Bridge at Curlew.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Minimum length 14 inches.

(d) Whitefish:

(i) Open December 1 through the last day in February for whitefish only.

(ii) Whitefish gear rules.

~~((173))~~ (175) **Kings Lake and tributaries (Pend Oreille County):** Closed waters.

~~((174))~~ (176) **Kiwanis Pond (Kittitas County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((175))~~ (177) **Lake Creek (Okanogan County):**

(a) From the mouth to Black Lake: Closed waters.

(b) From Black Lake to Three Prong Creek: Closed waters.

~~((176))~~ (178) **Ledbetter Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

~~((177))~~ (179) **Ledking Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

~~((178))~~ (180) **Leech Lake (Yakima County):**

(a) Fly fishing only.

(b) It is unlawful to fish from a floating device equipped with a motor.

(c) Game fish: Statewide minimum length/daily limit, except: Rainbow trout: Daily limit 1; minimum length 18 inches.

~~((179))~~ (181) **Lemna Lake (Grant County):** Open the fourth Saturday in April through September 30.

~~((180))~~ (182) **Lenice Lake (Grant County):**

(a) Open March 1 through November 30.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

~~((181))~~ (183) **Lenore Lake (Grant County):**

(a) The waters within a 200 yard radius of the trash rack leading to the irrigation pumping station (on the south end of the lake) and the area approximately 100 yards beyond the mouth of inlet stream to State Highway 17: Closed waters.

(b) Open March 1 through November 30.

(c) Selective gear rules.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

~~((182))~~ (184) **Libby Creek (tributary to Methow River) (Okanogan County):** Closed waters.

~~((183))~~ (185) **Liberty Lake (Spokane County):** Open March 1 through October 31.

~~((184))~~ (186) **Lilly Lake (Chelan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((185))~~ (187) **Lions Park Pond (Walla Walla County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((186))~~ (188) **Little Bridge Creek (tributary of Twisp River) (Okanogan County):**

(a) Open the Saturday before Memorial Day through August 15.

(b) Release all fish.

(c) Selective gear rules.

~~((187))~~ (189) **Little Falls Reservoir (Spokane River) (Lincoln County):** From Little Falls Dam to Long Lake Dam: Landlocked salmon rules.

~~((188))~~ (190) **Little Lost Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

~~((189))~~ (191) **Little Naches River including tributaries (Yakima County):** Selective gear rules.

~~((190))~~ (192) **Little Pend Oreille River and tributaries (Stevens County):** Selective gear rules.

~~((191))~~ (193) **Little Spokane River and tributaries (Spokane County):**

(a) From the inlet of Chain Lake upstream 0.25 mile to the railroad crossing culvert: Closed waters.

(b) From the SR 291 Bridge upstream:

(i) Open Saturday before Memorial Day through October 31.

(ii) Whitefish:

(A) Open December 1 through the last day in February for whitefish only.

(B) Whitefish gear rules.

~~((192))~~ (194) **Little Twin Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except:

(i) Trout: Daily limit 1; minimum length 18 inches.

(ii) Eastern brook trout count as part of trout daily limit.

~~((193))~~ (195) **Little Twin Lake (Stevens County):** Open the fourth Saturday in April through October 31.

~~((194))~~ (196) **Little Wenatchee River (Chelan County):**

(a) From the mouth to USFS road 6700 Bridge and tributaries: Closed waters.

(b) From the USFS road 6700 Bridge upstream including tributaries: Selective gear rules.

~~((195))~~ (197) **Long Lake (Ferry County):**

(a) Open the fourth Saturday in April through October 31.

(b) Fly fishing only.

(c) It is unlawful to use flies containing lead.

(d) It is unlawful to fish from a floating device equipped with a motor.

~~((196))~~ (198) **Long Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

~~((197))~~ (199) **Long Lake (Lake Spokane) (Spokane County):** From Long Lake Dam to Nine Mile Dam, including Little Spokane River from the mouth to the SR 291 Bridge: Landlocked salmon rules.

~~((198))~~ (200) **Loon Lake (Stevens County):** Open the fourth Saturday in April through October 31.

~~((199))~~ (201) **Lost Lake (Kittitas County):** Game fish: Statewide minimum length/daily limit, except: Rainbow trout: Daily limit 2; minimum length 14 inches.

~~((200))~~ (202) **Lost Lake (Okanogan County):**

(a) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(b) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

(c) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((201))~~ (203) **Lost River (tributary to Methow River) (Okanogan County):**

(a) From the mouth to the mouth of Monument Creek: Closed waters.

(b) From the mouth of Monument Creek including tributaries upstream to Deception Creek:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Minimum length 14 inches; daily limit 2.

(B) Dolly Varden/bull trout may be retained as part of trout daily limit.

~~((202))~~ (204) **Lyman Lake (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((203))~~ (205) **Mad River (Chelan County):**

(a) From the mouth to Windy Creek, including Windy Creek and tributaries except Tillicum Creek: Closed waters.

(b) From Windy Creek upstream and tributaries: Selective gear rules.

~~((204))~~ (206) **Manastash Creek (Kittitas County):** Selective gear rules.

~~((205))~~ (207) **Marshall Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

~~((206))~~ (208) **Martha Lake (Grant County):** Open March 1 through September 30.

~~((207))~~ (209) **Mary Ann Lake (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((208))~~ (210) **Mattoon Lake (Kittitas County):** It is unlawful to fish from a floating device equipped with an internal combustion motor.

~~((209))~~ (211) **McCabe Pond (Kittitas County):** It is unlawful to fish from any floating device equipped with a motor.

~~((210))~~ (212) **McDowell Lake (Stevens County):**  
31.

(b) Fly fishing only.

(c) It is unlawful to fish from a floating device equipped with a motor.

(d) Release all fish.

~~((211))~~ (213) **McManaman Lake (Adams County):** Open the fourth Saturday in April through September 30.

~~((212))~~ (214) **Medical Lake (Spokane County):**

(a) Open March 1 through November 30.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with a motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

~~((213))~~ (215) **Medical Lake, West (Spokane County):** Open the fourth Saturday in April through September 30.

~~((214))~~ (216) **Mercer Creek (Kittitas County):** Selective gear rules.

~~((215))~~ (217) **Merry Lake (Grant County):**

(a) Open March 1 through November 30.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

~~((216))~~ (218) **Methow River (Okanogan County):**

(a) From mouth to County Road 1535 (Burma Road) Bridge: Closed waters.

(b) Tributaries from mouth to County Road 1535 (Burma Road) Bridge except Black Canyon Creek: Release all fish, except: Eastern brook trout: No minimum length/daily limit.

(c) From County Road 1535 (Burma Road) Bridge to Gold Creek:

(i) Open the Saturday before Memorial Day through September 15.

(ii) Selective gear rules.

(iii) Release all fish.

(d) All tributaries from the County Road 1535 (Burma Road) to Gold Creek except Gold Creek:

(i) Selective gear rules.

(ii) Release all fish, except: Eastern brook trout: No minimum length/daily limit.

(e) From Gold Creek to Foghorn Dam:

(i) Open the Saturday before Memorial Day through September 30.

(ii) Selective gear rules.

(iii) Release all fish.

(iv) Whitefish:

(A) Open December 1 through the last day in February for whitefish only.

(B) Whitefish gear rules.

(f) Methow River tributaries from Gold Creek to Foghorn Dam; except Twisp River, Chewuch River, Libby

Creek, and Beaver Creek: Release all fish, except: Eastern brook trout: No minimum length/daily limit.

(g) From Foghorn Dam to Weeman Bridge including tributaries:

(i) Open the Saturday before Memorial Day through August 15:

(A) Release all fish.

(B) Selective gear rules.

(ii) Whitefish:

(A) Open December 1 through the last day in February for Whitefish only.

(B) Whitefish gear rules.

(h) From Weeman Bridge to the falls above Brush Creek: Whitefish:

(i) Open December 1 through the last day in February for whitefish only.

(ii) Whitefish gear rules.

(i) Methow River tributaries from Weeman Bridge to the falls above Brush Creek; excluding Lost River, Goat Creek, Early Winters Creek, and Wolf Creek.

(i) Selective gear rules.

(ii) Release all fish.

~~((217))~~ (219) **Mill Creek (tributary to the Walla Walla River) (Walla Walla County):**

(a) From the mouth to Bennington Dam, including tributaries: Closed waters.

(b) From Bennington Dam upstream excluding tributaries: Selective gear rules.

(c) All tributaries upstream of Bennington Dam: Closed waters.

~~((218))~~ (220) **Mineral Creek (tributary to upper Kachess River) (Kittitas County):** From the mouth to the Wilderness Boundary: Closed waters.

~~((219))~~ (221) **Molson Lake (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((220))~~ (222) **Monument Creek (Okanogan County), including tributaries:** Selective gear rules.

~~((221))~~ (223) **Morgan Lake (Adams County):** Open the fourth Saturday in April through September 30.

~~((222))~~ (224) **Moses Lake (Grant County):** Game fish: Statewide minimum length/daily limit, except:

(a) Crappie: Daily limit 10; minimum length 9 inches.

(b) Bluegill: Daily limit 5; minimum length 8 inches.

(c) Yellow perch: Daily limit 25.

~~((223))~~ (225) **Mud Lake (Yakima County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with a motor.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

~~((224))~~ (226) **Mudgett Lake (Stevens County):** Open the fourth Saturday in April through October 31.

~~((225))~~ (227) **Muskegon Lake (Pend Oreille County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

~~((226))~~ (228) **Myron Lake (Yakima County):**

(a) Selective gear rules.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(c) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

~~((227))~~ (229) **Mystic Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

~~((228))~~ (230) **Naches River (Yakima/Kittitas counties):**

(a) From the mouth to Little Naches River:

(i) Selective gear rules.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Trout: Daily limit 2; minimum length 14 inches.

(B) Release trout from the confluence with Tieton River to the confluence of the Little Naches River and Bumping River (origin of Naches River).

(b) From the mouth to the Tieton River:

(i) Whitefish: December 1 through the last day in February for whitefish only.

(ii) Whitefish gear rules.

~~((229))~~ (231) **Naneum Creek and tributaries (Kittitas County):** Selective gear rules.

~~((230))~~ (232) **Naneum Pond (Kittitas County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((231))~~ (233) **Napeequa River (Chelan County):** From mouth to Twin Lakes Creek (including Twin Lakes Creek and all tributaries: Closed waters.

~~((232))~~ (234) **Nason Creek (Chelan County):**

(a) From the mouth to Gaynor Falls and tributaries except Whitepine Creek: Closed waters.

(b) From Gaynor Falls (approximately 0.7 miles upstream of Whitepine Creek) upstream and tributaries: Selective gear rules.

~~((233))~~ (235) **Nile Creek and tributaries (Yakima County):** Selective gear rules.

~~((234))~~ (236) **No Name Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

~~((235))~~ (237) **North Creek (tributary to Twisp River) (Okanogan County):** From the mouth upstream to Twisp River Road Bridge: Closed waters.

~~((236))~~ (238) **North Elton Pond (Yakima County):**

(a) Open the Friday after Thanksgiving through March 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

~~((237))~~ (239) **North Potholes Reserve Ponds (Grant County):** Open March 1 through the day before waterfowl season begins.

~~((238))~~ (240) **Nunnally Lake (Grant County):**

(a) The outlet stream of Nunnally Lake is closed waters.

(b) Open March 1 through November 30:

(c) Selective gear rules.



(d) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(e) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

~~((239))~~ **(241) Oak Creek and tributaries (Yakima County):** Selective gear rules.

~~((240))~~ **(242) Okanogan River (Okanogan County):**

(a) From the mouth to Highway 97 Bridge immediately upstream of the mouth:

(i) Open year-round.

(ii) July 1 through October 15: Anti-snagging rule and night closure.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release trout.

(B) Steelhead: Closed to fishing.

(b) From Highway 97 Bridge immediately upstream of the mouth to the highway bridge at Malott:

(i) Open year-round.

(ii) July 1 through September 15: Anti-snagging rule and night closure.

(iii) Game fish: Statewide minimum length/daily limit, except:

(A) Release trout.

(B) Steelhead: Closed to fishing.

(c) From the highway bridge at Malott upstream:

(i) From Zosel Dam downstream to the first Highway 97 Bridge downstream of the dam: Closed waters.

(ii) Open the Saturday before Memorial Day through September 15.

(iii) July 1 through September 15: Anti-snagging rule and night closure.

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Release trout.

(B) Steelhead: Closed to fishing.

(d) All Okanogan River tributaries, except Salmon Creek, Jasmine Creek, Bonaparte Creek, and the Similkameen River:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except:

(A) Release trout.

(B) Steelhead: Closed to fishing.

~~((241))~~ **(243) Osoyoos Lake (Okanogan County):**

Game fish: Statewide minimum length/daily limit, except:

(a) Largemouth bass: Daily limit 10; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(b) Smallmouth bass: Daily limit 15; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(c) Channel catfish: Daily limit 10; no size restriction.

(d) Walleye: Daily limit 16; only 1 walleye over 22 inches may be retained.

**(244) Palouse River (Whitman County):** From the mouth to the base of Palouse Falls:

(a) Open year-round for game fish except trout and steelhead.

(b) Trout: Open the Saturday before Memorial Day through October 31.

(c) Steelhead:

(i) Open August 1 through April 15.

(ii) Daily limit 3 hatchery steelhead; minimum length 20 inches.

(d) It is permissible to fish with two poles so long as the angler possesses a valid two-pole endorsement, except for steelhead.

~~((242))~~ **(245) Palouse River (Whitman County) mainstem above Palouse Falls and tributaries (Washington waters only), except Rock Creek and Hog Canyon Creek:** Open year-round.

~~((243))~~ **(246) Pampa Pond (Whitman County):**

(a) Open March 1 through September 30.

(b) It is unlawful to fish from any floating device.

~~((244))~~ **(247) Park Lake (Grant County):** Open the fourth Saturday in April through September 30.

~~((245))~~ **(248) Parker Lake (Pend Oreille County):** Open the fourth Saturday in April through October 31.

~~((246))~~ **(249) Pataha Creek (Garfield County):**

(a) Within the city limits of Pomeroy: Open to juvenile anglers, senior angler, and anglers with a disability who possess a designated harvester companion card only.

(b) From the city limits of Pomeroy upstream: Selective gear rules.

~~((247) Patterson Lake (Okanogan County):~~ Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((248))~~ **(250) Pearrygin Lake (Okanogan County):**

Open the fourth Saturday in April through October 31.

~~((249))~~ **(251) Pend Oreille River (Pend Oreille County):**

(a) Open year-round.

(b) Game fish: Statewide lake rules.

(c) All sloughs within the boundaries of the Kalispel Reservation, except Calispell Slough: Closed waters.

~~((250))~~ **(252) Perch Lake (Grant County):** Open the fourth Saturday in April through September 30.

~~((251))~~ **(253) Peshastin Creek and all tributaries except Ingalls Creek (Chelan County):** Closed waters.

~~((252))~~ **(254) Petit Lake (Pend Oreille County):**

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to fish from a floating device equipped with an internal combustion motor.

~~((253))~~ **(255) Phalon Lake (Stevens County):** Closed waters.

~~((254))~~ **(256) Phillips Lake (Stevens County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((255))~~ **(257) Pierre Lake (Stevens County):** It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

~~((256))~~ **(258) Pillar Lake (Grant County):** Open the fourth Saturday in April through September 30.

~~((257))~~ **(259) Ping Pond (Oasis Park Pond) (Grant County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((258))~~ (260) Pit Lake (Douglas County): Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((259))~~ (261) Poacher Lake (Grant County): Open the fourth Saturday before April through September 30.

~~((260))~~ (262) Potholes Reservoir (Grant County): Game fish: Statewide minimum length/daily limit, except:

- (a) Crappie: Minimum length 9 inches.
- (b) Crappie and bluegill: Combined limit of 25 fish.
- (c) Yellow perch: Daily limit 25 fish.

~~((261))~~ (263) Potter's Pond (Stevens County): Open the fourth Saturday in April through October 31.

~~((262))~~ (264) Powerline Lake (Franklin County): Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

~~((263))~~ (265) Quail Lake (Adams County):

(a) Fly fishing only.  
(b) It is unlawful to fish from any floating device equipped with a motor.

(c) Release all fish.

~~((264))~~ (266) Quarry Pond (Walla Walla County): It is unlawful to fish from any floating device.

~~((265))~~ (267) Quincy Lake (Grant County): Open March 1 through September 30.

~~((266))~~ (268) Rainbow Lake (Columbia County):

- (a) Open March 1 through November 30.
- (b) It is unlawful to fish from any floating device.

~~((267))~~ (269) Rat Lake (Okanogan County):

(a) Selective gear rules.  
(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

~~((268))~~ (270) Rattlesnake Creek and tributaries (Yakima County):

- (a) Selective gear rules.
- (b) Release all fish.

~~((269))~~ (271) Red Rock Creek (Grant County): Open the Saturday before Memorial Day through September 30.

~~((270))~~ (272) Reflection Pond (Okanogan County):

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((271))~~ (273) Renner Lake (Ferry County):

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((272))~~ (274) Rigley Lake (Stevens County):

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2, minimum length 14 inches.

~~((273))~~ (275) Rimrock Lake (Reservoir) (Yakima County): Chumming is permissible.

~~((274))~~ (276) Ringold Springs Hatchery Creek (Franklin County): Closed waters.

~~((275))~~ (277) Roaring Creek (Entiat River tributary) (Chelan County): Closed waters.

~~((276))~~ (278) Rock Creek (Adams/Whitman counties):

(a) From the mouth to the bridge on Jordan Knott Road at Revere:

- (i) Selective gear rules.
- (ii) Release all fish.

(b) From the bridge on Jordan Knott Road upstream: Open year-round.

~~((277))~~ (279) Rocky Ford Creek and Ponds (Grant County):

(a) Open to fly fishing and fishing from the bank only (no wading).

(b) Release all fish.

~~((278))~~ (280) Rocky Lake (Stevens County): Open the fourth Saturday in April through October 31.

~~((279))~~ (281) Roosevelt Lake (Grant/Ferry/Lincoln/Stevens counties): Columbia River from Grand Coulee Dam to U.S. Canadian border including Hawk Creek downstream of the falls at Hawk Creek Campground, Spokane River from 400 feet downstream of Little Falls Dam, Kettle River downstream of Barstow Bridge, and Colville River downstream of S.R. 25 Bridge.

(a) The following areas are closed waters:

(i) From the Little Dalles power line crossing upstream approximately one mile to the marked rock point from March 1 through the Friday before Memorial Day.

(ii) Northport power line crossing upstream to the most upstream point of Steamboat Rock, from March 1 through the Friday before Memorial Day.

(iii) The Kettle River upstream to Barstow Bridge from March 1 through the Friday before Memorial Day.

(b) From Grand Coulee Dam to the Little Dalles power line crossing:

(i) Game fish: Statewide minimum length/daily limit, except:

(A) Kokanee: Daily limit 6; no more than 2 with intact adipose fins.

(B) Trout (except kokanee): Daily limit 5; it is unlawful to retain trout with an intact adipose fin.

(C) Walleye: Daily limit 16 fish; no size restrictions.

(ii) Salmon: ~~((Landlocked salmon rules apply.))~~

(A) Salmon count toward trout daily limit.

(B) No catch record card required.

(c) From the Little Dalles power line crossing to the Canadian border:

(i) Game fish: Statewide minimum length/daily limit, except:

(A) Kokanee: Daily limit 6; no more than 2 with intact adipose fins.

(B) Trout (except kokanee): Daily limit 2; minimum size 18 inches.

(C) Walleye: Daily limit 16; no size restrictions.

(ii) Salmon: ~~((Landlocked salmon rules apply.))~~

(A) Salmon count toward trout daily limit.

(B) No catch record card required.

~~((280))~~ (282) Round Lake (Okanogan County): Open the fourth Saturday in April through October 31.

~~((281))~~ (283) **Royal Lake (Adams County):** Closed waters.

~~((282))~~ (284) **Royal Slough (including Marsh Unit IV impoundments) (Adams County):** Closed waters.

~~((283))~~ (285) **Rufus Woods Lake (Douglas/Okanogan counties):**

(a) From Grand Coulee Dam downstream to State Route 155 Bridge: Closed waters.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2(~~(; minimum length 14 inches)~~).

(c) Sturgeon: Closed to fishing.

(d) A nonmember fishing permit issued by the Colville Tribes shall satisfy the license requirement of RCW 77.32.010 on the waters of Lake Rufus Woods and on the north shore of Lake Rufus Woods.

(e) A Colville tribal member identification card satisfies the license requirement of RCW 77.32.010 on all waters of Lake Rufus Woods.

~~((284))~~ (286) **Sacheen Lake (Pend Oreille County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((285))~~ (287) **Saddle Mountain Lake (Grant County):** Closed waters.

~~((286))~~ (288) **Sago Lake (Grant County):** Open the fourth Saturday in April through September 30.

~~((287))~~ (289) **Salmon Creek (Okanogan County):**

(a) From the mouth to Conconully Reservoir:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except:

(A) Release trout other than eastern brook trout.

(B) Steelhead: Closed to fishing.

(b) From Conconully Reservoir upstream including tributaries: Selective gear rules.

~~((288))~~ (290) **San Poil River (Ferry County):**

(a) From the western shoreline at the mouth of the San Poil Arm (as marked by a regulatory buoy) directly eastward across the San Poil Arm to the eastern shoreline of the San Poil Arm (as marked by a regulatory buoy) upstream to the north shore of the outlet of French Johns Lake (Manila Creek) northeast across the San Poil Arm to the north shore of the outlet of Dick Creek:

(i) Game fish: Open year-round; statewide minimum length/daily limit, except:

(A) Open June 1 through January 31 for kokanee, smallmouth bass, trout, and walleye:

(I) Kokanee: Daily limit 2.

(II) Trout: Daily limit 5; it is unlawful to retain trout with an intact adipose fin.

(III) Walleye: Daily limit 16; no size restrictions.

(IV) Smallmouth bass: Daily limit 10; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(B) Largemouth bass: Daily limit 5; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Salmon: Open year-round(~~(; landlocked salmon rules apply)~~).

(A) Salmon count toward trout daily limit.

(B) No catch record card required.

(iii) Carp: Open year-round.

(b) From the north shore of the outlet of French Johns Lake (Manila Creek) northeast across the San Poil Arm to the north shore of the outlet of Dick Creek to approximately 5 miles upstream from the outlet of French Johns Lake, as marked by regulatory buoys:

(i) Game fish: Open year-round; statewide minimum length/daily limit, except:

(A) Kokanee: Unlawful to fish for or retain.

(B) Trout: Unlawful to fish for or retain.

(C) Open June 1 through January 31 for walleye and smallmouth bass:

(I) Walleye: Daily limit 16; no size restrictions.

(II) Smallmouth bass: Daily limit 10; no minimum length; only 1 smallmouth bass over 14 inches may be retained.

(D) Largemouth bass: Daily limit 5; no minimum length; only largemouth bass under 12 inches may be retained, except 1 over 17 inches may be retained.

(ii) Salmon: Open year-round; landlocked salmon rules apply.

(iii) Carp: Open year-round; unlawful to fish for carp with bow and arrow.

(c) The waters from approximately 5 miles upstream from the outlet of French Johns Lake, as marked by regulatory buoys, to all waters north of the regulatory buoy line at or above 1,310 feet mean sea level elevation upstream to the northern reservation boundary are managed under the regulatory authority of the Colville Confederated Tribes.

~~((289))~~ (291) **Sand Hollow Creek (Grant County) including tributaries:** From the mouth (State Route 243) upstream: Open the Saturday before Memorial Day through September 30.

~~((290))~~ (292) **Sarg Hubbard Park Pond (Reflection Pond) (Yakima County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((291))~~ (293) **Schallow Pond (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((292))~~ (294) **Sedge Lake (Grant County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

~~((293))~~ (295) **Shellneck Creek (Yakima County):** Closed waters.

~~((294))~~ (296) **Sherman Creek (Ferry County) and tributaries:** From the hatchery boat dock to 400 feet upstream of hatchery water diversion dam: Closed waters.

~~((295))~~ (297) **Shiner Lake (Adams County):** Open the fourth Saturday in April through September 30.

~~((296))~~ (298) **Shoveler Lake (Grant County):** Open the fourth Saturday in April through September 30.

~~((297))~~ (299) **Silver Lake (Spokane County):** Game fish: Statewide minimum length/daily limit, except: Crappie: Daily limit 10; minimum length 9 inches.

~~((298))~~ (300) **Silver Nail Lake (Okanogan County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((299))~~ **(301) Similkameen River (Okanogan County):**

(a) From Enloe Dam downstream 400 feet: Closed waters.

(b) From the mouth to Enloe Dam:

(i) Open July 1 through September 15:

(ii) Anti-snagging rule.

(iii) Night closure.

(iv) Game fish: Statewide minimum length/daily limit, except:

(A) Release trout.

(B) Steelhead: Closed to fishing.

(v) Whitefish:

(A) Open December 1 through the last day in February for whitefish only.

(B) Whitefish gear rules.

(c) From Enloe Dam to the Canadian border, including tributaries, except Sinlahekin Creek:

(i) Open the Saturday before Memorial Day through October 31.

(ii) Whitefish:

(A) Open December 1 through the last day in February for whitefish only.

(B) Whitefish gear rules.

~~((300))~~ **(302) Sinlahekin Creek (Okanogan County):** From Palmer Lake to Cecile Creek Bridge:

(a) Open the Saturday before Memorial Day through August 31.

(b) Selective gear rules.

(c) Whitefish:

(i) Open December 1 through the last day in February for whitefish only.

(ii) Whitefish gear rules.

~~((301))~~ **(303) Skookum Lake, North (Pend Oreille County):** Open the fourth Saturday in April through October 31.

~~((302))~~ **(304) Skookum Lake, South (Pend Oreille County):**

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

~~((303))~~ **(305) Snake River:**

(a) Tributaries except Palouse River, Tucannon River, Asotin Creek, and Grande Ronde River: Closed waters.

(b) Columbia River rules apply downstream of the Burbank-to-Pasco railroad bridge at Snake River mile 1.5.

(c) Within 400 feet of the base of any dam: Closed waters.

(d) Within a 400 foot radius around the fish ladder entrance at Lyons Ferry Hatchery: Closed waters.

(e) Within a 200 foot radius upstream of the fish ladder exit above Lower Granite Dam: Closed waters.

(f) Within an area 1,200 feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and 100 feet out into the river from the south river bank: Closed waters.

(g) Game fish: Open year-round; statewide minimum length/daily limit, except:

(i) Trout: Open the Saturday before Memorial Day through October 31.

(ii) Steelhead:

(A) Open the Saturday before Memorial Day through July 31; daily limit 2, barbless hooks required.

(B) Open August 1 through March 31; Daily limit 3 hatchery steelhead; barbless hooks required.

~~((304))~~ **(306) Snipe Lake (Grant County):** Open the fourth Saturday in April through September 30.

~~((305))~~ **(307) Snipes Creek (Benton County):** Selective gear rules.

~~((306))~~ **(308) Spectacle Lake (Okanogan County):** Open April 1 through September 30.

~~((307))~~ **(309) Spokane River (Spokane County):** From Nine Mile Dam upstream to the Idaho/Washington state line:

(a) Selective gear rules.

(b) Open the Saturday before Memorial Day through March 15:

(c) Game fish: Release all fish, except: Hatchery rainbow trout: Daily limit 2.

~~((308))~~ **(310) Sprague Lake (Adams/Lincoln counties):**

(a) The following waters are closed waters:

(i) Cow Creek.

(ii) The marsh at the southwest end of the lake from the lakeside edge of the reeds, including Cow Creek, to Danekas Road.

(iii) The small bay at the southeast end of the lake.

(b) All other waters southwest of the southwest tip of Harper Island: Closed from October 1 through April 30.

(c) Game fish: Statewide minimum length/daily limit except:

(i) Crappie: Minimum length 9 inches.

(ii) Crappie and bluegill: Combined limit of 25 fish.

~~((309))~~ **(311) Spring Creek (Benton County):** Selective gear rules.

~~((310))~~ **(312) Spring Hill Reservoir (Black Lake, Lower Wheeler Reservoir) (Chelan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Selective gear rules.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(d) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1, minimum length 18 inches.

~~((311))~~ **(313) Spring Lake (Columbia County):** It is unlawful to fish from any floating device.

~~((312))~~ **(314) Spring Lakes (Upper and Lower) (Grant County):** Open March 1 through September 30.

~~((313))~~ **(315) Springdale Pond (Lucky Duck Pond) (Stevens County):** Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((314))~~ **(316) Spruce Creek (tributary to South Fork Tieton River) (Yakima County):** Closed waters.

~~((315))~~ **(317) Starvation Lake (Stevens County):** Open the fourth Saturday in April through October 31.

~~((316))~~ **(318) Starzman Lakes (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((317))~~ **(319) Stehekin River (Chelan County):** From the mouth (Powerline crossing) upstream and tributaries:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Release wild cutthroat.

~~((318))~~ **(320) Stratford/Brook Lake (Grant County):** Open March 1 through September 30.

~~((319))~~ **(321) Sugarloaf Lake (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((320))~~ **(322) Sullivan Creek and tributaries (Pend Oreille County):**

(a) Game fish: Statewide minimum length/daily limit, except: Release cutthroat trout.

(b) Selective gear rules.

~~((321))~~ **(323) Sullivan Lake (Pend Oreille County):** Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 2; minimum length 14 inches.

~~((322))~~ **(324) Summit Lake (Okanogan County):** Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((323))~~ **(325) Summit Lake (Stevens County):** Open the fourth Saturday in April through October 31.

~~((324))~~ **(326) Swan Lake (Ferry County):** It is unlawful to use lead weights or lead jigs that measure 1 1/2 inch or less along the longest axis.

~~((325))~~ **(327) Swauk Creek and tributaries (Kittitas County):** Selective gear rules.

~~((326))~~ **(328) Taneum Creek and tributaries (Kittitas County):** Selective gear rules.

~~((327))~~ **(329) Teal Lakes (North and South) (Grant/Adams counties):** Open the fourth Saturday in April through September 30.

~~((328))~~ **(330) Teanaway River (Kittitas County), and tributaries except North Fork:** Selective gear rules.

~~((329))~~ **(331) Teanaway River, North Fork (Kittitas County):**

(a) From the mouth to Beverly Creek and tributaries; including Beverly Creek:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release trout.

(b) From Beverly Creek to the impassable waterfall at the end of USFS Road 9737: Closed waters.

~~((330))~~ **(332) Tern Lake (Grant County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

~~((331))~~ **(333) Thirtymile Creek (tributary to Chewuch River) (Okanogan County):** From mouth upstream to falls (approximately 700 feet): Closed waters.

~~((332))~~ **(334) Tieton River (Yakima County):**

(a) It is permissible to fish up to the base of Tieton (Rimrock) Dam.

(b) Selective gear rules apply.

~~((333))~~ **(335) Tieton River, North Fork (Yakima County):**

(a) From mouth to USFS Road 740 Bridge:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(b) The Clear Lake spillway channel: Closed waters.

~~((334))~~ (c) From the USFS Road 740 Bridge to Clear Lake Dam: Closed waters.

~~((335))~~ (d) The mainstem and tributaries including that portion of the river that flows through the dry lakebed of Rimrock Reservoir, upstream of Clear Lake:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

~~((334))~~ **(336) Tieton River, South Fork (Yakima County):** From the bridge on USFS Road 1200 to bridge on USFS road 1070: Closed waters.

~~((335))~~ **(337) Tillicum Creek (tributary to Mad River) (Chelan River):**

(a) From mouth to the intersection of USFS 5800 and USFS 5808: Closed waters.

(b) From the intersection of USFS 5800 and USFS 5808 upstream (upstream 2.25 miles) including tributaries: Selective gear rules.

~~((336))~~ **(338) Touchet River and tributaries (Columbia/Walla Walla counties):**

(a) From the mouth to the confluence of the North and South Forks:

(i) All tributaries: Closed waters.

(ii) Game fish: Open the Saturday before Memorial Day through April 15; statewide minimum length/daily limit, except:

(A) November 1 through April 15: Release all fish except steelhead.

(B) August 1 through April 15: Hatchery steelhead daily limit 3, barbless hooks required.

(b) From the confluence of the North and South Forks upstream including both forks, Robinson Fork, and Wolf Fork:

(i) All other tributaries: Closed waters.

(ii) Open the Saturday before Memorial Day through August 31.

(iii) Selective gear rules.

~~((337))~~ **(339) Trout Lake (Ferry County):** Open the fourth Saturday in April through October 31.

~~((338))~~ **(340) Tucannon River (Columbia County):**

(a) All tributaries are closed waters, except Pataha Creek.

(b) Mouth upstream to Tucannon Hatchery Road Bridge:

(c) Game fish: Open the Saturday before Memorial Day through April 15; statewide minimum length/daily limit, except:

(i) November 1 through April 15: Release all fish except steelhead.

(ii) August 1 through April 15: Hatchery steelhead daily limit 3, barbless hooks required.

(d) Tucannon Hatchery Bridge to 500 feet above intake for Rainbow Lake: Closed waters.

(e) 500 feet above intake for Rainbow Lake to Cow Camp Bridge:

(i) Open the Saturday before Memorial Day through August 31.

(ii) Selective gear rules.

(f) Cow Camp Bridge upstream: Closed waters.

~~((339))~~ **(341) Tucquala Lake (Kittitas County):**

(a) Open the Saturday before Memorial Day through October 31.

(b) Statewide stream rules apply.

~~((340))~~ **(342) Twentymile Creek (tributary to Chewuch River) (Okanogan County):** From the mouth upstream to falls (approximately 0.75 miles): Closed waters.

~~((341))~~ **(343) Twin Lakes, tributaries, and Twin Lakes Creek (outlet stream) to the confluence with the Napeequa River (Chelan County):** Closed waters.

~~((342))~~ **(344) Twisp River (Okanogan County):**

(a) Mouth to War Creek:

(i) Open the Saturday before Memorial Day through August 15.

(ii) Selective gear rules.

(iii) Release all fish.

(b) Twisp River tributaries from War Creek upstream except North Creek and North Fork Twisp River:

(i) Selective gear rules.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Release all fish.

(c) From War Creek upstream: Closed waters.

~~((343))~~ **(345) Twisp River, North Fork (Okanogan County):** From mouth to falls including tributaries: Closed waters.

~~((344))~~ **(346) Umtanum Creek (Kittitas County):** Selective gear rules.

~~((345))~~ **(347) Union Creek (Yakima County):** From the mouth to the falls: Closed waters.

~~((346))~~ **(348) Upper Wheeler Reservoir (Chelan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Fly fishing only.

(c) It is unlawful to fish from a floating device equipped with a motor.

(d) Release all fish.

~~((347))~~ **(349) Vic Meyers (Rainbow) Lake (Grant County):**

(a) Open the fourth Saturday in April through September 30.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((348))~~ **(350) Walla Walla River (Walla Walla County):** From mouth to Washington/Oregon stateline:

(a) All tributaries except Touchet River and Mill Creek: Closed waters.

(b) Game fish: Open year-round; statewide minimum length/daily limit, except for trout and steelhead:

(i) Trout: Open the Saturday before Memorial day through October 31; statewide minimum length/daily limit.

(ii) Steelhead:

(A) Open the Saturday before Memorial Day through July 31; daily limit 2 hatchery steelhead.

(B) Open August 1 through April 15; daily limit 3 hatchery steelhead, barbless hooks required.

~~((349))~~ **(351) Wannacut Lake (Okanogan County):** Open the fourth Saturday in April through October 31.

~~((350))~~ **(352) Wapato Lake (Chelan County):** Open the fourth Saturday in April through October 31.

~~((351))~~ **(353) Ward Lake (Ferry County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Eastern brook trout count as part of trout daily limit.

~~((352))~~ **(354) Warden Lake (Grant County):** Open the fourth Saturday in April through September 30.

~~((353))~~ **(355) Warden Lake, South (Grant County):** Open the fourth Saturday in April through September 30.

~~((354))~~ **(356) Washburn Island Pond (Okanogan County):**

(a) Open April 1 through September 30.

(b) An internal combustion motor may be attached to a floating device, but cannot be used.

~~((355))~~ **(357) Washburn Lake (Okanogan County):**

(a) Open the fourth Saturday in April through October 31.

(b) Game fish: Statewide minimum length/daily limit, except: Trout: Daily limit 1; minimum length 18 inches.

(c) Selective gear rules.

(d) It is unlawful to fish from a floating device equipped with an internal combustion motor.

~~((356))~~ **(358) Watson Lake (Columbia County):**

(a) Open March 1 through November 30.

(b) It is unlawful to fish from any floating device.

~~((357))~~ **(359) Wenaha River tributaries:**

(a) Open the Saturday before Memorial Day through August 31.

(b) Selective gear rules.

~~((358))~~ **(360) Wenas Creek (Yakima County):** From the mouth to Wenas Lake, including tributaries: Selective gear rules.

~~((359))~~ **(361) Wenatchee Lake (Chelan County):**

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except:

(i) Release trout.

(ii) Steelhead: Closed to fishing.

~~((360))~~ **(362) Wenatchee River (Chelan County):**

(a) From the mouth to the Icicle Road Bridge: Closed waters.

(b) From Icicle Road Bridge upstream to Lake Wenatchee: Closed waters.

~~((361))~~ **(363) Whitepine Creek (Chelan County):**

From the mouth to Whitepine Creek Falls (1 mile upstream of mouth) and tributaries: Closed waters.

~~((362))~~ **(364) White River (Chelan County):** From the mouth to White River Falls and tributaries, except Napeequa River: Closed waters.

~~((363))~~ **(365) Widgeon Lake (Grant County):** Open the fourth Saturday in April through September 30.

~~((364))~~ **(366) Williams Lake (Spokane County):** Open the fourth Saturday in April through September 30.

~~((365))~~ (367) **Williams Lake (Stevens County)**: Open the Friday after Thanksgiving through March 31.

~~((366))~~ (368) **Wilson Creek (Kittitas County)**: From BNSF railroad bridge upstream: Selective gear rules.

~~((367))~~ (369) **Winchester Wasteway (Grant County) (that portion within the Winchester Game Reserve)**: Open March 1 through September 30.

~~((368))~~ (370) **Wolf Creek (Methow River tributary) (Okanogan County)**: Closed waters.

~~((369))~~ (371) **Yakima River (Yakima County)**:

(a) Downstream of Highway 240 Bridge, Columbia River rules apply.

(b) From the Highway 240 Bridge to the downstream side of the westbound I-82 Bridge: Open March 1 through October 31.

(i) From 200 feet above to 200 feet below the USBR Chandler Powerhouse/Pumping Station: Closed waters September 1 through October 31.

(ii) From March 1 through October 31; for all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a valid two-pole endorsement.

(iii) Chumming is permissible.

(iv) Game fish: Statewide minimum size/daily limit, except: Release trout.

(v) Salmon:

(A) Open September 1 through October 31.

(B) Night closure.

(C) Barbless hooks required.

(D) Limit 6; it is unlawful to retain more than 1 adult.

(c) From the Grant Avenue bridge in Prosser downstream approximately 1.25 miles to the downstream side of the westbound I-82 Bridge: Open March 1 through October 31.

(i) From March 1 through October 31; for all open species except sturgeon: It is permissible to fish with two poles so long as the angler possesses a valid two-pole endorsement.

(ii) Chumming is permissible.

(iii) Fishing from a floating device is prohibited September 1 through October 31.

(iv) Game fish: Statewide minimum size/daily limit, except: Release trout.

(v) Salmon:

(A) Open September 1 through October 31.

(B) Night closure.

(C) Barbless hooks required.

(D) Limit 6; it is unlawful to retain more than 1 adult.

(d) From Prosser Dam to Highway 223 Bridge:

(i) Open March 1 through October 31.

(ii) Game fish: Statewide minimum size/daily limit, except: Release trout.

(e) From Grant Avenue Bridge to Prosser Dam: Closed waters.

(f) From Highway 223 Bridge to 3,500 feet below Roza Dam:

(i) From Yakima Avenue-Terrace Heights Bridge upstream 400 feet: Closed waters.

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Trout: Minimum length 14 inches.

(iv) Whitefish:

(A) Open December 1 through the last day in February for whitefish only.

(B) Whitefish gear rules.

(g) From 3,500 feet below Roza Dam to Roza Dam: Closed waters.

(h) From Roza Dam to 400 feet below Easton Dam; including the portion of Wilson Creek from the mouth upstream to the BNSF railroad bridge: Open year-round.

(i) It is permissible to fish from floating devices equipped with motors only from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to the boat launch ramp on the Roza Access Area (approximately 1.3 river miles).

(ii) Selective gear rules.

(iii) Game fish: Statewide minimum length/daily limit, except: Release trout.

(iv) Whitefish: ~~((A) Open)~~ December 1 through the last day in February ~~((for whitefish only.~~

~~(B))~~; Whitefish gear rules.

(i) From Easton Dam to the base of Keechelus Dam including Easton Lake:

(i) Selective gear rules.

(ii) Game fish: Statewide minimum length/daily limit, except: Release rainbow and cutthroat trout.

~~((370))~~ (372) **Yakima Sportsmen's Park Ponds (Yakima County)**: Open to juvenile anglers, senior anglers, and anglers with a disability who possess a designated harvester companion card only.

~~((371))~~ (373) **Yocum Lake (Pend Oreille County)**:

(a) Open the fourth Saturday in April through October 31.

(b) It is unlawful to use lead weights or lead jigs that measure 1.5 inches or less along the longest axis.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

## WSR 20-03-141

### PERMANENT RULES

### DEPARTMENT OF HEALTH

(Board of Osteopathic Medicine and Surgery)

[Filed January 17, 2020, 2:39 p.m., effective February 17, 2020]

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

Purpose: WAC 246-854-255 (osteopathic physician assistants) Patient notification, secure storage, and disposal, the board of osteopathic medicine and surgery (board) adopted amendments to establish patient notification, documentation, counseling requirements, and right to refuse an opioid prescription or order for any reason, when prescribing opioid drugs, as directed by sections 5 and 6, codified as RCW 18.57.810, 18.57A.810, and section 17, codified as RCW 69.50.317, of SSB 5380 (chapter 314, Laws of 2019). The board also adopted clarifications of when notification is not required.

Citation of Rules Affected by this Order: Amending WAC 246-854-255.

Statutory Authority for Adoption: RCW 18.57.005.

Other Authority: RCW 18.57.810, 18.57A.810, and 69.50.317.

Adopted under notice filed as WSR 19-21-083 on October 14, 2019.

Changes Other than Editing from Proposed to Adopted Version: The board determined to add a reference to RCW 69.50.317 (1)(b) and WAC 246-854-260 (Use of alternative modalities for pain treatment) into WAC 246-854-255 (3)(a) for clarity.

A final cost-benefit analysis is available by contacting Tracie Drake, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4766, fax 360-236-2901, TTY 360-833-6388 or 711, email [tracie.drake@doh.wa.gov](mailto:tracie.drake@doh.wa.gov), website [www.doh.wa.gov](http://www.doh.wa.gov).

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 Non-governmental 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: December 6, 2019.

John Finch, DO  
Chair

AMENDATORY SECTION (Amending WSR 18-20-087, filed 10/1/18, effective 11/1/18)

**WAC 246-854-255 Patient notification, secure storage, and disposal.** (1) The osteopathic physician assistant shall ~~((provide information to))~~ discuss with the patient educating them of risks associated with the use of opioids, including the risk of dependence and overdose, as appropriate to the medical condition, type of patient, and phase of treatment. The osteopathic physician assistant shall document such notification in the patient record.

(2) Patient notification must occur, at a minimum, at the following points of treatment:

(a) The first issuance of a prescription for an opioid; and  
(b) The transition between phases of treatment, as follows:

(i) Acute nonoperative pain or acute perioperative pain to subacute pain; and

(ii) Subacute pain to chronic pain.

(3) Patient written notification must include information regarding:

(a) Pain management alternatives to opioid medications as provided in RCW 69.50.317 (1)(b) and WAC 246-854-260;

(b) The safe and secure storage of opioid prescriptions; ~~((and~~

~~(b))~~ (c) The proper disposal of unused opioid medications including, but not limited to, the availability of recognized drug take-back programs; and

(d) The patient's right to refuse an opioid prescription or order for any reason. If a patient indicates a desire to not receive an opioid, the osteopathic physician assistant shall document the patient's request and avoid prescribing or ordering opioids, unless the request is revoked by the patient.

(4) The requirements in this section do not apply to the administration of an opioid including, but not limited to, the following situations:

(a) Emergent care;

(b) Where patient pain represents a significant health risk;

(c) Procedures involving the actual administration of an opioid or anesthesia;

(d) When the patient is unable to grant or revoke consent; or

(e) MAT for substance use disorders.

(5) If the patient is under eighteen years old or is not competent, the discussion required by subsection (1) of this section must include the patient's parent, guardian, or the person identified in RCW 7.70.065, unless otherwise provided by law.

(6) The requirements of this section may be satisfied with a document provided by the department of health.

(7) The requirements of this section may be satisfied by an osteopathic physician assistant designating any individual who holds a credential issued by a disciplining authority under RCW 18.130.040 to provide the information.

## WSR 20-03-148

### PERMANENT RULES

### DEPARTMENT OF HEALTH

(Board of Osteopathic Medicine and Surgery)

[Filed January 21, 2020, 8:53 a.m., effective February 21, 2020]

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

Purpose: WAC 246-853-675 (osteopathic physicians) Patient notification, secure storage, and disposal, the board of osteopathic medicine and surgery (board) adopted amendments to establish patient notification, documentation, counseling requirements, and right to refuse an opioid prescription or order for any reason, when prescribing opioid drugs, as directed by sections 5 and 6, codified as RCW 18.57.810, 18.57A.810, and section 17, codified as RCW 69.50.317, of SSB 5380 (chapter 314, Laws of 2019). The board also adopted clarifications of when notification is not required.

Citation of Rules Affected by this Order: Amending WAC 246-853-675.

Statutory Authority for Adoption: RCW 18.57.005.

Other Authority: RCW 18.57.810, 18.57A.810, and 69.50.317.

Adopted under notice filed as WSR 19-21-083 on October 14, 2019.

Changes Other than Editing from Proposed to Adopted Version: The board determined to add a reference to RCW 69.50.317 (1)(b) and WAC 246-853-680 Use of alternative



modalities for pain treatment, into WAC 246-853-675 (3)(a) for clarity.

A final cost-benefit analysis is available by contacting Tracie Drake, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4766, fax 360-236-2901, TTY 360-833-6388 or 711, email [tracie.drake@doh.wa.gov](mailto:tracie.drake@doh.wa.gov), website [www.doh.wa.gov](http://www.doh.wa.gov).

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 Non-governmental 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: December 6, 2019.

John Finch, DO  
Chair

AMENDATORY SECTION (Amending WSR 18-20-087, filed 10/1/18, effective 11/1/18)

**WAC 246-853-675 Patient notification, secure storage, and disposal.** (1) The osteopathic physician shall (~~provide information to~~) discuss with the patient educating them of risks associated with the use of opioids, including the risk of dependence and overdose, as appropriate to the medical condition, type of patient, and phase of treatment. The osteopathic physician shall document such notification in the patient record.

(2) Patient notification must occur, at a minimum, at the following points of treatment:

(a) The first issuance of a prescription for an opioid; and

(b) The transition between phases of treatment, as follows:

(i) Acute nonoperative pain or acute perioperative pain to subacute pain; and

(ii) Subacute pain to chronic pain.

(3) Patient written notification must include information regarding:

(a) Pain management alternatives to opioid medications as provided in RCW 69.50.317 (1)(b) and WAC 246-853-680;

(~~and~~) (b) The safe and secure storage of opioid prescriptions;

(~~b~~) (c) The proper disposal of unused opioid medications including, but not limited to, the availability of recognized drug take-back programs; and

(d) The patient's right to refuse an opioid prescription or order for any reason. If a patient indicates a desire to not receive an opioid, the osteopathic physician shall document

the patient's request and avoid prescribing or ordering opioids, unless the request is revoked by the patient.

(4) The requirements in this section do not apply to the administration of an opioid including, but not limited to, the following situations:

(a) Emergent care;

(b) Where patient pain represents a significant health risk;

(c) Procedures involving the actual administration of an opioid or anesthesia;

(d) When the patient is unable to grant or revoke consent; or

(e) MAT for substance use disorders.

(5) If the patient is under eighteen years old or is not competent, the discussion required by subsection (1) of this section must include the patient's parent, guardian, or the person identified in RCW 7.70.065, unless otherwise provided by law.

(6) The requirements of this section may be satisfied with a document provided by the department of health.

(7) The requirements of this section may be satisfied by an osteopathic physician designating any individual who holds a credential issued by a disciplining authority under RCW 18.130.040 to provide the information.

## WSR 20-03-150

### PERMANENT RULES

### SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed January 21, 2020, 10:25 a.m., effective February 21, 2020]

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

Purpose: This permanent rule updates provisions regarding the administration of the salary bonus for teachers and other certificated instructional staff who hold current certification by the National Board for Professional Teaching Standards. The revised rule language (1) includes as staff eligible for the bonus those who are assigned to the new (as of 2019) educational associate duty category of behavior analyst; (2) officially includes as staff eligible for the bonus those who are employed by tribal compact schools; (3) removes the word "challenging" from the phrase "challenging, high poverty school"; and (4) updates and clarifies language throughout the WAC sections.

Citation of Rules Affected by this Order: Amending WAC 392-140-970 through 392-140-976.

Statutory Authority for Adoption: RCW 28A.150.290(1) and 28A.405.415.

Adopted under notice filed as WSR 19-23-092 on November 20, 2019.

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 0, Repealed 0.

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 6, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 6, 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 0, Repealed 0.

Date Adopted: January 21, 2020.

Chris P. S. Reykdal  
State Superintendent  
of Public Instruction

AMENDATORY SECTION (Amending WSR 14-04-002, filed 1/22/14, effective 2/22/14)

**WAC 392-140-970 Salary bonus for teachers and other certificated instructional staff who hold current certification by the national board—Applicable provisions—Authority.** The provisions of WAC 392-140-970 through ~~((392-140-975))~~ 392-140-976 govern administration of the salary bonus for teachers and other certificated instructional staff who hold current certification by the national board for professional teaching standards. The authority for WAC 392-140-970 through ~~((392-140-975))~~ 392-140-976 is the state Biennial Operating Appropriations Act, RCW 28A.405.415, and 28A.150.290(1).

AMENDATORY SECTION (Amending WSR 16-14-108, filed 7/6/16, effective 8/6/16)

**WAC 392-140-972 Salary bonus for teachers and other certificated instructional staff who hold current certification by the national board—Definitions.** As used in this chapter, "teachers and other certificated instructional staff" that are eligible for the national board bonus includes staff assigned to one of the following duties as defined in the *S-275 Personnel Reporting Handbook*:

- (1) Elementary homeroom teacher, duty root 31;
  - (2) Secondary teacher, duty root 32;
  - (3) Other teacher, duty root 33;
  - (4) Elementary specialist teacher, duty root 34;
  - (5) Other support personnel, duty root 40;
  - (6) Library media specialist, duty root 41;
  - (7) Counselor, duty root 42;
  - (8) Occupational therapist, duty root 43;
  - (9) Social worker, duty root 44;
  - (10) Speech-language pathologist or audiologist, duty root 45;
  - (11) Psychologist, duty root 46;
  - (12) Nurse, duty root 47;
  - (13) Physical therapist, duty root 48;
  - (14) ~~((Reading resource specialist))~~ Behavior analyst, duty root 49;
  - (15) Long-term substitute teacher, duty root 52;
  - (16) Contractor teacher, duty root 63;
  - (17) Contractor educational staff associate, duty root 64;
- and excludes staff not assigned to the above duties. This excludes staff whose duties consist entirely of the following:

- (18) Superintendent, duty root 11;
- (19) Deputy/assistant superintendent, duty root 12;
- (20) Other district administrator, duty root 13;
- (21) Elementary principal, duty root 21;
- (22) Elementary principal, duty root 22;
- (23) Secondary principal, duty root 23;
- (24) Secondary vice principal, duty root 24;
- (25) Other school administrator, duty root 25;
- (26) Extracurricular, duty root 51;
- (27) Certificated on leave, duty root 61; or
- (28) Classified staff, duty roots 90 through 99.

AMENDATORY SECTION (Amending WSR 19-02-067, filed 12/28/18, effective 1/28/19)

**WAC 392-140-973 Salary bonus for teachers and other certificated instructional staff who hold current certification by the national board—Eligibility.** Staff that are eligible for the bonus shall be limited to those meeting the following requirements:

(1) Hold current certification by the national board for professional teaching standards during the entire school year, unless otherwise specified in the state Biennial Operating Appropriations Act; and

(2) Who are:

(a) Teachers and other certificated instructional staff employed full time or part time under written contract by Washington public school districts or educational service districts pursuant to RCW 28A.405.210;

(b) Teachers and other certificated instructional staff employed full time or part time by a contractor pursuant to WAC 392-121-188 and 392-121-206 (2)(a);

(c) Teachers and other certificated instructional staff employed full time or part time by the Washington school for the deaf or Washington school for the blind; ~~((or))~~

(d) Teachers and other certificated instructional staff employed full time or part time by a charter school; or

(e) Teachers and other certificated instructional staff employed full time or part time by a tribal compact school.

(3) In addition to bonuses provided by subsection (2) of this section, teachers and other certificated instructional staff shall be eligible for additional bonuses if in an instructional assignment in ~~((challenging,))~~ high poverty schools, subject to the following conditions and limitations:

(a) ~~((Challenging,))~~ High poverty schools are schools where, for the prior year, the student headcount enrollment eligible for the federal free or reduced price lunch program was at least:

(i) ~~((70))~~ Seventy percent for elementary schools;

(ii) ~~((60))~~ Sixty percent for middle schools; or

(iii) ~~((50))~~ Fifty percent for high schools; as determined by the October 1st count of the comprehensive education data and research system (CEDARS) or successor data collection and reporting systems, of the office of superintendent of public instruction, on March 31st of that prior year: Provided, That schools operating during the current school year as their first year may qualify as ~~((challenging,))~~ high poverty schools based upon current year data, as determined by the October 1st count on March 31st of the current year.

(b) For purposes of the national board ~~((challenging,))~~ high poverty schools bonus, a school shall be categorized based upon the highest grade served as follows:

(i) A school whose highest grade served is 6th grade or lower shall be considered an elementary school;

(ii) A school whose highest grade served is either 7th, 8th, or 9th grade shall be considered a middle school;

(iii) A school whose highest grade served is either 10th, 11th, or 12th grade shall be considered a high school.

(c) A school shall be considered only if it serves thirty or more students, or is the largest school in the district serving its designated category.

(d) Schools that provide institutional education programs pursuant to WAC 392-122-205 shall be designated as ~~((challenging,))~~ high poverty schools with the student headcount enrollment eligible for the federal free or reduced price lunch program at one hundred percent and shall not be subject to the requirement in this subsection of serving thirty or more students.

(e) The student enrollment data used shall include the state-funded students in kindergarten through twelfth grade, plus prekindergarten students in special education.

(f) Teachers and other certificated instructional staff that meet the qualifications for the ~~((challenging,))~~ high poverty schools bonus under this subsection who are assigned for less than one full school year or less than full time for the school year shall receive the ~~((challenging,))~~ high poverty schools bonus in a prorated manner, subject to the following conditions and limitations:

(i) The portion of the employee's assignment to ~~((challenging,))~~ high poverty schools shall be determined as of the last day of school, or June ~~((15th)) 30th~~ of the school year, whichever occurs first.

(ii) If the employee's assignment to ~~((challenging,))~~ high poverty schools is less than 1.0 full-time equivalent, the proration shall use the methodology in WAC 392-121-212 and shall be rounded to three decimal places.

(g) A school participating in the community eligibility provision or provision 2 as authorized by section 11 (a)(1) of the Richard B. Russell National School Lunch Act may be designated as a ~~((challenging,))~~ high poverty school if the school was a ~~((challenging,))~~ high poverty school based on the student headcount enrollment eligible for the federal free or reduced price lunch program in either of the two school years immediately prior to the school's participation in the community eligibility provision.

**AMENDATORY SECTION** (Amending WSR 15-18-078, filed 8/28/15, effective 9/28/15)

**WAC 392-140-974 Salary bonus for teachers and other certificated instructional staff who hold current certification by the national board—Administrative procedures.** (1) ~~((School))~~ Districts ~~((and))~~, charter schools, and tribal compact schools that employ teachers and other certificated instructional staff eligible for the salary bonus shall report those employees to the office of superintendent of public instruction by submitting for each employee the required data as determined by the superintendent of public instruction.

(2) Districts ~~((and))~~, charter schools, and tribal compact schools shall document each employee's eligibility by maintaining on file for audit a copy of the employee's national board certification notice and evidence of employment and duties assigned. For employees eligible for the ~~((challenging,))~~ high poverty schools bonus pursuant to WAC 392-140-973(3), districts ~~((and))~~, charter schools, and tribal compact schools shall also document the employee's instructional assignments in ~~((challenging,))~~ high poverty schools.

(3) All requests for the bonus must be submitted to the superintendent of public instruction by ~~((June 15th)) July 1st~~ of the school year and shall be paid in the July apportionment and displayed on Report 1197, in revenue account 4158.

(4) Bonuses shall be reduced by a factor of 40 percent for first year National Board for Professional Teaching Standards (NBPTS) certified teachers, to reflect the portion of the instructional school year they are certified.

~~((4)) (5)~~ For each candidate, the superintendent of public instruction shall send the district ~~((or))~~, charter school, or tribal compact school the amount of the salary bonus set in the operating appropriations act plus an amount for the district's or charter school's (employer) portion of mandatory fringe benefits. The amount of the annual bonus in WAC 392-140-973(2) shall be five thousand dollars in the 2007-08 school year. Thereafter, the annual bonus shall increase by inflation. The amount of the ~~((challenging,))~~ high poverty schools bonus in WAC 392-140-973(3) shall be five thousand dollars in the 2007-08 school year. Thereafter, the ~~((challenging,))~~ high poverty schools bonus shall not increase by inflation.

~~((5)) (6)~~ The district ~~((or))~~, charter school, or tribal compact school shall pay the bonus to the employee in a lump sum amount on a supplemental contract pursuant to RCW 28A.400.200 no later than August 31st of the school year.

~~((6)) (7)~~ The salary bonus is included in the definition of "earnable compensation" under RCW 41.32.010(10).

**AMENDATORY SECTION** (Amending WSR 15-18-078, filed 8/28/15, effective 9/28/15)

**WAC 392-140-975 Salary bonus for teachers and other certificated instructional staff who hold current certification by the national board—Requests for review and adjustment.** A ~~((school))~~ district ~~((or))~~, charter school, or tribal compact school may request that the superintendent of public instruction review and adjust data and calculations used to determine funding for the salary bonus for teachers and other certificated instructional staff who hold current certification by the national board for professional teaching standards pursuant to this chapter and instructions issued by the superintendent of public instruction. Requests to review and adjust data shall be considered only for those districts ~~((or))~~, charter schools, or tribal compact schools wishing to appeal a school's eligibility designation for the ~~((challenging,))~~ high poverty schools bonus pursuant to WAC 392-140-973(3).

Requests to review and adjust data shall be considered only if the district, charter school, or tribal compact school shows that the data or calculations are in error, or other bona fide adjustments are necessary.

AMENDATORY SECTION (Amending WSR 18-17-181, filed 8/22/18, effective 9/22/18)

**WAC 392-140-976 Salary bonus for teachers and other certificated instructional staff who hold current certification by the national board—Conditional loan program.** (1) ~~((During the 2017-18 and 2018-19 school years, and))~~ Within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the National Board for Professional Teaching Standards may receive a conditional loan of one thousand four hundred twenty-five dollars toward the current assessment fee, not including the initial up-front candidacy payment.

(2) The conditional loan shall be an advance on the first annual bonus provided under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary allocation and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200.

(3)(a) Conditional loan recipients who fail to receive national board certification within three years following the completion of their second year of candidacy under the National Board for Professional Teaching Standards must repay the conditional loan.

(b) Repayment shall begin after the candidate has either:

- (i) Obtained the national board certification;
- (ii) Exhausted all years of eligibility under the National Board for Professional Teaching Standards; or
- (iii) Withdrawn their candidacy.

(4) The terms of repayment shall be pursuant to a promissory note or other instrument executed by the conditional loan recipient.

### WSR 20-03-153

#### PERMANENT RULES

#### DEPARTMENT OF

#### LABOR AND INDUSTRIES

[Filed January 21, 2020, 11:11 a.m., effective March 2, 2020]

Effective Date of Rule: March 2, 2020.

Purpose: The department updated chapter 296-65 WAC, Asbestos removal and encapsulation, this is a state initiated change that removes confusing and unnecessary language and clarifies requirements for asbestos supervisors and trainers. This rule had not been updated since 2007, therefore updating it was essential. Additional clarification includes updating certification and testing requirements, when refresher training is required, and when temporary certificates can be issued, as well as reducing advance notification requirements. Many of these changes make it easier to comply with the rule.

#### Amended Sections:

#### WAC 296-65-003 Definitions.

- Added definition for affidavit.

- Clarified the following definitions for better understanding: Asbestos fiber, asbestos project, certificate, certified asbestos contractor and demolition.

#### WAC 296-65-005 Asbestos worker training course content.

- Reformatted language throughout section to make it easier to read.
- Clarified language throughout section to reflect current terminology.

#### WAC 296-65-007 Asbestos supervisor training course content.

- Reformat language throughout section to make it easier to read.
- Clarified language throughout section to reflect current terminology.

#### WAC 296-65-010 Asbestos worker certification.

- Removed definition of individual.
- Clarified language to reflect current practices.
- Changed "one hundred" to "fifty" question multiple-choice examination in order to align to EPA MAP.
- Changed validated to notarized.
- Removed requirements for "timely" referring to application submittal.
- Changed six months to one year for the requirement of retaking the entire initial worker course after expiration.
- Added availability of certificate "either electronically or physically."

#### WAC 296-65-012 Asbestos supervisor certification.

- Removed definition of individual.
- Clarified language to reflect current practices.
- Changed "one hundred" to "fifty" question multiple-choice examination in order to align to EPA MAP.
- Changed validated to notarized.
- Removed requirements for "timely" referring to application submittal.
- Changed six months to one year for the requirement of retaking the entire initial worker course after expiration.
- Added availability of certificate "either electronically or physically."

#### WAC 296-65-015 Training course approval.

- Reformatted language throughout section to make it easier to read.
- Clarified language to reflect current terminology.
- Removed the contingency for approval to be consistent with the state board of vocational education.
- Added requirement indicating that refresher courses must not be combined with any other training.
- Added reference for revocation of applications.

#### WAC 296-65-017 Contractor certification.

- Reformatted contractor application requirements for clarification.
  - Added "supervisors (include certification number) working for the company."
- Clarified the requirement for certificate validation.

- Reference to chapter 18.27 RCW.
- Reference to WAC 296-65-025 for fees according with prorating.
- Clarified certificate renewal application requirements.
  - Changed requirement of processing applications from sixty days before expiration to no sooner than fifteen days before expiration.

#### WAC 296-65-020 Notification requirements.

- Added requirement that notices must be submitted electronically using the new online project notification system or by submitting the project notification form via email to the asbestos certification program.
- Clarified language to reflect current practices.
- Reduced prenotification from ten days to five days to make it easier to do business with the department of labor and industries.

#### WAC 296-65-025 Fees.

- Removed check or money order as any form of payment is accepted.

#### WAC 296-65-030 Methods of compliance.

- Clarified language regarding asbestos work and asbestos project to be consistent with language in WAC 296-62-077.

#### WAC 296-65-035 Reciprocity.

- Added requirement for recognition of certifications issued by another state.

#### WAC 296-65-050 Denial, suspension, and revocation of certificates.

- Reformatted language throughout section to make it easier to read.
- Clarified language to reflect current terminology.

Citation of Rules Affected by this Order: Amending WAC 296-65-003, 296-65-005, 296-65-007, 296-65-010, 296-65-012, 296-65-015, 296-65-017, 296-65-020, 296-65-025, 296-65-030, 296-65-035, and 296-65-050.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060; chapter 49.26 RCW.

Adopted under notice filed as WSR 19-19-083 on September 17, 2019.

Changes Other than Editing from Proposed to Adopted Version: The only changes from the proposed to the adopted rule are the following editing changes:

**WAC 296-65-005(4), asbestos worker training course content**, updated reference to WAC 296-62-07739 concerning respirator fit testing, replaced with WAC 296-842-15005.

**WAC 296-65-017(6), contractor certificate**, added the letter "s" to application to make it plural for better understanding.

A final cost-benefit analysis is available by contacting Josefina Magana, P.O. Box 44620, Olympia, WA 98504-4620, phone 360-902-4233, fax 360-902-5619, email [Josefina.magana@Lni.wa.gov](mailto:Josefina.magana@Lni.wa.gov).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 12, Repealed 0; Federal

Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 12, 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 0, Repealed 0.

Date Adopted: January 21, 2020.

Joel Sacks  
Director

**AMENDATORY SECTION** (Amending WSR 17-18-075, filed 9/5/17, effective 10/6/17)

**WAC 296-65-003 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this standard.

**Affidavit.** A declaration in writing made under oath before a person authorized to administer oaths, especially for use as evidence in court.

**Approved.** Approved by the department.

**Asbestos.** Includes chrysotile, amosite, crocidolite, tremolite asbestos, anthophyllite asbestos, and actinolite asbestos, and any of these minerals that have been chemically treated and/or altered.

**Asbestos abatement project.** An asbestos project involving three square feet or three linear feet, or more, of asbestos containing material.

**Asbestos-containing material (ACM).** Any material containing more than one percent asbestos.

**Asbestos fiber.** ((Asbestos fiber as defined in WAC 296-62-07703 as "fiber.") A particulate form of asbestos, five micrometers or longer, with a length-to-diameter ratio of at least three to one.

**Asbestos project.** ((~~Includes the construction, demolition, repair, remodeling, maintenance or renovation of any public or private building or structure, mechanical piping equipment or system involving the demolition, removal, encapsulation, salvage, or disposal of material or outdoor activity releasing or likely to release asbestos fibers into the air.~~) Any activity that releases or is likely to release asbestos fibers into the air, includes:

- Construction, demolition, repair, remodeling, maintenance or renovation of any public or private building or structure, mechanical piping equipment or system;

- Demolition, removal, encapsulation, salvage, or disposal of material; or

- Outdoor activities.

**Note:** Refer to WAC 296-62-07722(3) for clarification of asbestos projects activities to determine if this rule applies to you.

**Certificate.** A certificate issued by the department ((~~that must include the name of person awarded the certificate, cer-~~

~~certificate number, the discipline for which certification was conferred, training and examination dates, the course provider's name and address, and the course provider's telephone number, expiration date, and a statement that the person receiving the certificate has completed the training for asbestos accreditation under TSCA Title II.)~~ to a person who has completed the training for asbestos accreditation under the Toxic Substances Control Act (TSCA) Title II. The certificate must include:

- Name of person awarded the certificate;
- Certificate number;
- Discipline for which certification was conferred;
- Expiration date; and
- A statement that the person receiving the certificate has completed the training.

**Certified asbestos contractor.** Any partnership, firm, association, corporation or sole proprietorship, registered under chapter 18.27 RCW, that is certified by the department to remove or encapsulate asbestos and submits a bid, or contracts to remove or encapsulate asbestos for another and is certified by the department to remove or encapsulate asbestos.

**Certified asbestos supervisor.** An individual who is certified by the department under WAC 296-65-012.

**Certified asbestos worker.** An individual certified by the department under WAC 296-65-010.

~~**Demolition.** ((The activity of razing a structure which includes the wrecking, removal, or dismantling of any load-supporting structural member of any facility))~~ Dismantling, razing, destroying, or wrecking any building or structure or any part thereof, including any related handling operations.

**Department.** The department of labor and industries.

**Director.** The director of the department of labor and industries or the director's designee.

~~**Emergency project.** A project that was not planned ((but results from))~~ due to a sudden, unexpected event ~~((and)).~~ An emergency project does not include operations that are necessitated by ((nonroutine)) failures of equipment or systems due to normal wear and tear.

**Encapsulation.** The application of an encapsulant to asbestos containing materials to control the release of asbestos fibers into the air. The encapsulation process either creates a membrane over the surface (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant).

**EPA MAP.** The environmental protection agency model accreditation plan for asbestos requirements in 40 C.F.R. Part 763.

**HEPA filtration.** High-efficiency particulate air filtration found in respirators and vacuum systems capable of filtering 0.3 micron particles with 99.97% efficiency.

**Intact.** That the asbestos containing material has not crumbled, been pulverized, or otherwise deteriorated so that it is no longer likely to be bound with its matrix.

**NESHAP.** The National Emission Standards for Hazardous Air Pollutants.

**Owner.** The person who owns any public or private building, structure, facility, or mechanical system, or the remnants thereof, or the agent of such person, but does not include individuals who work on asbestos projects in their

own single-family residences, no part of which is used for commercial purposes.

**Person.** Any individual, partnership, firm, association, corporation, sole proprietorship, or the state of Washington or its political subdivisions.

**Revocation.** A permanent withdrawal of a certification issued by the department.

**Suspension.** A temporary withdrawal of a certification issued by the department. No suspension must be less than six months or longer than one year.

**AMENDATORY SECTION** (Amending WSR 17-18-075, filed 9/5/17, effective 10/6/17)

**WAC 296-65-005 Asbestos worker training course content.** An approved asbestos worker training course must consist of four days of training with a minimum of thirty-two hours. This initial training course must provide, at a minimum, information on the following topics:

(1) The physical characteristics of asbestos including types, fiber size, aerodynamic characteristics and physical appearance.

(2) Examples of different types of asbestos and asbestos-containing materials. Real asbestos (~~((must))~~) can only be used ~~((only))~~ for observation by trainees and must be enclosed in sealed unbreakable containers.

(3) The health hazards of asbestos including the nature of asbestos related diseases, routes of exposure, dose-response relationships, synergism between cigarette smoking and asbestos exposure, latency period of diseases, hazards to immediate family, and the health basis for asbestos standards.

(4) Employee personal protective equipment ~~((including the classes and characteristics of respirator types, limitations of respirators, proper selection, inspection, donning, use, maintenance and storage procedure, methods for field checking of the facepiece to face seal (positive and negative pressure checks), qualitative and quantitative fit testing procedures, variability between field and laboratory protection factors, factors that alter respirator fit (e.g., eye glasses and facial hair), the components of a proper respiratory protection program, respirator program administrator, requirements on oil lubricated reciprocating piston compressors for breathing air, and selection and use of personal protective clothing. Qualitative or quantitative fit testing must be performed on at least one student for demonstration purposes and in accordance with WAC 296-62-07715 and 296-62-07739.))~~ to include:

- Classes and characteristics of respirator types;
- Limitations of respirators;
- Proper selection, inspection, donning, use, maintenance and storage procedures;
- Methods for field checking of the facepiece-to-face seal;
- Variability between field and laboratory protection factors;
- Factors that alter respirator fit (e.g., eye glasses and facial hair);
- Components of a proper respiratory protection program;
- Respirator program administrator;

• Qualitative or quantitative respirator fit testing procedures, which must be performed on at least one student for demonstration purposes and in accordance with WAC 296-62-07715 and 296-842-15005.

(5) Use, storage and handling of launderable clothing, nonslip footwear, gloves, eye protection and hard hats.

(6) Medical monitoring procedures and requirements, including the provisions of chapter 296-842 WAC, any additional recommended procedures and tests, benefits of medical monitoring and employee access to records.

(7) Air monitoring procedures and requirements specified in WAC 296-62-07709, including ~~((a description of equipment, sampling methods and strategies, reasons for air monitoring, types of samples, including area, personal and clearance samples, current standards with proposed changes if any, employee observation and notification, recordkeeping and employee access to records, interpretation of air monitoring results, and analytical methods for bulk and air samples.))~~:

- A description of equipment;
- Sampling methods and strategies;
- Reasons for air monitoring;
- Types of samples, including area, personal and clearance samples;
- Current standards with proposed changes if any;
- Employee observation and notification;
- Recordkeeping and employee access to records;
- Interpretation of air monitoring results; and
- Analytical methods for bulk and air samples.

(8) State-of-the-art work practices for asbestos removal and encapsulation activities including ~~((purpose, proper construction and maintenance of barriers and decontamination enclosure systems, posting of warning signs, electrical and ventilation system lock-out, proper working techniques and tools with vacuum attachments for minimizing fiber release, use of wet methods and surfactants, use of negative-pressure ventilation equipment for minimizing employee exposure to asbestos fibers and contamination prevention, scoring and breaking techniques for rigid asbestos products, glove bag techniques, recommended and prohibited work practices, potential exposure situations, emergency procedures for sudden releases, use of HEPA vacuums and proper clean-up and disposal procedures. Work practice requirements for removal, encapsulation, enclosure, repair, and waste transportation must be discussed individually. Appropriate work practices for both indoor and outdoor asbestos projects must be included.))~~:

- Purpose, proper construction and maintenance of barriers and decontamination enclosure systems;
- Posting of warning signs;
- Electrical and ventilation system lock-out;
- Proper working techniques and tools with vacuum attachments for minimizing fiber release;
- Use of wet methods and surfactants;
- Use of negative-pressure ventilation equipment for minimizing employee exposure to asbestos fibers and contamination prevention;
- Scoring and breaking techniques for rigid asbestos products;
- Glove bag techniques;

• Recommended and prohibited work practices;

• Potential exposure situations;

• Emergency procedures for sudden releases;

• Use of HEPA vacuums and proper clean-up and disposal procedures;

• Appropriate work practices for both indoor and outdoor asbestos projects; and

• Individually discuss work practice requirements for removal, encapsulation, enclosure, repair, and waste transportation.

(9) Personal hygiene including entry and exit procedures for the work area, use of showers and prohibition of eating, drinking, smoking and chewing (gum or tobacco) in the work area. Potential exposures, such as family exposure must also be included.

(10) Additional safety hazards that may be encountered during asbestos removal and encapsulation activities and hazard abatement, including ~~((electrical hazards, scaffold and ladder hazards, slips, trips and falls, confined spaces, noise, and heat stress.))~~:

- Air contaminants, other than asbestos, such as silica and carbon monoxide;
- Electrical hazards;
- Scaffold and ladder hazards;
- Slips, trips and falls;
- Fire and explosion hazards;
- Confined spaces;
- Noise; and
- Heat stress.

(11) The requirements, procedures and standards established by:

(a) The Environmental Protection Agency, 40 C.F.R. Part 61, Subparts A and M, and 40 C.F.R. Part 763.

(b) Washington state department of ecology.

(c) Local air pollution control agencies.

(d) Washington state department of labor and industries, division of ~~((industrial))~~ occupational safety and health, chapter 49.17 RCW (Washington Industrial Safety and Health Act), chapter 49.26 RCW (Health and safety—Asbestos), and ensuing regulations.

(12) Actual worksite considerations.

(13) The instruction required by this section must include, at a minimum fourteen hours of hands-on training for the following:

(a) Glove bag techniques;

(b) The opportunity to don and doff respirators including half facepiece and full facepiece air purifying respirators, powered air purifying respirators (PAPR), and ~~((Type C))~~ full facepiece supplied-air respirators;

(c) Removal of sprayed-on or troweled-on material, and pipe lagging;

(d) Basic construction of a negative pressure enclosure decontamination unit, and proper entry and exit;

(e) Suit-up in protective clothing consisting of coveralls, foot coverings and head coverings.

(14) Course review~~((a review))~~ of the key aspects of the training course.

(15) Asbestos-containing materials must not be used for hands-on training.

(16) In recognition that asbestos abatement is an evolving industry, the department reserves the right to require additional subjects to be taught and to specify the amount of time which must be allotted to adequately cover required subjects. To ensure adequate coverage of required material, each sponsor must be provided and required to incorporate into the training course, a detailed outline of subject matter developed by the department.

**AMENDATORY SECTION** (Amending WSR 17-18-075, filed 9/5/17, effective 10/6/17)

**WAC 296-65-007 Asbestos supervisor training course content.** An approved asbestos supervisor training course must consist of at least five days of training. This initial training course must include lectures, demonstrations, at least fourteen hours of hands-on training, course review and a written examination. Audio-visual materials, where appropriate, are recommended to complement lectures. The training course must provide, at a minimum, information on the following topics:

(1) The physical characteristics of asbestos and asbestos-containing materials including identification of asbestos, aerodynamic characteristics, typical uses, physical appearance, hazard assessment considerations, and a summary of abatement control options.

(2) Health effects related to asbestos exposure including the nature of asbestos related diseases, routes of exposure, dose-response relationships and the lack of a safe level of exposure, synergism between asbestos exposure and cigarette smoking, latency period, hazards to the immediate family and the health basis for the standard.

(3) Employee personal protective equipment including ~~((the classes and characteristics of respirator types, limitations of respirators, proper selection, inspection, donning, use, maintenance, and storage procedures, methods for field checking of the facepiece-to-face seal (positive and negative pressure checks), variability between field and laboratory protection factors, quantitative and qualitative fit test requirements, factors that alter respirator fit (facial hair, scars, etc.); the components of a proper respirator program, requirements for oil lubricated reciprocating compressors, maintenance of Type C systems, standards for breathing air, selection and use of personal protective clothing, use, storage, and handling of nondisposable clothing, and regulations covering personal protective equipment.))~~);

- Classes and characteristics of respirator types;
- Limitations of respirators;
- Proper selection, inspection, donning, use, maintenance, and storage procedures;
- Methods for field checking of the facepiece-to-face seal (positive and negative pressure checks);
- Variability between field and laboratory protection factors;
- Quantitative and qualitative fit test requirements;
- Factors that alter respirator fit (facial hair, scars, etc.);
- Components of a proper respirator program;
- Requirements for oil lubricated reciprocating compressors;

• Use and maintenance of full facepiece supplied-air respirator systems;

- Standards for breathing air;
- Selection and use of personal protective clothing;
- Use, storage, and handling of nondisposable clothing;

and

- Regulations covering personal protective equipment.

(4) State-of-the-art work practices for asbestos removal and encapsulation activities including ~~((purpose, proper construction and maintenance of barriers and decontamination enclosure systems, posting of warning signs, electrical and ventilation system lock-out, proper working techniques and tools with vacuum attachments for minimizing fiber release, use of wet methods and surfactants, use of negative pressure ventilation equipment for minimizing employee exposure to asbestos fibers and contamination prevention, scoring and breaking techniques for rigid asbestos products, glove bag techniques, recommended and prohibited work practices, potential exposure situations, emergency procedures for sudden releases, use of HEPA vacuums and proper clean-up and disposal procedures. Work practice requirements for removal, encapsulation, and repair must be discussed separately. Appropriate work practices for both indoor and outdoor asbestos projects must be included.))~~);

• Purpose, proper construction and maintenance of barriers and decontamination enclosure systems;

- Posting of warning signs;
- Electrical and ventilation system lock-out;
- Proper working techniques and tools with vacuum attachments for minimizing fiber release;

• Use of wet methods and surfactants, use of negative-pressure ventilation equipment for minimizing employee exposure to asbestos fibers and contamination prevention;

- Scoring and breaking techniques for rigid asbestos products;

• Glove bag techniques;

• Use of glove bags, critical barriers and mini-enclosures;

• Recommended and prohibited work practices;

• Potential exposure situations;

• Emergency procedures for sudden releases;

• Use of HEPA vacuums and proper clean-up and disposal procedures;

• Appropriate work practices for both indoor and outdoor asbestos projects; and

• Individually discuss work practices requirements for removal, encapsulation, enclosure, repair and waste transportation.

(5) Personal hygiene including ~~((entry and exit procedures for the work area, use of showers and prohibition of eating, drinking, smoking, and chewing (gum and tobacco) in the work area. Potential exposures, such as family exposure must also be included.))~~);

• Entry and exit procedures for the work area;

• Use of showers;

• Prohibition of eating, drinking, smoking, and chewing (gum and tobacco) in the work area; and

• Potential exposures, such as family exposure.

(6) Additional safety hazards that may be encountered during asbestos abatement activities and how to deal with



them, including ~~((electrical hazards, heat stress, air contaminants other than asbestos, fire and explosion hazards, scaffold and ladder hazards, slips, trips, and falls, confined space entry requirements, and noise hazards-))~~:

• Air contaminants, other than asbestos, such as silica and carbon monoxide;

- Electrical hazards;
- Scaffold and ladder hazards;
- Slips, trips and falls;
- Fire and explosion hazards;
- Confined spaces;
- Noise; and
- Heat stress.

(7) Medical monitoring procedures and requirements, including the provisions of chapter 296-842 WAC, any additional recommended procedures and tests, benefits of medical monitoring and recordkeeping requirements.

(8) Air monitoring procedures and requirements specified in WAC 296-62-07709, including ~~((a description of equipment, sampling methods and strategies, reasons for air monitoring, types of samples, including area, personal and clearance samples, a description of aggressive sampling, current standards with proposed changes if any, employee observation and notification, recordkeeping, interpretation of air monitoring results, specifically from analyses performed by polarized light, phase contrast, and electron microscopy-))~~:

• Description of equipment;  
 • Sampling methods and strategies;  
 • Reasons for air monitoring;  
 • Types of samples, including area, personal and clearance sample;

• Description of aggressive sampling;  
 • Current standards with proposed changes if any;  
 • Employee observation and notification;  
 • Recordkeeping; and  
 • Interpretation of air monitoring results, specifically from analyses performed by polarized light, phase contrast, and electron microscopy.

(9) The requirements, procedures, and standards established by:

- (a) The Environmental Protection Agency, 40 C.F.R. Part 61, Subparts A and M, and 40 C.F.R. Part 763.
- (b) The Washington state department of ecology.
- (c) Local air pollution control agencies.
- (d) Washington state department of labor and industries, division of ~~((industrial))~~ occupational safety and health, chapter 49.17 RCW (Washington Industrial Safety and Health Act), chapter 49.26 RCW (Health and safety—Asbestos), and ensuing regulations.

(10) Actual worksite considerations.

(11) Insurance and liability issues including contractor issues, industrial insurance coverage and exclusions, third party liabilities and defenses, private insurance coverage and exclusions, recordkeeping recommended for legal and insurance purposes.

(12) Supervisory techniques for asbestos abatement projects including supervisory practices to enforce and reinforce the required work practices and discourage unsafe work practices.

(13) Contract specifications including a discussion of the key elements to be included in contract specifications.

(14) A minimum of fourteen hours of hands-on training for the following topics. Asbestos containing materials must not be used for hands-on training:

(a) Calibration of air-sampling equipment;

(b) Routine maintenance of air-purifying and air-supplied respirators, including calibration of a carbon monoxide alarm used for air-supplied respirators;

(c) Setup of a ~~((decontamination))~~ negative pressure enclosure unit including calculating the number of negative air machines needed as well as proper placement of the machines within the enclosure; and

(d) Setup of a decontamination area, which consists of an equipment room, shower area and a clean room;

(e) Quantitative and qualitative fit-testing protocols; and

(f) Glove bag techniques.

(15) Course review, a review of the key aspects of the training course.

(16) In recognition that asbestos abatement is an evolving industry, the department reserves the right to require additional subjects to be taught and to specify the amount of time which must be allotted to adequately cover required subjects. To ensure adequate coverage of required material, each sponsor must be provided and required to incorporate into their training course, a detailed outline of subject matter developed by the department.

AMENDATORY SECTION (Amending WSR 17-18-075, filed 9/5/17, effective 10/6/17)

**WAC 296-65-010 Asbestos worker certification.** (1) ~~((For the purposes of this section "individual" means any natural person.~~

~~(2)))~~ To qualify for an asbestos worker certificate, an individual must ~~((do the following))~~:

(a) Successfully complete an approved thirty-two-hour asbestos worker training course;

(b) Achieve a score of at least seventy percent on a ~~((one hundred))~~ fifty question multiple choice closed book examination approved by the department but administered by the training course sponsor.

(i) If an individual does not pass the asbestos initial examination, then another examination (meeting the above criteria) may be given after a sufficient period of study. The new examination must not duplicate more than fifty percent of the questions used on prior examinations;

(ii) If an individual does not pass the second exam, they will be required to retake the worker initial course.

(c) ~~((Submit to the department a timely))~~ Complete an initial application ~~((validated))~~ notarized by an approved training course sponsor ~~((To be considered timely, an application must be received by the department no later than sixty days after the completion of the course. In the event that an application is not timely, the individual will be required to pass, with a score of at least seventy percent, an examination administered by the department. A nonrefundable fifty-dollar fee will be assessed when the application is submitted to the department; and))~~;

(d) Pay the fee prescribed in WAC 296-65-025.

~~((3))~~ Individuals must not perform any asbestos project work prior to issuance of the certificate.

~~((4))~~ (2) Certificates will be issued and mailed to the individual applicants and will be valid for one year from the date of ((issuance)) course completion.

~~((5))~~ (3) Certified asbestos workers must ((attend an eight-hour worker refresher course prior to certificate renewal.

(a) The course must, at a minimum, adequately review the subjects required by WAC 296-65-005, update information on state of the art procedures and equipment, and review regulatory changes and interpretations. The department may require specific subjects.

(b) An application for renewal of the certificate must be validated by the refresher training course instructor.

(c) The refresher course must be taken prior to expiration of the certificate.

(d) The department must receive the certificate renewal application no later than the expiration date of the current certificate. Applicants missing this renewal deadline will be required to pass, with a score of seventy percent, an examination administered by the department. A nonrefundable fifty-dollar fee will be charged to take this examination.

(e) Individuals whose certificates have been expired for more than six months will be required to retake the entire basic worker course.

(6) The initial TSCA Title II worker accreditation certificate and the current worker certificate must be available for inspection at all times at the location of the asbestos project.

(7) The department may suspend or revoke a certificate as provided in WAC 296-65-050 and chapter 296-900 WAC:)) do the following to renew and continue certification prior to certificate expiration date:

(a) Attend and successfully complete an approved eight-hour asbestos worker refresher course;

(b) Complete a renewal application notarized by an approved training sponsor; and

(c) Pay the fee prescribed in WAC 296-65-025.

(4) Individuals whose certificates have been expired for less than twelve months will be required to achieve a score of at least seventy percent on a fifty question multiple choice closed book examination administered by the department. A nonrefundable fifty dollar fee will be charged to take this examination.

(a) If an individual does not pass the examination, then another examination (meeting the above criteria) may be given after a sufficient period of study. The new examination must not duplicate more than fifty percent of the questions used on prior examinations.

(b) If an individual does not pass the second exam, then they will be required to take an approved asbestos worker initial course.

(5) Individuals whose certificates have expired for more than twelve months will be required to take an approved asbestos worker initial course.

(6) Individuals must not perform any asbestos project work prior to issuance of the certificate.

(7) A temporary certification will be issued at the successful completion of an approved asbestos worker training

course. Temporary certification is valid for six weeks from the completion of the course.

(8) The initial TSCA Title II worker accreditation certificate and the current worker certificate must be available for inspection. The current worker certificate issued by the department must be available either electronically or physically, at all times at the location of the asbestos project.

(9) The department may suspend or revoke a certificate as provided in WAC 296-65-050 and chapter 296-900 WAC.

AMENDATORY SECTION (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

**WAC 296-65-012 Asbestos supervisor certification.**

(1) ((For the purposes of this section, "individual" means any natural person.

(2)) To qualify for an asbestos supervisor certificate, an individual must ((meet the following criteria):

(a) Have at least 1600 hours of experience in one or more of the following disciplines:

(i) Asbestos abatement;

(ii) Asbestos project design;

(iii) Consultation on asbestos abatement projects;

(iv) Asbestos operations and maintenance program supervision;

(v) Asbestos construction project supervision;

(b) Successfully complete an approved forty hour asbestos supervisor training course;

(c) Achieve a score of at least seventy percent on a one hundred question multiple choice closed book examination approved by the department but administered by the training course sponsor((-):

(i) If an individual does not pass the examination, then another examination (meeting the above criteria) may be given after a sufficient period of study. The new examination must not duplicate more than fifty percent of the questions used on prior examinations;

(ii) If an individual does not pass the second examination, they will be required to take an approved asbestos supervisor initial course.

(d) ((Submit to the department a timely)) Complete an initial application ((validated)) notarized by an approved training course sponsor. ((To be considered timely, an application must be received by the department no later than sixty days after the completion of the course. In the event that an application is not timely, the individual will be required to pass, with a score of at least seventy percent, an examination administered by the department. A nonrefundable fifty-dollar fee will be assessed when the application is submitted to the department; and))

(e) Submit an approved affidavit of experience to the department from past and current employers verifying hours of experience as outlined in this subsection.

(f) Pay the fee prescribed in WAC 296-65-025.

~~((3)) An individual must not supervise any asbestos project prior to issuance of the certificate.~~

~~(4) Certificates will be issued and mailed to the individual applicants and will be valid for one year from the date of issuance.~~

(5)A) (2) Certificates will be issued and emailed to the individual applicants and will be valid one year from the date of course completion.

(3) Certified asbestos supervisors must do the following to renew and continue certification prior to certificate expiration date:

(a) Attend ~~((an))~~ and successfully complete an approved eight-hour asbestos supervisor refresher course ~~((prior to certificate renewal. It is not necessary to also take a worker refresher course.~~

(a) The course must, at a minimum, adequately review the subjects required by WAC 296-65-007, update information on state-of-the-art procedures and equipment, and review regulatory changes and interpretations. The department may require specific subjects.

(b) An application for renewal of the certificate must be validated by the refresher training course instructor.

(c) The refresher course must be taken prior to expiration of the certificate.

(d) The department must receive the certificate renewal application no later than the expiration date of the current certificate. Applicants missing this renewal deadline will be required to pass, with a score of seventy percent, an examination administered by the department. A nonrefundable fifty-dollar fee will be charged to take this examination.

(e) Individuals whose certificates have been expired for more than six months will be required to retake the entire basic supervisor course.

~~((6))~~;

(b) Complete a renewal application notarized by an approved training course sponsor; and

(c) Pay the fee prescribed in WAC 296-65-025.

(4) Individuals whose certificates have been expired for less than twelve months will be required to achieve a score of at least seventy percent on a fifty question multiple choice closed book examination administered by the department. A nonrefundable fifty dollar fee will be charged to take this examination.

(a) If an individual does not pass the examination, then another examination (meeting the above criteria) may be given after a sufficient period of study. The new examination must not duplicate more than fifty percent of the questions used on prior examinations.

(b) If an individual does not pass the second exam, then they will be required to take an approved asbestos worker initial course.

(5) Individuals whose certificates have been expired for more than twelve months will be required to take an approved asbestos supervisor initial course.

(6) An individual must not supervise any asbestos abatement project prior to issuance of the certificate.

(7) Temporary certification will be issued at the successful completion of an approved asbestos supervisor refresher course. Temporary certification is valid for six weeks from the completion of the course.

(8) The initial TSCA Title II supervisor accreditation certificate and the current supervisor certificate must be available for inspection at all times, either electronically or physically, at the location of the asbestos project.

~~((7))~~ (9) The department may suspend or revoke a certificate as provided in WAC 296-65-050 and chapter 296-900 WAC.

AMENDATORY SECTION (Amending WSR 17-18-075, filed 9/5/17, effective 10/6/17)

**WAC 296-65-015 Training course approval.** (1) Basic and refresher asbestos training courses may be sponsored by any individual, person, or other entity having department approval. ~~((Approval must be contingent on the sponsor's compliance, as applicable, with licensing requirements established by the state board of vocational education.))~~ Refresher courses must be conducted as separate and distinct courses and cannot be combined with any other training.

(2) Prior to receiving department approval, each course must be evaluated by the department for the breadth of knowledge and experience required to properly train asbestos workers or supervisors. Course content must be carefully scrutinized for adequacy and accuracy. Training techniques will be evaluated by the department.

(3) Sponsors of basic and refresher training courses proposed for approval must submit:

(a) Background information about course sponsors;

(b) Course locations and fees;

(c) Copies of course handouts;

(d) A detailed description of course content and the amount of time allotted to each major topic;

(e) A description of teaching methods to be utilized and a list of all audio-visual materials; the department may, in its discretion, request that copies of the materials be provided for review. Any audio-visual materials provided to the department will be returned to the applicant;

(f) A list of all personnel involved in course preparation and presentation and a description of the background, special training and qualifications of each. Instructors must have academic and/or field experience in asbestos abatement. The department may, in its discretion, require proposed instructors to pass an examination on subjects related to their respective topics of instruction;

(g) A description of student evaluation methods and a copy of the required written examination including the scoring methodology to be used in grading the examination;

(h) A description of course evaluation methods;

(i) Any restrictions on attendance (language, class size, affiliation, etc.);

(j) A list of any other states that currently approve the training course;

(k) A letter from the course provider that clearly indicates how the course provider meets the EPA MAP requirements; and

(l) The amount and type of hands-on training for initial training courses.

(4) Application for training course approval and course materials must be submitted to the department at least sixty days prior to the requested approval date. Materials may be mailed to:

Asbestos Certification Program  
Department of Labor and Industries  
P.O. Box 44614

Olympia, Washington 98504-4614

(5) The decision to grant or renew approval of a basic or refresher asbestos training course must be in the sole discretion of the department.

(a) Following approval of a basic or refresher asbestos training course, the department will issue the course sponsor an approval (~~(which)~~) that is valid for one year from the date of issuance. Application for renewal must follow the procedures described in subsections (3) and (4) of this section.

(b) Following approval of a basic or refresher asbestos training course, in recognition that asbestos abatement is an evolving industry, the department reserves the right to require additional subjects to be taught and to specify the amount of time which must be allotted to adequately cover required subjects. To ensure adequate coverage of required material, each sponsor must be provided and required to incorporate into their training course, a detailed outline of subject matter developed by the department.

(6) To be considered timely, the training course approval renewal must be received by the department no later than thirty days before the certificate expiration date.

(7) Any changes to a training course must be approved by the department in advance.

(8) The course sponsor must provide the department with a list of all persons who have completed a basic or refresher training course. The list must be provided no later than ten days after ~~((a))~~ course ~~((is completed))~~ completion and must include the name and address of each trainee.

(9) The course sponsor must notify the department, in writing, at least fourteen days before a training course is scheduled to begin. The notification must include the date, time and address where the training will be conducted.

(10) A representative of the department may, at the department's discretion, attend a training course as an observer to verify that the training course is conducted in accordance with the program approved by the department.

(11) Course sponsors conducting training outside the state of Washington must reimburse the department for reasonable travel expenses associated with department audits of the training courses. Reasonable travel expenses are defined as current state of Washington per diem and travel allowance rates including airfare and/or surface transportation rates. Such reimbursement must be paid within thirty days of receipt of the billing notice.

(12) The training course sponsor must limit each class to a maximum of thirty participants.

(13) The instructor to student ratio must not exceed one-to-ten for any of the training required by WAC 296-65-005 (13) and 296-65-007(14).

(14) The department may terminate the training course approval, if in the department's judgment the sponsor fails to maintain the course content and quality as initially approved, or fails to make changes to a course as required by WAC 296-65-015(5). The minimum criteria for withdrawal of training course approval must include:

(a) Misrepresentation of the extent of training courses approval by a state or EPA;

(b) Failure to submit required information or notification in a timely manner;

(c) Failure to maintain requisite records;

(d) Falsification of accreditation records, instructor qualifications, or other accreditation information; or

(e) Failure to adhere to the training standards and accreditation requirements of chapter 296-65 WAC.

(15) Any "notice of termination of training course approval" issued by the department may act as an order of immediate restraint as described by RCW 49.17.130.

(16) Revocation of applications will be done in accordance with WAC 296-65-050.

(17) Recordkeeping requirements for training providers: All approved providers of accredited asbestos training courses must comply with the following minimum record-keeping requirements:

(a) Training course materials. A training provider must retain copies of all instructional materials used in delivery of the classroom training such as student manuals, instructor notebooks and handouts.

(b) Instructor qualifications. A training provider must retain copies of all instructors' resumes, and the documents approving each instructor issued by either EPA or the department. Instructors must be approved by the department before teaching courses for accreditation purposes. A training provider must notify the department in advance whenever it changes course instructors. Records must accurately identify the instructors that taught each particular course for each date that a course is offered.

(c) Examinations. A training provider must document that each person who receives an accreditation certificate for an initial training course has achieved a passing score on the examination. These records must clearly indicate the date upon which the exam was administered, the training course and discipline for which the exam was given, the name of the person who proctored the exam, a copy of the exam, and the name and test score of each person taking the exam. The topic and dates of the training course must correspond to those listed on that person's accreditation certificate.

(d) ~~((Accreditation certificates.))~~ Training records. The training providers must maintain records that document the names of all persons who have ~~((been awarded certificates, their certificate numbers,))~~ completed training, the disciplines for which ~~((accreditation was conferred, training and expiration))~~ training was provided, training dates, and the training location. ~~((The training provider must maintain the records in a manner that allows verification by telephone of the required information.))~~

(e) Verification of certificate information. Training providers of refresher training courses must confirm that their students possess valid accreditation before granting course admission.

(f) Records retention and access. ~~((+))~~ The training provider must maintain the records in manner that allows verification via telephone of the required information.

(i) The training provider must maintain all required records for a minimum of three years. The training provider ~~((, however,))~~ may find it advantageous to retain these records for a longer period ~~((of time)).~~

(ii) The training provider must allow reasonable access to all of the records required by the EPA MAP, and to any other records which may be required by the department for the approval of asbestos training providers or the accredita-

tion of asbestos training courses, to both EPA and to the department, on request.

(iii) If a training provider ceases to conduct training, the training provider must notify the department and give it the opportunity to take possession of that provider's asbestos training records.

~~((17))~~ (18) A representative of the department may, at the department's discretion, provide an examination as a substitution to the examination administered by the training course provider. The examination replacement will be used to verify that the training course is conducted in accordance with the program approved by the department.

AMENDATORY SECTION (Amending WSR 17-18-075, filed 9/5/17, effective 10/6/17)

**WAC 296-65-017 Contractor certification.** (1) In order to obtain certification, an asbestos contractor must submit an application to the department. The application must provide the following information:

(a) A list of asbestos ~~((projects conducted by the contractor during the previous twelve months. Such list must include for each project:~~

~~((i)) supervisors (include certification number) working for the company;~~

~~((b)) A statement certifying that the contractor has read and understands all applicable Washington state rules and regulations regarding asbestos abatement and will comply with them; and~~

~~((c)) A statement certifying that the applicant contractors asbestos license or accreditation issued by any other state or jurisdiction has not been revoked, suspended, or denied by that state or jurisdiction.~~

(2) Contractors that have previously held an asbestos contractor certification including out-of-state or country, must provide a list of asbestos projects conducted by the contractor during the previous twelve months. Such list must include for each project:

(a) Project name;

~~((i))~~ (b) Location;

~~((ii))~~ (c) Brief description;

~~((iii))~~ (d) Identity of any citations or enforcement actions issued for violations of asbestos regulations by any local, state, or federal jurisdiction relative to each individual project; and

~~((iv))~~ (e) Name of the on-site project manager or supervisor.

~~((b)) A list of asbestos supervisors (include certification number) working for the company.~~

~~((c)) A statement certifying that the contractor has read and understands all applicable Washington state rules and regulations regarding asbestos abatement and will comply with them.~~

~~((d)) A statement certifying that the applicant contractor's asbestos license or accreditation issued by any other state or jurisdiction has not been revoked, suspended, or denied by that state or jurisdiction.~~

~~((2))~~ (3) Upon approval, the department will issue the contractor a certificate. Denial of approval must be in writing.

~~((3))~~ (4) Certificates ~~((must be valid for a period of twelve months. Certificates may be extended during department review of a renewal application.~~

Note: In circumstances where it is necessary to coordinate an expiration date with the date of expiration of a contractor registration issued under chapter 18.27 RCW, certificates may be valid for less than one year. In such circumstances, the certificate fee prescribed in WAC 296-65-025 shall be prorated accordingly for the initial application only.

~~((4))~~ will be coordinated with the expiration date of the contractor registration issued under chapter 18.27 RCW. Certificates may be valid for less than one year, in which circumstance the fee in WAC 296-65-025 must be prorated accordingly.

(5) The application for certificate renewal must contain the information specified in subsection (1) of this section.

~~((5))~~ (6) Certificate renewal applications ((for renewal)) must be received by the department ((not less than sixty days before the certificate expires.

~~((6))~~ to allow sufficient time for processing. Applications will not be processed sooner than fifteen days before expiration.

(7) The department may suspend or revoke the certificate as provided in WAC 296-65-050 and chapter 296-900 WAC.

AMENDATORY SECTION (Amending WSR 17-18-075, filed 9/5/17, effective 10/6/17)

**WAC 296-65-020 Notification requirements.** (1) Before any person or individual begins an asbestos project as defined in WAC 296-62-07722 and 296-65-003 involving more than forty-eight square feet or ten linear feet, unless the surface area of the pipe is greater than forty-eight square feet, of asbestos containing material, ~~((written))~~ notification must be provided to the department. Notices must ~~((include:~~

~~((a))~~ be submitted electronically using the online project notification system or via submitting the project notification form via email to the asbestos certification program. All applicable information must be provided and at a minimum must include the following:

(a) Notice type.

(i) Initial notification is used if the project begins in five days or more.

(ii) Short-term notification is used if the project begins within five days period, see subsection (2) of this section for short-term notification requirements.

(iii) Emergency notification is used if the project is defined as an emergency project in WAC 296-65-65003. See subsection (5) of this section for emergency notification requirements.

~~((b))~~ Name ~~((and address of the owner and contractor.~~

~~((b))~~ Description of the facility including size, age, and prior use of the facility.

~~((c))~~ Amount of asbestos-containing material to be removed or encapsulated.

~~((d))~~ address, and contact information of the property owner.

(c) Name, address, and contact information of the certified asbestos contractor.

(d) Asbestos supervisor name, certification number, and contact information.

(e) Description of the facility including size, age and prior use of the facility.

(f) Scope of work, remodel, repair, maintenance, and demolition.

(g) Identify asbestos-containing material to be removed or encapsulated.

(h) Quantity of each identified material to be removed.

(i) methods used to remove or encapsulate the material.

(j) Location of the facility. Information must be specific enough to allow the department to locate the project period.

~~((e))~~ (k) Exact starting and completion dates of the asbestos project, including shifts during which abatement work will be accomplished. These dates must correspond to the dates specified for asbestos removal in the contract. Any change in these dates or work shifts must be communicated to the department by an amended notice filed ((at the office where the original notice was filed.

(i)) online or an email submitted to the asbestos certification program.

(l) When the starting date or time changes, the amended notice must be filed no later than 5:00 p.m. on the business day prior to the starting date in the original notice and prior to the new starting date.

~~((ii))~~ (m) When the completion date or time changes, the amended notice must be filed before completion of the project, and within eight hours from when the person learns that the change will occur.

~~((iii))~~ Notice may be filed by facsimile (fax).

~~(f) Nature of the project and methods used to remove or encapsulate the material.~~

~~(2) Notices must be received by the department no later than ten days prior to the start of the project. Notices must be sent directly to the department of labor and industries regional office having jurisdiction on the project.)~~ (n) Notice must be filed electronically using the online project notification system or by completing the project notification form and submitting it via email to the asbestos certification program.

(2) The department may allow a short-term prenotification where there is a work requirement or waiting the five days would cause an unnecessary hardship. The following must be completed when requesting a short-term notification.

(a) The notice type selected must be short term.

(b) Notify appropriate regional labor and industries staff of the short-term request and allow sufficient time (one business day) for staff to respond prior to start of work.

(c) Provide justification for the request in the "reason" comment box.

(3) The director may waive the prenotification requirement upon written request of an owner for large-scale, ongoing projects. In granting such a waiver, the director will require the owner to provide prenotification if significant changes in personnel, methodologies, equipment, work site, or work procedures occur or are likely to occur. The director will further require annual resubmittal of such notification.

(4) The director, upon review of an owner's reports, work practices, or other data available as a result of inspections, audits, or other authorized activities, may reduce the size

threshold for prenotification required by this section. Such a change will be based on the director's determination that significant problems in personnel, methodologies, equipment, work site, or work procedures are creating the potential for violations of this chapter.

(5) Emergency projects which disturb or release asbestos into the air must be reported to the department within three working days after commencement of the project in the manner otherwise required under this chapter. The employees, the employees' collective bargaining representative or employee representative, if any, and other persons at the project area must be notified of the emergency as soon as possible by the person undertaking the emergency project. A notice describing the nature of the emergency project must be clearly posted adjacent to the work area.

(6) Incremental phasing in the conduct or design of asbestos projects or otherwise conducting or designing asbestos projects of a size less than the threshold exemption specified in subsection (1) of this section, with the intent of avoiding the notification requirements, is a violation of this chapter.

AMENDATORY SECTION (Amending WSR 10-01-188, filed 12/22/09, effective 1/25/10)

**WAC 296-65-025 Fees.** (1) A nonrefundable administrative fee of forty-five dollars will be assessed for each initial, replacement, or renewal asbestos worker certificate application. The fee ~~((check or money order))~~ must accompany the certificate application and be made payable to the department. An application form may be obtained from any approved training course instructor or directly from the department.

(2) A nonrefundable administrative fee of sixty-five dollars will be assessed for each initial, replacement, or renewal asbestos supervisor certificate application. The fee ~~((check or money order))~~ must accompany the certificate application and be made payable to the department. An application form may be obtained from any approved training course instructor or directly from the department.

(3) A nonrefundable administrative fee of one thousand fifty dollars will be assessed for each initial or renewal contractor certificate application. The fee ~~((check or money order))~~ must accompany the certificate application and be made payable to the department. An application form may be obtained from the department.

Note: In circumstances where it is necessary to coordinate an expiration date with the date of expiration of a contractor registration issued under chapter 18.27 RCW, certificates may be valid for less than one year. In such circumstances, the certificate fee prescribed in WAC 296-65-025 will be prorated accordingly for the initial application only.

(4) A nonrefundable administrative fee of one thousand two hundred fifty dollars will be assessed for each initial and renewal application for training course approval. ~~((A check or money order))~~ Payment of the fee must accompany any application made under the provisions of WAC 296-65-015.

AMENDATORY SECTION (Amending WSR 17-18-075, filed 9/5/17, effective 10/6/17)

**WAC 296-65-030 Methods of compliance.** ~~((+) Before submitting a bid or working on an asbestos abatement project, any person or individual must obtain an asbestos contractor certificate as provided in WAC 296-65-017 and must have in its employ at least one certified asbestos supervisor responsible for supervising all asbestos projects undertaken by the contractor.~~

~~(2) A certified asbestos supervisor will not be required on asbestos projects involving less than three square feet or three linear feet of asbestos-containing material unless the surface area of the pipe is greater than three square feet. A certified asbestos supervisor is required for all Class I and II asbestos work in accordance with WAC 296-62-07728(4).~~

~~(3) No employee or other individual is eligible to do work or supervise an asbestos project without being issued a certificate by the department.~~

~~(a) Employees performing Class I or Class II asbestos work must be certified asbestos workers as specified in WAC 296-62-07722.~~

~~(b) Employees performing Class III or Class IV asbestos work specified by WAC 296-62-07722 as an asbestos project must be certified asbestos workers.~~

~~(4) No person may assign any employee, contract with, or permit any individual, to work on an asbestos project as specified in WAC 296-62-07722 in any facility without the project being performed by a certified asbestos worker.~~

~~(5) A certified asbestos supervisor must provide direct, on-site supervision for an asbestos project. When an employer conducts an asbestos abatement project in its own facility by its own certified employees, supervision may be performed in the regular course of a certified asbestos supervisor's duties. Asbestos workers must have access to and be under the control of certified asbestos supervisors throughout the duration of the project.~~

~~(6) Any construction, renovation, remodeling, maintenance, repair, or demolition which was started without meeting the requirements of this section must be halted immediately and cannot be resumed before meeting such requirements.)~~ (1)(a) Only certified asbestos abatement contractors may submit bids, or work on asbestos abatement projects.

(b) Certified asbestos contractors must employ at least one certified asbestos supervisor.

(2) Only certified asbestos supervisors may supervise asbestos abatement projects as required in WAC 296-62-07722.

(3) Only certified asbestos workers may work on asbestos projects as required in WAC 296-62-07722.

(4) A certified asbestos supervisor must provide direct, on-site supervision for asbestos abatement projects.

(5) Asbestos workers must have access to, and be under the control of certified asbestos supervisors throughout the duration of asbestos abatement projects.

(6) Any construction, renovation, remodeling, maintenance, repair, or demolition which was started without meeting the requirements of this section must be halted immediately and cannot be resumed before meeting such requirements.

AMENDATORY SECTION (Amending WSR 89-21-018, filed 10/10/89, effective 11/24/89)

**WAC 296-65-035 Reciprocity.** (1) The department may recognize certifications issued by another state for asbestos workers or supervisors provided that:

(a) The worker is in possession of a currently valid certification from the other state; and

(b) The department evaluates the other state's qualification procedures and determines the certification to be equivalent to the minimum requirements of this chapter.

(2) When the department's evaluation of another state's qualification procedures identifies that equivalent requirements are met, the department is authorized to issue a Washington state certification upon receipt of a completed application and a completed approved refresher course.

(3) When the department's evaluation of another state's qualification procedures identifies deficiencies, the department may require specific supplemental training and/or examination before issuing a Washington state certification.

(4) Temporary certification can be issued if requirements of subsection (2) of this section are met.

AMENDATORY SECTION (Amending WSR 17-18-075, filed 9/5/17, effective 10/6/17)

**WAC 296-65-050 Denial, suspension, and revocation of certificates.** (1) The department may deny, suspend, or revoke a certificate for failure of the holder to comply with any requirement of this chapter or any applicable health and safety standards and regulations.

(2) The ~~((criteria for decertification for asbestos workers, supervisors, and contractors must include))~~ department must suspend or revoke any certificate issued under this chapter for a period of not less than six months upon the following grounds:

(a) The certificate was obtained through error or fraud;  
or

(b) The holder thereof is judged to be incompetent to carry out the work for which the certificate was issued.

(3) The criteria for denying, suspending, or revoking a certificate for asbestos workers, supervisors and contractors must include at least one of the following:

(a) Performing work requiring accreditation at a job site without being in ~~((physical))~~ possession of initial and current accreditation certificates;

(b) Permitting the duplication or use of one's own accreditation certificate by another;

(c) Performing work for which accreditation has not been received; ~~((or))~~

(d) Obtaining accreditation from a training provider that does not have approval to offer training for the particular discipline from either EPA or from a state that has a contractor accreditation plan at least as stringent as the EPA MAP(~~(-~~

~~(3) The following persons are not certified for the purposes of this chapter and their respective certificate(s) must be revoked by the department:~~

~~(a) Any person who obtains accreditation through fraudulent representation of training or examination documents;~~

~~(b) Any person who obtains);~~

(e) Obtaining accreditation through fraudulent representation of training or examination documents;

(f) Obtaining training documentation through fraudulent means;

~~((e) Any person who gains)~~ (g) Gaining admission to and completes refresher training through fraudulent representation of initial or previous refresher training documentation; or

~~((d))~~ (h) Any person who obtains accreditation through fraudulent representation of accreditation requirements such as education, training, professional registration, or experience.

(4) Before any certificate may be denied, suspended, or revoked, the holder thereof must be given written notice of the department's intention to do so, mailed by registered mail, return receipt requested, to the holder's last known address. The notice must enumerate the allegations against such holders and must give ~~((him or her))~~ them the opportunity to request a ~~((conference))~~ hearing per RCW 49.26.110 before the department. At such ~~((conference))~~ hearing, the department and the holder must have the opportunity to produce witnesses and give testimony. Following such hearing, the department will issue an order.

(5) A denial, suspension, or revocation order may be appealed to the board of industrial insurance appeals within fifteen working days after the denial, suspension, or revocation order is entered. The notice of appeal ~~((may))~~ must be filed with the ~~((department or the))~~ board of industrial insurance appeals and a copy of the appeal must be sent to the department. The board of industrial insurance appeals must hold the hearing in accordance with procedures established in RCW 49.17.140. Any party aggrieved by an order of the board of industrial insurance appeals may obtain superior court review in the manner provided in RCW 49.17.150.

~~((6) The department may suspend or revoke any certificate issued under this chapter for a period of not less than six months upon the following grounds:~~

~~(a) The certificate was obtained through error or fraud; or~~

~~(b) The holder thereof is judged to be incompetent to carry out the work for which the certificate was issued.)~~

## WSR 20-03-154

### PERMANENT RULES DEPARTMENT OF

### LABOR AND INDUSTRIES

[Filed January 21, 2020, 11:17 a.m., effective February 21, 2020]

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

Purpose: **Change Log Phase 5** - the purpose of this rule making is to adopt the outstanding housekeeping issues that are on the department of labor and industries, division of occupational safety and health's (DOSHS) change log. No requirements are being affected during this rule making; changes are only for clarification purposes. Please see below for the amendments being proposed:

#### Amended Sections:

#### WAC 296-304-02007 Hot work.

- Updated reference in subsection (2)(a)(iv) from (1)(a)(i) to (1)(a)(iv) to be consistent with what is referenced in the Occupational Safety and Health Administration's rule.

#### WAC 296-800-16055 Make sure your employees use appropriate head protection.

- Updated language in subsection (4)(b) regarding flammable liquids. The sentence previously stated "... category 3 flammable liquids with a flashpoint between 100°F (37.8°C)...["]; to be consistent with language in chapter 296-24 WAC, we updated "between" to "below."

#### WAC 296-800-240 Summary.

- Updated broken link at the bottom of this section from <http://www.seconhandsmokesyou.com> to <https://www.doh.wa.gov/youandyourfamily/tobacco/lawsregulations>.

#### WAC 296-800-27010 Make sure that floors are safe.

- Updated language in the Note under subsection (4) for clarity and grammatical purposes. The Note now reads: "This rule applies to all buildings that were built or those that have had complete or major changes or repairs ~~but~~ done after 5/7/74."

#### WAC 296-806-47004 Safeguard nip points of roll-forming and bending machines.

- Updated language in subsection (2) for clarity purposes. There were erroneous brackets around the word "use" that were removed, as well as the phrase "must be used" in the middle of the sentence that was extra and wasn't removed during previous rule making.

#### WAC 296-811-099 Definitions.

- Updated the definition of Self-contained breathing apparatus to match the definition that is used in chapter 296-841 WAC, Airborne contaminants, for consistency purposes.

#### WAC 296-824-50030 Provide rescue and medical assistance.

- Updated the Note at the end of the section for clarification purposes. In the first subsection of the Note, there is a reference to "... the eighteen subjects listed ...," in regards to first-aid in WAC 296-800-150, but those eighteen subjects are no longer listed in the language. The reference to those eighteen subjects was removed and the sentence was updated to say: "This rule requires training on basic first aid and any subjects that are specific to your workplace emergency hazards."

#### WAC 296-835-11010 Provide proper ventilation for the vapor area.

- Updated the reference to the air contaminants chapter from chapter 296-62 WAC to chapter 296-841 WAC in the Reference section under subsection (5).

#### WAC 296-863-099 Definitions.



- Updated incorrect reference in the definition of Flash-point. WAC 296-901-14024 Appendix B—Physical hazard criteria, was incorrectly referenced as "WAC 296-91-14024."

**WAC 296-863-30035 Make sure battery charging areas are safe.**

- In subsection (1)(c), updated "fumes" to "vapors." The reason for the language change is that "fume" in the industrial hygiene profession refers to metal gases condensing back into a particulate like during welding. This is a more technical term for what would be evolved from the batteries but it also helps identify what respirator cartridge would be used if needed since you use a high-efficiency particulate air cartridge for fume and an acid gas charcoal filter for acid mist.

Citation of Rules Affected by this Order: Amending WAC 296-304-02007, 296-800-16055, 296-800-240, 296-800-27010, 296-806-47004, 296-811-099, 296-824-50030, 296-835-11010, 296-863-099, and 296-863-30035.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Adopted under notice filed as WSR 19-21-152 on October 22, 2019.

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 0, Repealed 0.

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 10, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 10, 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 0, Repealed 0.

Date Adopted: January 21, 2020.

Joel Sacks  
Director

**AMENDATORY SECTION** (Amending WSR 17-18-075, filed 9/5/17, effective 10/6/17)

**WAC 296-304-02007 Hot work.** (1) Hot work requiring testing by a marine chemist or Coast Guard authorized person.

(a) You must ensure that hot work is not performed in or on any of the following confined and enclosed spaces and other dangerous atmospheres, boundaries of spaces or pipelines until the work area has been tested and certified by a marine chemist or a U.S. Coast Guard authorized person as "safe for hot work":

(i) Within, on, or immediately adjacent to spaces that contain or have contained combustible or flammable liquids or gases.

(ii) Within, on, or immediately adjacent to fuel tanks that contain or have last contained fuel; and

(iii) On pipelines, heating coils, pump fittings or other accessories connected to spaces that contain or have last contained fuel.

(iv) Exception: On dry cargo, miscellaneous and passenger vessels and in the landside operations within spaces which meet the standards for oxygen, flammability and toxicity in WAC 296-304-02003, but are adjacent to spaces containing flammable gases or liquids, as long as the gases or liquids with a flash point below 150 deg. F (65.6 deg. C) when the distance between such spaces and the work is 25 feet (7.62 m) or greater.

Note: For flammable liquids with flash points above 150 deg. F (65.6 deg. C), see subsection (2) of this section.

Note to (1)(a): The criteria for "safe for hot work" is located in the definition section, WAC 296-304-020(2).

(b) The certificate issued by the marine chemist or Coast Guard authorized person must be posted in the immediate vicinity of the affected operations while they are in progress and kept on file for a period of at least three months from the date of the completion of the operation for which the certificate was generated.

(2) Hot work requiring testing by a competent person.

(a) Hot work is not permitted in or on the following spaces or adjacent spaces or other dangerous atmospheres until they have been tested by a competent person and determined to contain no concentrations of flammable vapors equal to or greater than 10 percent of the lower explosive limit:

(i) Dry cargo holds;

(ii) The bilges;

(iii) The engine room and boiler spaces for which a marine chemist or a Coast Guard authorized person certificate is not required under subsection (1)(a)(i) of this section; (~~and~~)

(iv) Vessels and vessel sections for which a marine chemist or Coast Guard authorized person certificate is not required under subsection (1)(a)(~~iii~~) (iv) of this section; and

(v) Land-side confined and enclosed spaces or other dangerous atmospheres not covered by subsection (1)(a) of this section.

(b) If the concentration of flammable vapors or gases is equal to or greater than 10 percent of the lower explosive limit in the space or an adjacent space where the hot work is to be done, then the space must be labeled "not safe for hot work" and ventilation must be provided at volumes and flow rates sufficient to ensure that the concentration of flammable vapors or gases is below 10 percent by volume of the lower explosive limit. The warning label may be removed when the concentration of flammable vapors and gases are below 10 percent of the lower explosive limit.

Note to WAC 296-304-02007: See WAC 296-304-02013—Appendix B, for additional information relevant to performing hot work safely.

AMENDATORY SECTION (Amending WSR 18-22-116, filed 11/6/18, effective 12/7/18)

**WAC 296-800-16055 Make sure your employees use appropriate head protection.** (1) You must make sure employees wear appropriate protective helmets.

(a) Where employees are exposed to hazards that could cause a head injury. Examples of this type of hazard include:

- (i) Flying or propelled objects.
- (ii) Falling objects or materials.

(b) Where employees are working around or under scaffolds or other overhead structures.

(2) Head protection must comply with any of the following consensus standards:

(a) American National Standards Institute (ANSI) Z89.1-2009, "American National Standard for Industrial Head Protection";

(b) American National Standards Institute (ANSI) Z89.1-2003, "American National Standard for Industrial Head Protection";

(c) American National Standards Institute (ANSI) Z89.1-1997, "American National Standard for Personnel Protection—Protective Headwear for Industrial Workers—Requirements."

(d) You may use protective helmets that do not meet these ANSI standards if you can demonstrate that they are equally effective as those constructed in accordance with the above ANSIs.

(3) You must make sure employees working near exposed electrical conductors that could contact their head wear a protective helmet designed (that meet the above ANSI standards) to reduce electrical shock hazard.

Caps with metal buttons or metal visors must **not** be worn around electrical hazards.

(4) You must make sure employees working around machinery or in locations that present a hair-catching or fire hazard wear caps or head coverings that completely cover their hair.

(a) Employees must wear a hair net that controls all loose ends when:

(i) Hair is as long as the radius of pressure rolls with exposed in-running nip points.

(ii) Hair is twice as long as the circumference of exposed revolving shafts or tools in fixed machines.

(b) Employees must wear a hair covering of solid material when:

The employee is exposed to an ignition source and may run into an area containing category 1 or 2 flammable liquids, such as ether, benzene, or category 3 flammable liquids with a flashpoint (~~between~~) below 100°F (37.8°C), or combustible atmospheres if their hair is on fire.

AMENDATORY SECTION (Amending WSR 18-22-116, filed 11/6/18, effective 12/7/18)

**WAC 296-800-240 Summary.**

**Your responsibility:**

You must eliminate exposure to *environmental tobacco smoke* in your *office work environment*.

|  |                   |
|--|-------------------|
| You must meet the requirements ...                     | in this section:  |
| Prohibit tobacco smoke in your office work environment | WAC 296-800-24005 |

**Note:** This rule does not preempt any federal, state, municipal, or other local authority's regulation of indoor smoking that is more protective than this section.

**Definition:** Office work environment is an indoor or enclosed occupied space where clerical work, administration, or business is carried out. In addition, it includes:

- Other workplace spaces controlled by the employer and used by office workers, such as cafeterias, meeting rooms, and washrooms.
- Office areas of manufacturing and production facilities, not including process areas.
- Office areas of businesses such as food and beverage establishments, agricultural operations, construction, commercial trade, services, etc.

**Link:** For work environments outside the office, contact your local health department using the link (<http://www.seconddhandsmokesyou.com>) (<https://www.doh.wa.gov/YouandYourFamily/Tobacco/LawsRegulations>) or by calling them directly.

AMENDATORY SECTION (Amending WSR 18-22-116, filed 11/6/18, effective 12/7/18)

**WAC 296-800-27010 Make sure that floors are safe.**

(1) You must make sure that floors including their parts and structural members are safe.

(2) You must make sure floors are of substantial construction and kept in good repair. This includes floors of:

- (a) Buildings.
- (b) Platforms.
- (c) Walks and driveways.
- (d) Storage yards.
- (e) Docks.

(3) You must make sure that structures are designed, constructed, and maintained to provide a safety factor of 4 times the imposed maximum strain.

(4) If you notice bowing, cracking, or other indications of excessive strain on a structure, you must take action to make sure it is safe.

**Note:** This rule applies to all buildings that were built or those that have had complete or major changes or repairs (~~built~~) done after 5/7/74.

AMENDATORY SECTION (Amending WSR 15-24-102, filed 12/1/15, effective 1/5/16)

**WAC 296-806-47004 Safeguard nip points of roll-forming and bending machines.** (1) You must safeguard in-running nip points on roll-forming and bending machines with **at least one** of the following:

- (a) A point-of-operation guard or device.
- (b) An emergency stop device.

(2) You must ~~((use))~~ use an emergency stop device ~~((must be used))~~ when a point-of-operation guard or device is not feasible.

**AMENDATORY SECTION** (Amending WSR 17-18-075, filed 9/5/17, effective 10/6/17)

**WAC 296-811-099 Definitions. Buddy-breathing device.** An equipment accessory for self-contained breathing apparatus (SCBA) that permits a second person (a "buddy") to share the air supply used by the SCBA wearer.

**Extinguisher classification.** The letter classification given an extinguisher to designate the class or classes of fires on which that extinguisher will be effective. For example, use a Class A extinguisher on a Class A fire. See also fire classifications.

Portable fire extinguishers are classified for use on certain classes of fires and are rated within that class for relative extinguishing effectiveness at a temperature of plus 70°F by nationally recognized testing laboratories. This is based upon fire classifications and fire extinguishment potentials as determined by fire tests.

Note: The classification and rating system described in this section is used by Underwriters' Laboratories, Inc., and Underwriters' Laboratories of Canada, and is based on extinguishing pre-planned fires of determined size and description as follows:

| Extinguisher Class | Fire Test for Classification and Rating                    |
|--------------------|--|
| Class A            | Wood and excelsior fires excluding deep-seated conditions. |
| Class B            | Two-inch depth gasoline fires in square pans.              |
| Class C            | No fire test. Agent must be a nonconductor of electricity. |
| Class D            | Special tests on specific combustible metal fires.         |

**Extinguisher rating (see also "extinguisher classification").** The numerical rating, such as 2A, given to an extinguisher that indicates the extinguishing potential of the unit based on standardized tests developed by Underwriters' Laboratories, Inc.

**Fire brigade.** An organized group of employees whose primary employment is other than firefighting but who are knowledgeable, trained, and skilled in specialized firefighting operations based on site-specific hazards present at a single commercial facility or facilities under the same management.

**Fire classifications.** Fires are classified based on the types of burning materials:

| Fire Class | Types of Burning Materials  |
|------------|---|
| Class A    | Fires involving ordinary combustible materials such as paper, wood, cloth, and some rubber and plastic materials. |

| Fire Class | Types of Burning Materials  |
|------------|---|
| Class B    | Fires involving flammable liquids, flammable gases, greases, and similar materials, and some rubber and plastic materials.  |
| Class C    | Fires involving energized (live) electrical equipment where it is important that the extinguishing agent not conduct electricity. (When electrical equipment is deenergized, it is safe to use an extinguisher for Class A or B fires on it, since electricity is not an issue then.) |
| Class D    | Fire involving combustible metals such as magnesium, titanium, zirconium, sodium, lithium, and potassium.   |

**Incipient fire stage.** A fire in the beginning stage that can be controlled or put out by portable fire extinguishers, or small hose systems, without the need for protective clothing or breathing apparatus.

**Inspection.** A visual check of fire protection systems and equipment to ensure they are in place, charged, and ready for use if there is a fire.

**Interior structural firefighting.** The physical activity of suppressing fire, rescuing people, or both, inside buildings or enclosed structures involved in a fire that is past the incipient stage.

**Maintenance.** Servicing fire protection equipment and systems to ensure they will perform as expected if there is a fire. Maintenance differs from inspection in that maintenance requires checking internal fittings, devices, and agent supplies, as well as correcting deficiencies found.

**Self-contained breathing apparatus (SCBA).** ~~((Self-contained breathing apparatus (SCBA) in which the air pressure in the breathing zone is higher than that of the immediate environment during both inhaling and exhaling.))~~ An atmosphere-supplying respirator designed for the breathing air source to be carried by the user.

**AMENDATORY SECTION** (Amending WSR 17-18-075, filed 9/5/17, effective 10/6/17)

**WAC 296-824-50030 Provide rescue and medical assistance.** (1) You must provide stand-by employees equipped with the same level of personal protective equipment (PPE) as the entrants, for assistance or rescue.

- Note:
1. The buddy system applies to stand-by employees (see WAC 296-824-50025).
  2. One of the two stand-by employees can be assigned to another task provided it does not interfere with the performance of the stand-by role.
  3. Rescue equipment should be selected and provided based on the types of rescue situations that could occur.

(2) You must make sure employees trained in first aid are readily available with necessary medical equipment and have a way to transport the injured.

- Note:**
1. Employee training is covered by WAC 296-800-150, first aid. This rule requires training on ~~((the eighteen subjects listed in addition to))~~ basic first aid and any subjects that are specific to your workplace emergency hazards (for example: If exposure to corrosive substances could occur, training would need to include first-aid procedures for treating chemical burns).
  2. Employers who designate and train their employees to provide first aid are covered by chapter 296-823 WAC, Occupational exposure to bloodborne pathogens.

**AMENDATORY SECTION** (Amending WSR 17-18-075, filed 9/5/17, effective 10/6/17)

**WAC 296-835-11010 Provide proper ventilation for the vapor area.** (1) You must make sure mechanical ventilation meets the requirements of one or more of the following standards:

- (a) NFPA 34-1995, Standard for Dipping and Coating Processes Using Flammable or Combustible Liquids;
- (b) ACGIH's "Industrial Ventilation: A Manual of Recommended Practice" (22nd ed., 1995);
- (c) ANSI Z9.1-1971, Practices for Ventilation and Operation of Open-Surface Tanks and ANSI Z9.2-1979, Fundamentals Governing the Design and Operation of Local Exhaust Systems.

**Note:** Some, or all, of the consensus standards (such as ANSI and NFPA) may have been revised. If you comply with a later version of a consensus standard, you will be considered to have complied with any previous version of the same consensus standard.

- (2) You must limit the vapor area to the smallest practical space by using mechanical ventilation.
- (3) You must keep airborne concentration of any substance below twenty-five percent of its lower flammable limit (LFL).
- (4) You must make sure mechanical ventilation draws the flow of air into a hood or exhaust duct.
- (5) You must have a separate exhaust system for each dip tank if the combination of substances being removed could cause a:
  - (a) Fire;
  - (b) Explosion; or
  - (c) Potentially hazardous chemical reaction.

**Reference:** You need to keep employee exposure within safe levels when the liquid in a dip tank creates an exposure hazard. See ~~((Air)) Airborne~~ contaminants, WAC ~~((296-62-075 through 296-62-07515)) 296-841-099 through 296-841-20025~~.

**Note:** You may use a tank cover or material that floats on the surface of the liquid to replace or assist ventilation. The method or combination of methods you choose has to maintain the airborne concentration of the hazardous material and the employee's exposure within safe limits.

**AMENDATORY SECTION** (Amending WSR 17-18-075, filed 9/5/17, effective 10/6/17)

**WAC 296-863-099 Definitions. ANSI.** The American National Standards Institute.

**Authorized person (maintenance).** A person who has been designated to perform maintenance on a PIT.

**Authorized person (training).** A person approved or assigned by the employer to perform training for powered industrial truck operators.

**Approved.** Listed or approved by a nationally recognized testing laboratory or a federal agency that issues approvals for equipment such as the Mine Safety and Health Administration (MSHA); the National Institute for Occupational Safety and Health (NIOSH); Department of Transportation; or U.S. Coast Guard, which issue approvals for such equipment.

**Bridge plate (dock-board).** A device used to span the distance between rail cars or highway vehicles and loading platforms.

**Classified location or hazardous location.** Areas that could be hazardous because of explosive or flammable atmospheres. These locations are broken down into the following categories:

- (a) Class I locations are areas where flammable gases or vapors are or may be present in the air in quantities sufficient to produce explosive or ignitable mixtures.
- (b) Class II locations are areas where the presence of combustible dust could be sufficient to produce explosions.
- (c) Class III locations are areas where the presence of easily ignitable fibers are suspended in the air but are not in large enough quantities to produce ignitable mixtures.

**Counterweight.** A weight used to counteract or the load being carried by the truck, or to increase the load carrying capacity of a truck.

**Designations.** A code used to show the different types of hazardous (classified) locations where PITs can be safely used:

- (a) **D** refers to trucks that are diesel engine powered that have minimum safeguards against inherent fire hazards.
- (b) **DS** refers to diesel powered trucks that, in addition to meeting all the requirements for type D trucks, are provided with additional safeguards to the exhaust, fuel and electrical systems.
- (c) **DY** refers to diesel powered trucks that have all the safe-guards of the DS trucks and, in addition, any electrical equipment is completely enclosed. They are equipped with temperature limitation features.
- (d) **E** refers to electrically powered trucks that have minimum acceptable safeguards against inherent fire hazards.
- (e) **ES** refers to electrically powered trucks that, in addition to all of the requirements for the E trucks, have additional safeguards to the electrical system to prevent emission of hazardous sparks and to limit surface temperatures.
- (f) **EE** refers to electrically powered trucks that have, in addition to all of the requirements for the E and ES type trucks, have their electric motors and all other electrical equipment completely enclosed.

(g) **EX** refers to electrically powered trucks that differ from E, ES, or EE type trucks in that the electrical fittings and equipment are designed, constructed and assembled to be used in atmospheres containing flammable vapors or dusts.

(h) **G** refers to gasoline powered trucks that have minimum acceptable safeguards against inherent fire hazards.

(i) **GS** refers to gasoline powered trucks that are provided with additional exhaust, fuel, and electrical systems safeguards.

(j) **LP** refers to liquefied petroleum gas-powered trucks that, in addition to meeting all the requirements for type G trucks, have minimum acceptable safeguards against inherent fire hazards.

(k) **LPS** refers to liquefied petroleum gas powered trucks that in addition to meeting the requirements for LP type trucks, have additional exhaust, fuel, and electrical systems safeguards.

**Electrolyte.** A chemical, usually acid, that is mixed with water to produce electricity.

**Flammable liquid.** Any liquid having a flashpoint at or below 199.4°F (93°C). Flammable liquids are divided into four categories as follows:

(a) Category 1 includes liquids having flashpoints below 73.4°F (23°C) and having a boiling point at or below 95°F (35°C).

(b) Category 2 includes liquids having flashpoints below 73.4°F (23°C) and having a boiling point above 95°F (35°C).

(c) Category 3 includes liquids having flashpoints at or above 73.4°F (23°C) and at or below 140°F (60°C). When a Category 3 liquid with a flashpoint at or above 100°F (37.8°C) is heated for use to within 30°F (16.7°C) of its flashpoint, it must be handled in accordance with the requirements for a Category 3 liquid with a flashpoint below 100°F (37.8°C).

(d) Category 4 includes liquids having flashpoints above 140°F (60°C) and at or below 199.4°F (93°C). When a Category 4 flammable liquid is heated for use to within 30°F (16.7°C) of its flashpoint, it must be handled in accordance with the requirements for a Category 3 liquid with a flashpoint at or above 100°F (37.8°C).

(e) When liquid with a flashpoint greater than 199.4°F (93°C) is heated for use to within 30°F (16.7°C) of its flashpoint, it must be handled in accordance with the requirements for a Category 4 flammable liquid.

**Flashpoint.** The minimum temperature at which a liquid gives off vapor within a test vessel in sufficient concentration to form an ignitable mixture with air near the surface of the liquid, and shall be determined as follows:

(a) For a liquid which has a viscosity of less than 45 SUS at 100°F (37.8°C), does not contain suspended solids, and does not have a tendency to form a surface film while under test, the procedure specified in the Standard Method of Test for Flashpoint by Tag Closed Tester (ASTM D-56-70), WAC 296-901-14024 Appendix B—Physical hazard criteria shall be used.

(b) For a liquid which has a viscosity of 45 SUS or more at 100°F (37.8°C), or contains suspended solids, or has a tendency to form a surface film while under test, the Standard Method of Test for Flashpoint by Pensky-Martens Closed Tester (ASTM D-93-71) or an equivalent method as defined by WAC ((296-91-14024)) 296-901-14024 Appendix B—Physical hazard criteria, shall be used, except that the methods specified in Note 1 to section 1.1 of ASTM D-93-71 may be used for the respective materials specified in the note.

(c) For a liquid that is a mixture of compounds that have different volatilities and flashpoints, its flashpoint shall be determined by using the procedure specified in (a) or (b) of this subsection on the liquid in the form it is shipped.

(d) Organic peroxides, which undergo auto-accelerating thermal decomposition, are excluded from any of the flashpoint determination methods specified in this section.

**Front-end attachment.** A device that is attached to the forks or lifting device of the truck.

**Lanyard.** A flexible line of webbing, rope, or cable used to secure a harness to an anchor point.

**Liquefied petroleum gas.** Any gas that is composed predominantly of the following hydrocarbons, or mixtures of them; propane, propylene, butanes (normal butane or isobutane), and butylenes.

**Listed by report.** A report listing the field assembly, installation procedures, or both, for a UL listed product that does not have generally recognized installation requirements.

**Load engaging.** A device attached to a powered industrial truck and used to manipulate or carry a load.

**Motorized hand truck.** A powered truck with wheeled forks designed to go under or between pallets and is controlled by a walking or riding operator.

**Nationally recognized testing laboratory.** An organization recognized by the Occupational Safety and Health Administration that conducts safety tests on equipment and materials.

**Order picker.** A truck controlled by an operator who is stationed on a platform that moves with the load engaging means.

**Powered industrial truck (PIT).** A mobile, power-driven vehicle used to carry, push, pull, lift, stack, or tier material.

**Rough terrain forklift truck.** A truck intended to be used on unimproved natural terrain and at construction sites.

**Safety harness (full body harness).** A configuration of connected straps to distribute a fall arresting force over at least the thighs, shoulders and pelvis, with provisions for attaching a lanyard, lifeline, or deceleration devices.

**Tie-off point (anchorage).** A secure point to attach a lanyard that meets the requirements of WAC 296-24-88050, Appendix—C Personal fall arrest systems.

**Vertical load backrest extension.** A device that extends vertically from the fork carriage frame.

**AMENDATORY SECTION** (Amending WSR 17-18-075, filed 9/5/17, effective 10/6/17)

**WAC 296-863-30035 Make sure battery charging areas are safe.** (1) You must make sure battery charging areas are designated and provided with all of the following:

- (a) Means to flush and neutralize spilled electrolyte;
- (b) Fire protection;
- (c) Ventilation that is adequate to disperse ((~~flames~~)) vapors from gassing batteries.
- (2) You must prohibit smoking in battery charging areas.
- (3) You must take precautions to prevent open flames, sparks, or electric arcs in battery charging areas.
- (4) You must protect battery charging equipment from being damaged by PITs.
- (5) You must provide at least one of the following to handle batteries:
  - (a) Conveyor;
  - (b) Overhead hoist;

(c) Other equivalent material handling equipment.

**WSR 20-03-162**  
**PERMANENT RULES**  
**STATE BOARD OF EDUCATION**

[Filed January 21, 2020, 2:52 p.m., effective February 21, 2020]

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

Purpose: The state board of education (SBE) has reviewed chapter 180-18 WAC to make changes as necessary to align rule to current policy or practice, correct references to law, implement recently passed legislation, improve readability of the rule, or make other changes identified during the review of the WAC chapter.

The proposed rules make the following changes to:

- Streamline the one hundred eighty day waiver application process in WAC 180-18-040 to simplify analysis. Remove application requirements that have proven not to be helpful in the approval process and present an additional burden on applicants. Add a requirement for districts to summarize how equity was considered in their proposed plan.
- Remove language in WAC 180-18-050 that would require an application process for parent-teacher conference waivers for up to five days, thus reducing administrative burden for districts or the state.
- Remove requirement in WAC 180-18-055 that SBE notify the state board of community and technical colleges, the Washington student achievement council, and the council of presidents every time it passes a waiver from credit-based graduation requirements. The schools receiving the waiver are listed on the SBE website and awareness of these waivers within the higher education system is such that these notifications are no longer necessary. Add a requirement for districts to summarize how equity was considered in their proposed plan.
- Allow the office of superintendent of public instruction greater discretion in approving of waivers for the purposes of economy and efficiency in WAC 180-18-065 when districts are competing for the allowable number of slots by considering "other relevant information." Remove the order of criteria for the consideration of approval and broaden approval criteria. Add a requirement for districts to summarize how equity was considered in their proposed plan.

Citation of Rules Affected by this Order: Amending WAC 180-18-010, 180-18-030, 180-18-040, 180-18-050, 180-18-055, 180-18-065, and 180-18-100.

Statutory Authority for Adoption: RCW 28A.150.220, 28A.300.750.

Adopted under notice filed as WSR 19-22-073 on November 5, 2019.

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 Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 6, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 6, 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 0, Repealed 0.

Date Adopted: January 21, 2020.

Randy Spaulding  
Executive Director

AMENDATORY SECTION (Amending WSR 02-18-056, filed 8/28/02, effective 9/28/02)

**WAC 180-18-010 Purpose and authority.** (1) The purpose of this chapter is to support local educational improvement efforts by establishing policies and procedures by which schools and school districts may request waivers from basic education program approval requirements.

(2) The authority for this chapter is RCW ((~~28A.305-140~~) 28A.300.750 and 28A.655.180(1).

AMENDATORY SECTION (Amending WSR 18-24-090, filed 12/3/18, effective 1/3/19)

**WAC 180-18-030 Waiver from total instructional hour requirements.** A district desiring to improve student achievement by enhancing the educational program for all students may apply to the superintendent of public instruction for a waiver from the total instructional hour requirements. The superintendent of public instruction may grant said waiver requests that demonstrate the waiver is necessary to support improving student achievement pursuant to RCW ((~~28A.305.140~~) 28A.300.750 and WAC 180-18-050 for up to three school years.

AMENDATORY SECTION (Amending WSR 18-24-090, filed 12/3/18, effective 1/3/19)

**WAC 180-18-040 Waivers from minimum one hundred eighty-day school year requirement.** (1) A district desiring to improve student achievement by enhancing the educational program for all students in the district or for individual schools in the district may apply to the superintendent of public instruction for a waiver from the provisions of the minimum one hundred eighty-day school year requirement pursuant to RCW ((~~28A.305.140~~) 28A.300.750 and WAC 180-16-215 while offering the equivalent in annual minimum instructional hours as prescribed in RCW 28A.150.220 in such grades as are conducted by such school district. The superintendent of public instruction may grant said waiver requests for up to three school years.

(2) The superintendent of public instruction, pursuant to RCW ((~~28A.305.140(2)~~) 28A.300.750, shall evaluate the need for a waiver based on whether:

(a) The resolution by the board of directors of the requesting district attests that if the waiver is approved, the district will meet the required annual instructional hour offerings under RCW 28A.150.220(2) in each of the school years for which the waiver is requested;

(b) The purpose and goals of the district's waiver plan are closely aligned with school improvement plans under WAC 180-16-220 and any district improvement plan;

(c) The plan explains goals of the waiver related to student achievement that are specific, measurable, and attainable;

(d) The plan states clear and specific activities to be undertaken that are based in evidence and likely to lead to attainment of the stated goals;

(e) The plan specifies at least one state or locally determined assessment or metric that will be used to collect evidence to show the degree to which the goals were attained;

(f) The plan describes in detail the participation of administrators, teachers, other district staff, parents, and the community in the development of the plan;

(g) The plan summarizes how the district considered equity in the development of the plan. This may include, but is not limited to, an equity analysis, community feedback, or other means to assess the consequences of the waiver.

(3) In addition to the requirements of subsection (2) of this section, the superintendent of public instruction shall evaluate requests for a waiver that would represent the continuation of an existing waiver for additional years based on the following:

~~(a) ((The degree to which the prior waiver plan's goals were met, based on the assessments or metrics specified in the prior plan;~~

~~(b))~~ The effectiveness of the implemented activities in achieving the goals of the plan for student achievement;

(b) Explanation of how the effectiveness of the plan is measured;

(c) Any proposed changes in the plan to achieve the stated goals;

~~(d) ((The likelihood that approval of the request would result in advancement of the goals;~~

~~(e))~~ Support by administrators, teachers, other district staff, parents, and the community for continuation of the waiver.

AMENDATORY SECTION (Amending WSR 18-24-090, filed 12/3/18, effective 1/3/19)

**WAC 180-18-050 Procedure to obtain waiver.** (1) Superintendent of public instruction approval of district waiver requests pursuant to WAC 180-18-030 and 180-18-040 shall occur prior to implementation. A district's waiver application shall include, at a minimum, a resolution adopted by the district board of directors, an application form, a proposed school calendar, and a summary of the collective bargaining agreement with the local education association stating the number of professional development days, full instruction days, late-start and early-release days, and the amount of other noninstruction time. The resolution shall identify the basic education requirement for which the waiver is requested and include information on how the waiver will

support improving student achievement. The resolution must include a statement attesting that the district will meet the minimum instructional hours requirement of RCW 28A.150.-220(2) under the waiver plan. The resolution shall be accompanied by information detailed in the guidelines and application form available on the office of superintendent of public instruction's website.

(2)(a) The application for a waiver and all supporting documentation must be received by the superintendent of public instruction based on a schedule issued by the superintendent of public instruction and prior to implementation of the waiver days. The superintendent of public instruction shall review all applications and supporting documentation to insure the accuracy of the information. In the event that deficiencies are noted in the application or documentation, districts will have the opportunity to make corrections and to seek superintendent of public instruction approval upon resubmittal.

(b) Based on a schedule issued by the superintendent of public instruction, the superintendent of public instruction will, on a determination that the required information and documentation has been submitted, notify the requesting district that the requirements of this section have been met and a waiver has been granted.

(3) Under this section, a district seeking to obtain a waiver of no more than five days from the provisions of the minimum one hundred eighty-day school year requirement pursuant to RCW ((28A.305.140)) 28A.300.750 solely for the purpose of conducting parent-teacher conferences shall provide notification ((of the district request)) to the superintendent of public instruction at least thirty days prior to implementation of the plan. A request for more than five days must be presented to the superintendent of public instruction under subsection (1) of this section for approval. The notice shall provide information and documentation as directed by the superintendent of public instruction. The information and documentation shall include, at a minimum:

(a) An adopted resolution by the school district board of directors which shall state, at a minimum, the number of school days and school years for which the waiver is requested, and attest that the district will meet the minimum instructional hours requirement of RCW 28A.150.220(2) under the waiver plan; and

~~(b) ((A detailed explanation of how the parent-teacher conferences to be conducted under the waiver plan will be used to improve student achievement;~~

~~(c) The district's reasons for electing to conduct parent-teacher conferences through full days rather than partial days;~~

~~(d))~~ The number of partial days that will be reduced as a result of implementing the waiver plan((;

~~(e) A description of participation by administrators, teachers, other staff and parents in the development of the waiver request;~~

~~(f) An electronic link to the collective bargaining agreement with the local education association.~~

Based on a schedule issued by the superintendent of public instruction, the superintendent of public instruction will, on a determination that the required information and documentation have been submitted, notify the requesting district

that the requirements of this section have been met and a waiver has been granted)).

**AMENDATORY SECTION** (Amending WSR 18-24-090, filed 12/3/18, effective 1/3/19)

**WAC 180-18-055 Alternative high school graduation requirements.** (1) The shift from a time and credit based system of education to a standards and performance based education system will be a multiyear transition. In order to facilitate the transition and encourage local innovation, the state board of education finds that current credit-based graduation requirements may be a limitation upon the ability of high schools and districts to make the transition with the least amount of difficulty. Therefore, the state board will provide districts and high schools the opportunity to create and implement alternative graduation requirements.

(2) A school district, or high school with permission of the district board of directors, or approved private high school, desiring to implement a local restructuring plan to provide an effective educational system to enhance the educational program for high school students, may apply to the state board of education for a waiver from one or more of the requirements of chapter 180-51 WAC.

(3) The state board of education may grant the waiver for a period up to four school years.

(4) The waiver application shall be in the form of a resolution adopted by the district or private school board of directors which includes a request for the waiver and a plan for restructuring the educational program of one or more high schools which consists of at least the following information:

(a) Identification of the requirements of chapter 180-51 WAC to be waived;

(b) Specific standards for increased student learning that the district or school expects to achieve;

(c) How the district or school plans to achieve the higher standards, including timelines for implementation;

(d) How the district or school plans to determine if the higher standards are met;

(e) Evidence that the board of directors, teachers, administrators, and classified employees are committed to working cooperatively in implementing the plan;

(f) Evidence that students, families, parents, and citizens were involved in developing the plan; and

(g) Identification of the school years subject to the waiver.

(5) The plan for restructuring the educational program of one or more high schools may consist of the school improvement plans required under WAC 180-16-220, along with the requirements of subsection (4)(a) through (d) of this section.

(6) The application also shall include documentation that the school is successful as demonstrated by indicators such as, but not limited to, the following:

(a) The school has clear expectations for student learning;

(b) The graduation rate of the high school for the last three school years;

(c) Any follow-up employment data for the high school's graduate for the last three years;

(d) The college admission rate of the school's graduates the last three school years;

(e) Use of student portfolios to document student learning;

(f) Student scores on the high school Washington assessments of student learning;

(g) The level and types of family and parent involvement at the school;

(h) The school's annual performance report the last three school years; ~~((and))~~

(i) The level of student, family, parent, and public satisfaction and confidence in the school as reflected in any survey done by the school within the last three school years;

(j) The plan summarizes how the district considered equity in the development of the plan. This may include, but is not limited to, an equity analysis, community feedback, or other means to assess the consequences of the waiver.

(7) A waiver of WAC 180-51-060 may be granted only if the district or school provides documentation and rationale that any noncredit based graduation requirements that will replace in whole or in part WAC 180-51-060, will support the state's performance-based education system being implemented pursuant to RCW 28A.630.885, and the noncredit based requirements meet the minimum college core admissions standards as accepted by the higher education coordinating board for students planning to attend a baccalaureate institution.

(8) A waiver granted under this section may be renewed upon the state board of education receiving a renewal request from the school district board of directors. Before filing the request, the school district shall conduct at least one public meeting to evaluate the educational requirements that were implemented as a result of the waiver. The request to the state board shall include information regarding the activities and programs implemented as a result of the waiver, whether higher standards for students are being achieved, assurances that students in advanced placement or other postsecondary options programs, such as but not limited to: College in the high school, running start, and tech-prep, shall not be disadvantaged, and a summary of the comments received at the public meeting or meetings.

~~(9) ((The state board of education shall notify the state board for community and technical colleges, the Washington student achievement council and the council of presidents of any waiver granted under this section.~~

~~((10)))~~ Any waiver requested under this section will be granted with the understanding that the state board of education will affirm that students who graduate under alternative graduation requirements have in fact completed state requirements for high school graduation in a nontraditional program.

~~((11)))~~ (10) Any school or district granted a waiver under this chapter shall report annually to the state board of education, in a form and manner to be determined by the board, on the progress and effects of implementing the waiver.



AMENDATORY SECTION (Amending WSR 18-24-090, filed 12/3/18, effective 1/3/19)

**WAC 180-18-065 Waiver from one hundred eighty-day school year requirement for purposes of economy and efficiency—Criteria for evaluation of waiver requests.** (1) In order to be granted a waiver by the superintendent of public instruction under RCW 28A.305.141 to operate one or more schools on a flexible calendar for purposes of economy and efficiency, a school district eligible for such waiver must meet each of the requirements of RCW 28A.305.141(2).

(2) In the event that a greater number of requests for waivers are received that meet the requirement of subsection (1) of this section than may be granted by the superintendent of public instruction under RCW 28A.305.141(3), if the superintendent of public instruction determines that the applying districts are otherwise eligible, their applications will be prioritized ~~((in the following order))~~ based on the following criteria:

(a) Districts that are already operating on a flexible calendar under this waiver program; ~~((and))~~

(b) Those plans that best redirect monetary savings from the proposed flexible calendar to support student learning;

(c) The plan summarizes how the district considered equity in the development of the plan. This may include, but is not limited to, an equity analysis, community feedback, or other means to assess the consequences of the waiver; and

(d) Other relevant information that may include financial savings, academic indicators, quality of application, community support, and alignment to the district's strategic plan.

AMENDATORY SECTION (Amending WSR 18-23-012, filed 11/8/18, effective 12/9/18)

**WAC 180-18-100 District waiver from requirement for student access to career and technical education course equivalencies.** (1) Any school district reporting, in any school year, an October P223 headcount of fewer than two thousand students as of January of that school year may apply to the superintendent of public instruction for a waiver of up to two years from the provisions of RCW 28A.230.010 (2) for the subsequent school year.

(2) In any application for a waiver under this section, the district shall demonstrate that students enrolled in the district do not have and cannot be provided reasonable access, through high schools, interdistrict cooperatives, skill centers or branch or satellite skill centers, or through online learning or applicable running start vocational courses, to ~~((at least one career and technical education course that is considered equivalent to a mathematics course or at least one career and technical education course that is considered equivalent to a science course as determined by the superintendent of public instruction))~~ grant academic course equivalency for at least one statewide equivalency high school career and technical education course from the list of courses approved by the superintendent of public instruction under RCW 28A.700.070.

(3) On a determination~~((, in consultation with the office of the superintendent of public instruction,))~~ that the students enrolled in the district do not and cannot be provided reason-

able access to at least one career and technical education course that is considered ~~((equivalent to a mathematics course or at least one career and technical education course that is considered equivalent to a science course))~~ to grant academic course equivalency for at least one statewide equivalency high school career and technical education course under subsection (2) of this section, the superintendent of public instruction shall grant the waiver for the term of years requested.

(4) The office of superintendent of public instruction shall post on its website an application form for use by a district in applying for a waiver under this section. A completed application must be signed by the chair or president of the district's board of directors and superintendent.

(5) In order to provide sufficient notice to students, parents, and staff, the application must be submitted to the superintendent of public instruction in electronic form no later than ~~((January 15th of the school year prior to the school year for which the waiver is requested))~~ the deadline established by the office of superintendent of public instruction. The office of superintendent of public instruction shall post a list of all approved applications ~~((received))~~ on its public website.

#### WSR 20-03-174

#### PERMANENT RULES

#### DEPARTMENT OF AGRICULTURE

[Filed January 22, 2020, 9:35 p.m., effective February 22, 2020]

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

Purpose: This rule-making order adopts chapter 16-306 WAC, Hemp program, and repeals chapter 16-305 WAC, Industrial hemp research pilot, in accordance with the Agriculture Improvement Act of 2018 and E2SSB 5276 (chapter 158, Laws of 2019).

Citation of Rules Affected by this Order: New chapter 16-306 WAC, Hemp program; and repealing chapter 16-305 WAC, Industrial hemp research program.

Statutory Authority for Adoption: RCW 15.140.030.

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 19-23-095 on November 20, 2019.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 22, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 22, Amended 0, Repealed 36.

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

Number of Sections Adopted on the Agency's own Initiative: New 22, Amended 0, Repealed 36.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 22, Amended 0, Repealed 36.

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 0, Repealed 0.

Date Adopted: January 22, 2020.

Derek I. Sandison  
Director

**Chapter 16-306 WAC**  
**HEMP PROGRAM**

NEW SECTION

**WAC 16-306-010 Purpose of chapter.** Under the authority of chapter 15.140 RCW, the department adopts rules to establish a hemp program in accordance with the Agricultural Improvement Act of 2018. These rules include licensing requirements. Licensing is required for persons to produce hemp as provided under this chapter and chapter 15.140 RCW.

NEW SECTION

**WAC 16-306-020 Activities outside the scope of the hemp program.** The following activities are not subject to regulatory sanctions or penalties under this chapter, except for the limitation of THC content under chapter 15.140 RCW:

- (1) Possessing, transporting, marketing or exchanging legally obtained hemp and hemp products;
- (2) Growing, producing, possessing, processing, marketing or exchanging marijuana as defined in RCW 69.50.101.

NEW SECTION

**WAC 16-306-030 Definitions.** "Acceptable hemp THC level" means the application of the measurement of uncertainty to the reported THC concentration level on a dry weight basis producing a distribution or range that includes 0.3 percent or less.

"Agricultural Improvement Act of 2018" means sections 7605, 10113, 10114, and 12619 of the Agricultural Improvement Act of 2018, P.L. 115-334.

"Applicant" means a person who submits an application for a license to participate in the hemp program as required under this chapter.

"Contiguous land area" means a specific field with designated boundaries that is planted with hemp. Separate parcels connected only by thin or narrow plantings of hemp or separated by physical barriers such as ditches or roads are not considered contiguous for the purposes of this rule.

"Continuous licensing" means the licensee renews their license annually prior to expiration, such that the licensee is continuously operating under a valid license.

"Corrective action plan" means a plan by the department for a licensed hemp producer to correct a negligent violation of, or noncompliance with, a hemp production plan, its terms, or any other regulation set forth under this chapter.

"Department" means the Washington state department of agriculture.

"Destroyed" means incinerated, tilled under the soil, made into compost, or rendered nonretrievable in another manner approved by the department.

"Disposal" means the material is collected for destruction by a person authorized to handle marijuana such as a

DEA-registered reverse distributor, or in another manner approved by the department.

"Hemp" means the plant *Cannabis sativa* L. and any part of the plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

"Key participant" means a person or persons who have a direct or indirect financial interest in the entity producing hemp, such as an owner or partner in a partnership. A key participant also includes persons in a corporate entity at executive levels including chief executive officer, chief operating officer and chief financial officer. This does not include such management as farm, field, or shift managers.

"Legal description" means a method of locating or describing land in relation to the public land survey system such as section, township, and range.

"Licensee" means any person who holds a license from the department to grow or produce hemp in Washington state.

"Lot" refers to a contiguous area in a field, greenhouse, or indoor growing structure containing the same variety or strain of cannabis throughout. In addition, "lot" is a common term in agriculture that refers to the batch or contiguous, homogeneous whole of a product being sold to a single buyer at a single time. Under the terms of this chapter, "lot" is to be defined by the producer in terms of farm location, field acreage, and variety.

"Measurement of uncertainty" means the parameter, associated with the result of a measurement that characterizes the dispersion of the values that could reasonably be attributed to the particular quantity subject to measurement. The measurement of uncertainty is similar to a margin of error. When the measurement of uncertainty, normally expressed as a +/- with a number, (e.g., +/- 0.05) is combined with the reported measurement, it produces a range and the actual measurement has a known probability of falling within that range.

"Process" means the processing, compounding, or conversion of hemp into hemp commodities or products.

"Produce" or "production" means the planting, cultivation, growing, or harvesting of hemp, including hemp seed.

"Registered land area" means a contiguous land area, including greenhouses and storage areas registered with the department as a condition of licensing, on which a licensee will conduct licensed activities. A registered land area may include more than one field, greenhouse, or storage area so long as those fields, greenhouses, or storage areas are at the same physical address.

"Storage area" means any area, building, plant or facility registered with the department in which a licensee plans to store hemp.

"THC concentration" means the percent of total delta-9 tetrahydrocannabinol, which is the conversion of delta-9 tetrahydrocannabinolic acid into THC.

NEW SECTION

**WAC 16-306-040 Hemp producer license application.** (1) An applicant for a hemp producer license must:

(a) Provide the information required for a hemp producer license on a form provided by the department that at a minimum includes the following:

- (i) The name and business address of the applicant;
  - (ii) For corporate applicants, the type of business entity, such as corporation, LLC, or partnership, the state or country where the business is incorporated, and the name and address of the entity's agent in Washington state;
  - (iii) The legal description (section, township, and range) in which any proposed registered land area is located; and
  - (iv) Geospatial location coordinates of any proposed field, greenhouse, or other site where hemp is produced.
- (b) Apply to the department for participation in the program between January 1st and March 31st. Applications may be received after March 31st but are subject to a late license fee;
- (c) Pay fees as required under this chapter;
- (d) Consent to entrance of their property by the department to inspect their registered land area with or without prior notice; and
- (e) Report hemp crop acreage to USDA Farm Service Agency (FSA). A link to FSA information on how to report hemp crop acreage to FSA is available on the USDA hemp production program website.

(2) Licenses will expire on the last day of April following the year the license is issued.

(3) All applications must be accompanied by a criminal history report completed within sixty days of the application date. If the application is for a business entity, a completed criminal history report must be provided for each key participant.

(a) The criminal history report must indicate the applicant has not been convicted of a state or federal felony related to a controlled substance for the ten years prior to the date of when the report was completed. An exception applies to a person who was lawfully growing hemp under the 2014 Farm Bill before December 20, 2018, and whose conviction also occurred before that date.

(b) A person with a prior felony related to controlled substances within ten years of applying for a producer license is not eligible for the license. Key participants of associations, corporations, and other business entities with a prior felony related to a controlled substance within ten years of applying for a producer license are not eligible for the license under this felony drug conviction limitation. Business entities may still be eligible if the key participant with a prior felony is discharged.

(4) Any person who materially falsifies information in the application shall be ineligible to participate in the program.

#### NEW SECTION

**WAC 16-306-050 Hemp producer license.** (1) A person must obtain a hemp producer license prior to planting or growing hemp in this state, including growing hemp seed crop.

(2) A licensed producer may sell or exchange hemp produced under the license once the department has issued doc-

umentation declaring the hemp to meet the THC concentration requirements.

(3) The department may inspect and sample a producer's licensed operations. The producer must permit unrestricted access to all hemp plants, plant parts, grain and seeds within a registered land area whether growing or not, and all land and facilities used by the producer for the growing and storage of hemp, pesticide storage or housing, and all documents and records pertaining to the licensee's hemp business operations during business hours.

(4) The licensee must pay all applicable fees adopted under this chapter for any required inspections and testing. Samples may be taken at the department's discretion for testing.

(5) No registered land area may contain cannabis plants or parts thereof that the licensee knows or has reason to know are of a variety that will produce a plant that when tested will produce more than 0.3 percent THC concentration on a dry weight basis. No licensee shall use any such variety for any purpose associated with the growing of hemp.

(6) Licenses will expire on the last day of April following the year the license is issued. This date is not tied to the harvest and planting season. Rather it is tied to the window for applications (January 1st - March 31st) and the thirty days for the department to make a decision. For example, if a producer applies for a license February 1, 2020, and is granted a license on March 1, 2020, the license would expire April 30, 2021.

(7) Unless the license is renewed, any plant material that is not harvested prior to expiration of the license must be destroyed.

(8) Upon any change to the registered land area(s) after issuance of the license, the licensee must submit to the department for approval an updated legal description, geospatial location, and a description of the changes to the registered land area(s) and required fees.

(9) At a minimum, licensees are required to post a sign on each side of every registered land area listed on the application including the following information:

- (a) The department-issued license number;
- (b) Crop type; and
- (c) The department contact phone number.

(10) Licensees growing hemp for seed certification must also follow the requirements in chapter 16-302 WAC.

#### NEW SECTION

**WAC 16-306-060 Records retention.** Licensed producers are required to maintain copies of all records and reports necessary to demonstrate compliance with the program. These records include those that support, document, or verify the information in the forms the licensee submitted to the department. Licensees must keep records and reports for a minimum of three years from the expiration date of the license that was in effect at the time the records were generated.

#### NEW SECTION

**WAC 16-306-070 Hemp seed and propagules.** (1) A licensee must notify the department of the source of the hemp

seed or clones solely for the purpose of maintaining a record of the sources of seeds and clones being used or having been used for hemp production in this state.

(2) The department is not responsible for obtaining seeds on behalf of the licensee.

(3) The department is not liable for and does not warrant that the seed is fit for any purpose.

NEW SECTION

**WAC 16-306-080 Hemp inspection and sampling criteria.** (1) All licensees are subject to inspection by the department. The department shall inspect registered land areas under a producer license at least once during each license period. The department's inspections of the registered land area may include the following:

- (a) Inspections for unauthorized plant growth;
- (b) Inspections for hemp in any form on the registered land area;
- (c) Inspections for rogue, volunteer, or off-type hemp plants;
- (d) Audits of existing business data and reports related to hemp;
- (e) Identifying compliance with required signage as specified in WAC 16-306-050; and
- (f) Assessing compliance with other applicable licensing terms and conditions.

(2) The department shall take hemp samples from registered land areas licensed under a producer license within fifteen days prior to the anticipated harvest of cannabis plants to test for THC concentration.

(3) The licensee or designated employee shall accompany the sampling agent throughout the sampling process.

(4) Registered land areas may be inspected by the department for a period of three hundred sixty-five days from the end of the license period to check for unauthorized plant growth such as, but not limited to, volunteer plants.

NEW SECTION

**WAC 16-306-090 Hemp THC testing criteria.** (1) Hemp will be tested for THC concentration in a department-run or approved laboratory as determined by the department using post-decarboxylation or other testing methods approved by the department.

(2) Hemp testing will take place at times and on dates determined by the department.

(3) The department will apply the measurement of uncertainty to the reported THC concentration to determine if hemp material is in compliance under this chapter.

NEW SECTION

**WAC 16-306-100 Voluntary certification for hemp intended for human consumption.** (1) In addition to testing required under WAC 16-306-090, producers may obtain certification that hemp meets the department's standards for human consumption if tested for the following:

(a) Nonapproved pesticide or herbicide use. The list of approved pesticides and herbicides is available on the department website; and

(b) Approved limits of mycotoxin. The sample and related lot fail testing for mycotoxin if the results exceed the following limits:

(i) Total of Aflatoxin B1, B2, G1, G2: 20 µg/kg of substance;

(ii) Ochratoxin A: 20 µg/kg of substance.

(c) Approved limits for heavy metals. The sample and related lot fail testing for heavy metals if the results exceed the following limits:

| Metal             | µ/daily dose (5 grams) |
|-------------------|------------------------|
| Inorganic arsenic | 10.0                   |
| Cadmium           | 4.1                    |
| Lead              | 6.0                    |
| Mercury           | 2.0                    |

(2) The producer must inform the department if they wish to participate in the voluntary certification for human consumption at the time of sampling as specified under WAC 16-306-080.

(3) The licensee will be required to reimburse the department or the approved laboratory for the actual costs incurred for conducting such tests.

NEW SECTION

**WAC 16-306-110 Hemp for human consumption as food.** The whole hemp plant may be used as food for human consumption. The department shall regulate the processing of the hemp for food products allowable under federal law, in the same manner as other food processing under chapters 15.130, 69.07, and 69.22 RCW.

NEW SECTION

**WAC 16-306-120 THC certification.** (1) If the hemp meets THC concentration requirements in this chapter, the department will issue a document of certification attesting that hemp has been tested for THC concentration and is in compliance with this chapter.

(2) No hemp may leave a registered land area identified on a license without being issued THC certification by the department.

(3) Hemp plant material from different registered land areas or lots may not be combined until the department issues certification for each field, lot, or registered land area. Hemp seeds and grain are excluded from this restriction.

NEW SECTION

**WAC 16-306-130 Transporting hemp.** (1) Hemp produced under this chapter may not be transported from a registered land area as identified on the license until THC certification by the department as specified in WAC 16-306-120 is obtained by the applicable licensee prior to transport. During transport of hemp off a producer's registered land area, including to a processor, the person in possession of the hemp during transport must have in his or her possession either:

(a) Copies of the hemp producer license and department-issued THC certification, as required by this chapter; or

(b) A bill of lading or other proper documentation demonstrating that the hemp was legally imported or is otherwise legally present in the state of Washington under applicable state and federal laws relating to hemp.

(2) Any hemp from a licensed Washington producer that is found in Washington state at any location off the premises of a registered land area of a licensee without department-issued THC certification as specified in WAC 16-306-120 is deemed to be contraband and subject to seizure by the Washington state patrol or any law enforcement officer. Any such contraband material is subject to destruction at the licensee's expense, and may result in suspension or revocation of the hemp license.

**NEW SECTION**

**WAC 16-306-140 Hemp producer license fees.** (1) Effective January 1, 2020, license fees are as follows:

| Annual License Fee | License Modification Fee |
|--------------------|--------------------------|
| \$750              | \$200/1                  |

(2) Effective June 1, 2020, license fees are as follows:

| Annual License Fee | License Modification Fee | Late License Fee (After March 31) |
|--------------------|--------------------------|-----------------------------------|
| \$1200             | \$200/1                  | \$200/2                           |

/1 See WAC 16-306-050(8).

/2 In addition to license fee.

**NEW SECTION**

**WAC 16-306-150 Hemp inspection fees.** (1) Fees for hemp inspections are paid by the licensee.

(2) No renewal licenses will be issued until all fees due to the department are paid in full.

(3) Hemp inspection fees are:

(a) \$200.00 per inspection; plus

(b) Time and mileage per inspection. All time will be charged at a rate of forty dollars per hour. Mileage will be charged at the rate established by the Washington state office of financial management.

**NEW SECTION**

**WAC 16-306-160 Hemp THC testing fees.** (1) Hemp will be tested for THC concentration in a department-run or approved laboratory as determined by the department using testing methods approved by the department.

(2) Hemp testing will take place at times and on dates determined by the department.

(3) Fees for hemp THC tests are paid by the licensee.

(4) No renewal licenses will be issued until all fees due to the department are paid in full.

(5) THC concentration testing fees for hemp when tested at the department's laboratory are established on a sliding rate scale. THC concentration testing will be scheduled by the department based on the availability of laboratory resources. Individual samples may be batched with samples from the same or different licensees in order to reduce the overall cost

of the testing. For the purposes of this section, "batch" means a group of samples that are tested by the department on the same day, using the same equipment calibration and testing supplies to test each sample independently from other samples in the batch. The department will bill each licensee for the samples that licensee provides, based on batch size at the time of testing as shown in the following table:

| Batch Size         | Testing Fee Per Sample |
|--------------------|------------------------|
| Batch of 1 sample  | \$1,000                |
| Batch of 2 samples | \$500                  |
| Batch of 3 samples | \$334                  |
| Batch of 4 samples | \$250                  |
| Batch of 5 samples | \$200                  |

(6) When THC concentration testing is performed at department-approved laboratories, testing fees will be subject to actual laboratory costs, including sample transportation.

**NEW SECTION**

**WAC 16-306-170 Hemp noncompliance for THC concentration.** (1)(a) If a licensee's hemp tests higher than the acceptable hemp THC level, the licensee may be subject to suspension or revocation of their license. The lot must be destroyed or disposed of in a manner approved by the department. If determined to be appropriate, the department may give notice of noncompliance to appropriate law enforcement agencies and the Washington state liquor and cannabis board, with a summary of the actions taken to destroy the noncompliant hemp.

(b) Producers must document the destruction or disposal of all noncompliant hemp. This documentation must be submitted to the department following the completion of the destruction or disposal process.

(2) If a licensee's hemp tests higher than 0.3 percent but less than 0.5 percent THC concentration, the licensee may either request a THC retest within thirty days or resampling of the same lot, at their own expense.

(3) If at any time a licensee's hemp tests higher than the acceptable hemp THC level, the licensee may be subject to revocation or suspension of their license.

**NEW SECTION**

**WAC 16-306-180 License denial, suspension or revocation, and right to adjudicative proceeding.** Upon notice of intent by the department to an applicant to deny a license, notice of intent to a licensee to suspend or revoke a license, or notice of intent for destruction of a hemp material or crop, a person may request an adjudicative proceeding under chapter 34.05 RCW, the Administrative Procedure Act, and chapter 16-08 WAC.

**NEW SECTION**

**WAC 16-306-190 Suspension of hemp license for noncompliance with a child support order.** (1) If the department receives notice under RCW 74.20A.320 that a

licensee is not in compliance with a child support order, the department will suspend or not renew the licensee's hemp license(s) until the department of social and health services provides the department with a release stating that the licensee is in compliance with the child support order. If a licensee's license is suspended, all hemp crops and products in the licensee's possession must remain on the licensee's registered land area until the suspension is lifted.

(2) The department may renew, reinstate, or otherwise extend the licensee's hemp license(s) upon receipt of a copy of the release specified in subsection (1) of this section.

#### NEW SECTION

**WAC 16-306-200 Corrective action plan.** (1) A hemp licensee may be subject to a corrective action plan established by the department to correct negligent violations of this chapter including, but not limited to:

(a) Failing to provide a legal description of land on which the producer produces hemp;

(b) Failing to obtain a license or other required authorization from the department; or

(c) Producing Cannabis sativa L. with delta-9 tetrahydrocannabinol concentration of more than 0.3 percent on a dry weight basis.

(2) A hemp licensee shall comply with a corrective action plan established by the department to correct the negligent violation, including:

(a) A reasonable date by which the hemp producer shall correct the negligent violation;

(b) A requirement that the hemp producer shall periodically report to the department, as applicable, on the compliance of the hemp producer with the regulations under this chapter for a period of at least two calendar years.

(3) Licensees may be subject to license suspension or revocation for violations of chapter 15.140 RCW or this chapter for failing to comply with a corrective action plan.

(4) A hemp licensee that negligently fails to comply with the regulations under this chapter three times in a five-year period shall be ineligible to produce hemp for a period of five years beginning on the date of the third violation.

(5) The department will not consider hemp producers as committing a negligent violation by producing plants exceeding the acceptable hemp THC level if they use reasonable efforts to grow hemp and the plant does not have a THC concentration of more than 0.5 percent on a dry weight basis. For sampling and testing violations, the department will consider the entire harvest from a distinct lot in determining whether a violation occurred. This means that if testing determines that each sample of five plants from distinct lots has a THC concentration exceeding the acceptable hemp THC level (or 0.5 percent if the hemp producer has made reasonable efforts to grow hemp), USDA considers this as one negligent violation. If an individual produces hemp without a license, this will be considered one violation.

(6) Negligent violations are not subject to criminal enforcement. However, the department will report the production of hemp without a license issued by the department to the United States Department of Agriculture (USDA) and the Attorney General.

(7) Hemp found to be produced in violation of this chapter such as hemp produced on a property not disclosed by the licensed producer, or without a license, would be subject to the same disposal or destruction as for hemp above the acceptable hemp THC level.

#### NEW SECTION

**WAC 16-306-210 Culpable violations.** If it is determined a violation was committed with a culpable mental state greater than negligence, meaning, acts made intentionally, knowingly or with recklessness, WSDA will report the violation to USDA, the attorney general, and the local law enforcement officer as applicable.

#### NEW SECTION

**WAC 16-306-220 Venue for legal action.** The venue for any legal action under this chapter shall be Thurston County, Washington.

#### REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 16-305-010 Purpose of chapter.
- WAC 16-305-015 Activities outside the scope of enforcement.
- WAC 16-305-020 Industrial hemp research program goals.
- WAC 16-305-030 Definitions.
- WAC 16-305-040 Industrial hemp license application.
- WAC 16-305-050 Qualifications of applicants.
- WAC 16-305-060 Industrial hemp grower license.
- WAC 16-305-070 Industrial hemp processor and marketer license.
- WAC 16-305-080 Industrial hemp combination license.
- WAC 16-305-090 Industrial hemp distributor license.
- WAC 16-305-100 Industrial hemp importer certificate.
- WAC 16-305-110 Industrial hemp business licenses and taxes.
- WAC 16-305-120 Suspension of industrial hemp licenses for noncompliance with a child support order.
- WAC 16-305-130 Fit for commerce certification.
- WAC 16-305-140 Transporting industrial hemp.
- WAC 16-305-150 Industrial hemp seed and propagules.
- WAC 16-305-160 Industrial hemp data and reporting requirements.
- WAC 16-305-170 Records retention.
- WAC 16-305-180 Industrial hemp for human consumption.

|                |   |
|----------------|---|
| WAC 16-305-190 | Industrial hemp inspection and sampling criteria.   |
| WAC 16-305-200 | Industrial hemp lab testing criteria.   |
| WAC 16-305-210 | Industrial hemp testing fees.   |
| WAC 16-305-220 | Industrial hemp license fees.   |
| WAC 16-305-230 | Industrial hemp noncompliance for THC concentration.  |
| WAC 16-305-240 | Scope of enforcement.   |
| WAC 16-305-242 | Enforcement actions subject to availability of funds.   |
| WAC 16-305-245 | Determination of civil penalties and license enforcement penalties.                                 |
| WAC 16-305-250 | Monetary penalties, license denial, suspension or revocation, and right to adjudicative proceeding. |
| WAC 16-305-251 | Category 1 violations.  |
| WAC 16-305-252 | Category 2 seed distributor violations.   |
| WAC 16-305-253 | Category 3 grower or processor violations.  |
| WAC 16-305-254 | Category 4 license violations.  |
| WAC 16-305-255 | Category 5 regulatory violations.   |
| WAC 16-305-256 | Penalty for failure to follow industrial hemp destruction order.                                    |
| WAC 16-305-257 | Other dispositions of alleged violations that the department may choose.                            |
| WAC 16-305-260 | Venue for legal action.   |

**WSR 20-03-177**  
**PERMANENT RULES**  
**LIQUOR AND CANNABIS**  
**BOARD**

[Filed January 22, 2020, 10:52 a.m., effective February 22, 2020]

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

Purpose: Chapter 314-55 WAC, Marijuana licenses, application process, requirements, and reporting, pertaining specifically to enforcement of marijuana regulations. The Washington state liquor and cannabis board (board) has adopted new sections, amendments, and repealed existing rule to shift focus to a compliance and education-based regulatory approach designed to encourage and support licensee success. The adopted rules implement the majority of the requirements and directives of ESSB 5318 (chapter 394, Laws of 2019).

Citation of Rules Affected by this Order: New WAC 314-55-502, 314-55-5055, 314-55-509, 314-55-521, 314-55-522, 314-55-523 and 314-55-524; repealing WAC 314-55-510, 314-55-515, 314-55-530, 314-55-535 and 314-55-537; and amending WAC 314-55-505, 314-55-506, 314-55-507, 314-55-520, 314-55-525, and 314-55-540.

Statutory Authority for Adoption: RCW 69.50.342, 69.50.345.

Other Authority: ESSB 5318 (chapter 394, Laws of 2019).

Adopted under notice filed as WSR 19-23-043 on November 13, 2019.

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 7, Amended 0, Repealed 5.

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 6, 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 7, Amended 6, Repealed 5.

Date Adopted: January 22, 2020.

Jane Rushford  
Chair

**NEW SECTION**

**WAC 314-55-502 Notice of correction.** (1) The board may issue a notice of correction to a licensee during a non-technical assistance inspection or visit as described in this chapter if the board becomes aware of conditions that are not in compliance with chapters 69.50 and 69.51A RCW, and this chapter.

(2) The notice of correction must include and clearly state:

(a) A detailed description of the noncompliant condition;  
(b) The text of the specific section or subsection of the applicable rule;

(c) A statement of what is required to achieve compliance;

(d) The date by which the board requires compliance to be achieved;

(e) Notice of the means to contact any technical assistance services provided by the board or others; and

(f) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the board.

(3) A notice of correction is not a formal enforcement action, is not subject to appeal, and is a public record.

(4) If the licensee does not comply with the notice of correction, the board may issue an administrative violation notice consistent with WAC 314-55-505 for the violations identified in the notice of correction.

**AMENDATORY SECTION** (Amending WSR 16-11-110, filed 5/18/16, effective 6/18/16)

**WAC 314-55-505 (~~What are the procedures for notifying a licensee of an alleged violation of a WSLCB stat-~~**

~~ute or regulation?))~~ **Administrative violation notice.** (1) ~~((When an enforcement officer believes that a licensee has violated a WSLCB statute or regulation, the officer may))~~ The board may issue an administrative violation notice without issuing a notice of correction if:

(a) The licensee is not in compliance with chapters 69.50 and 69.51A RCW, this chapter, or both, and the noncompliance poses a direct or immediate threat to public health and safety;

(b) The licensee has previously been subject to an enforcement action or written notice for a violation of the same statute or rule within the same penalty category, the notice of correction for the violation has already been issued, the licensee failed to timely comply with the notice, and such notice is not subject to a pending request to the board to extend the time to achieve compliance; or

(c) The licensee has failed to respond to prior administrative violation notices or has outstanding unpaid monetary penalties; and

(d) The board can prove by a preponderance of the evidence:

(i) Diversion of marijuana product out of the regulated market or sales across state lines;

(ii) Furnishing of marijuana product to persons under twenty-one years of age;

(iii) Diversion of revenue to criminal enterprises, gangs, cartels, or parties not qualified to hold a marijuana license based on criminal history requirements;

(iv) The commission of nonmarijuana-related crimes; or  
 (v) Knowingly making a misrepresentation of fact to the board, an officer of the board, or an employee of the board related to conduct or action that is, or is alleged to be, any of the violations identified in (d)(i) through (iv) of this subsection.

(2) The board will prepare an administrative violation notice ~~((AVN))~~ and mail or deliver the notice to the licensee, licensee's agent, or employee.

~~((2) The AVN))~~ (3) The administrative violation notice will include:

(a) ~~A ((complete narrative))~~ detailed description of the alleged violation(s) ((the officer is charging));

(b) The date(s) of the violation(s);

(c) ~~((A copy of the law(s) and/or regulation(s) allegedly violated;))~~ The text of the specific section or subsection of rule;

(d) An outline of the licensee's resolution options as outlined in WAC ((314-55-510)) 314-55-5055; and

(e) The recommended penalty((:

(i) ~~If the recommended penalty is the standard penalty, see WAC 314-55-520 through 314-55-535 for licensees.~~

(ii) ~~For cases in which there are aggravating or mitigating circumstances, the penalty may be adjusted from the standard penalty))~~ as described in this chapter, and including a description of known mitigating and aggravating circumstances considered in the penalty determination.

## NEW SECTION

**WAC 314-55-5055 Resolution options.** (1) A licensee must respond to an administrative violation notice within

twenty calendar days from receipt of the notice. The response must be submitted on a form provided by the board. The licensee may:

(a) Accept the recommended penalty identified in the administrative violation notice;

(b) Request a settlement conference in writing;

(c) Request an administrative hearing in writing.

(2)(a) If a licensee does not respond to an administrative violation notice within twenty calendar days of receipt of the notice, recommended penalties including, but not limited to, suspension, monetary penalties, and destruction of inventory may take effect on the twenty-first day.

(b) If the recommended penalty is monetary and does not include a suspension, inventory destruction, or both, the licensee must pay a twenty-five percent late fee in addition to the recommended monetary penalty.

(i) The board must receive payment of the monetary penalty and twenty-five percent late fee no later than thirty days after the administrative violation notice receipt date.

(ii) Payments received more than thirty days after the administrative violation notice receipt date are subject to an additional twenty-five percent late fee.

(iii) Licensees who do not respond to an administrative violation notice will not be eligible to renew their marijuana license.

(3) Licensees who do not pay monetary penalties for two or more administrative violation notices in a two-year period will not be eligible to renew their marijuana license.

(4) A licensee may request a settlement conference to discuss the board's issuance of an administrative violation notice issued under this chapter. The hearing officer or designee of the board will arrange the date, time, and place of the settlement conference. A settlement agreement provides that the licensee accepts the allegations contained in the administrative violation notice.

(a) The purpose of the settlement conference is to:

(i) Discuss the circumstances associated with the alleged violation(s), including aggravating or mitigating factors;

(ii) Discuss the recommended penalties; and

(iii) Attempt to reach agreement on the appropriate penalty and corrective action plan for the administrative violation notice.

(b) During a settlement conference, a licensee issued an administrative violation notice may request deferral of an administrative violation notice if all of the following criteria are met:

(i) The alleged violation is the first violation in a violation category;

(ii) The licensee has no other violation history in that penalty category within a two-year window; and

(iii) The licensee submits a plan to correct, remedy, or satisfy identified violations as described in the administrative violation notice including, but not limited to, monetary penalties.

(c) If the licensee is not issued any administrative violation notices or any other notice of noncompliance during the year following approval of the deferral of administrative violation, the record of administrative violation notice will not be considered for licensing renewal or penalty escalation.



(d) If the licensee is issued an administrative violation notice or any other notice of noncompliance at any time during the year following approval of the deferral of administrative violation, the record of the administrative violation notice will remain on the licensee's licensing history, and the original sanction for the deferred violation will be implemented based on the frame established in the settlement agreement, or ten days from the date of default.

(5) The hearing officer or designee will prepare a settlement agreement. The agreement must:

(a) Include the terms of the agreement regarding an alleged violation or violations by the licensee of chapters 69.50 and 69.51A RCW, any part of chapter 314-55 WAC, and any related penalty or licensing restriction; and

(b) Be in writing and signed by the licensee or the licensee's designee and the hearing officer or designee.

(6) If a settlement agreement is entered between a licensee and a hearing officer or designee of the board at or after a settlement conference, the terms of the settlement agreement must be given substantial weight by the board.

(7) The hearing officer or designee will forward the settlement agreement to the board or designee for final approval. If the board, or designee approves the settlement agreement, a copy of the signed agreement will be sent to the licensee, and will become part of the licensing history, unless otherwise specified in this chapter.

(8) If the board, or designee, does not approve the settlement agreement, the licensee will be notified of the decision in writing. The licensee may:

(a) Renegotiate the settlement agreement with the hearing officer or designee; or

(b) Accept the originally recommended penalty; or

(c) Request a hearing on the administrative issues identified in the administrative violation notice.

(9) Monetary penalty collection. If monetary penalties are assessed as part of an administrative violation, settlement agreement, or both, licensees must submit payment to the board in a time frame established by the board, consistent with subsection (2)(a) and (b) of this section.

(a) If a licensee does not timely submit payment of any monetary fine, the board will begin collection or other appropriate action.

(b) The board will provide a notice of collection action to the licensee. The notice of collection action establishes the licensee as a debtor for purposes of debt collection.

(c) If the licensee does not respond to the notice of collection within thirty days, the board may:

(i) Assess a twenty-five percent late fee consistent with subsection (2)(a) of this section; and

(ii) Assign the debt to a collection agency.

AMENDATORY SECTION (Amending WSR 16-11-110, filed 5/18/16, effective 6/18/16)

**WAC 314-55-506** (~~What is the process once the WSLCB summarily suspends a marijuana license?~~) **Summary license suspension.** (1) The ((WSLCB)) board may summarily suspend any license after the ((WSLCB's)) board's enforcement division has:

(a) Completed a preliminary staff investigation of the violation; and

(b) Upon a determination that immediate cessation of the licensed activities is necessary for the protection or preservation of the public health, safety, or welfare.

(2) Suspension of any license under this (~~provision shall take effect~~) section is effective immediately upon personal service of the summary suspension order on the licensee or employee thereof (~~of the summary suspension order unless otherwise provided in the order~~).

(3) When a license has been summarily suspended by the ((WSLCB)) board, an adjudicative proceeding for revocation or other action must be promptly instituted before an administrative law judge assigned by the office of administrative hearings. If a request for an administrative hearing is timely filed by the licensee or permit holder, then a hearing (~~shall~~) will be held within ninety calendar days of the effective date of the summary suspension ordered by the ((WSLCB)) board. The ninety-day period may be extended for good cause.

AMENDATORY SECTION (Amending WSR 16-11-110, filed 5/18/16, effective 6/18/16)

**WAC 314-55-507** (~~How may a licensee challenge the summary suspension of his or her marijuana license?~~) **Petition for stay.** (1) (~~Upon summary suspension of a license by the WSLCB pursuant to~~) When the board summarily suspends a license under WAC 314-55-506, an affected licensee may petition the ((WSLCB)) board for a stay of suspension ((pursuant to RCW 34.05.467 and 34.05.550(4)). A petition for a stay of suspension must be received by the ((WSLCB)) board within (~~fifteen~~) ten calendar days of service of the summary suspension order on the licensee. The petition for stay (~~shall state the basis on which the stay is sought~~) must clearly describe the basis for the stay.

(2) A hearing (~~shall~~) will be held before an administrative law judge within fourteen calendar days of receipt of a timely petition for stay. The hearing (~~shall be~~) is limited to consideration of whether a stay should be granted, or whether the terms of the suspension (~~may~~) will be modified to allow the conduct of limited activities under current licenses (~~or permits~~).

(3) (~~Any~~) A hearing conducted (~~pursuant to~~) under subsection (2) of this section (~~shall~~) will be a brief adjudicative proceeding under RCW 34.05.485. The agency record for the hearing (~~shall~~) must consist of the documentary information upon which the summary suspension was based. The licensee is permitted to supplement the record with additional documentation during the brief adjudicative proceeding. The licensee (~~or permit holder shall have the burden of demonstrating~~) must demonstrate by clear and convincing evidence that:

(a) The licensee is likely to prevail upon the merits at hearing;

(b) Without relief, the licensee will suffer irreparable injury. For purposes of this section, (~~elimination of~~) income alone from licensed activities (~~shall not be~~) is not deemed irreparable injury;

(c) The grant of relief will not substantially harm other parties to the proceedings; and

(d) The threat to the public health, safety, or welfare is not sufficiently serious to justify continuation of the suspension, or that modification of the terms of the suspension will adequately protect the public interest.

(4) The initial order on stay (~~(shall be)~~) is effective immediately upon service unless another date is specified in the order.

NEW SECTION

**WAC 314-55-509 Penalty structure.** (1) The board determines if a penalty will be imposed. Penalties are based on the severity of the violation in the following categories:

(a) Category I: Violations of a severity that would make a license eligible for cancellation on a first offense;

(b) Category II: Violations that create a direct or immediate threat to public health, safety, or both;

(c) Category III: Violations that create a potential threat to public health, safety, or both;

(d) Category IV: Significant regulatory violations;

(e) Category V: Procedural and operational violations;

(f) Category VI: Statutory violations.

(2) For purposes of assessing penalties, only violations occurring in the two-year time period immediately preceding the date of the violation will be considered unless otherwise provided in this chapter.

(3) The board may, at its discretion, deviate from the prescribed penalties herein. Such deviations will be determined on a case-by-case basis, considering mitigating and aggravating factors.

(4) Mitigating factors may result in a waiving or lowering of fines, civil penalties, imposition of a fine in lieu of sus-

pension, or fewer days of suspension. Mitigating factors may include demonstrated business policies and practices that may reduce risk to public health and safety.

(b) Aggravating factors may result in increased days of suspension, increased monetary penalties, cancellation, or nonrenewal of a marijuana license. Aggravating factors may include obstructing an investigation, business operations, behaviors, or both, that increase risk to public health and safety.

(4) For violations that occurred before the effective date of these rules, enforcement action will be based on the rules that were in effect on the date the violation occurred. Subsection (2) of this section shall apply to all enforcement actions regardless of the date the violation occurred.

AMENDATORY SECTION (Amending WSR 16-11-110, filed 5/18/16, effective 6/18/16)

**WAC 314-55-520 ((Group 1 violations against public safety.) Category I.** ~~((Group 1 violations are considered the most serious because they present a direct threat to public safety. Based on chapter 69.50 RCW, some violations have only a monetary option. Some violations beyond the first violation do not have a monetary option upon issuance of a violation notice. The WSLCB may offer a monetary option in lieu of suspension days based on mitigating circumstances as outlined in WAC 314-55-515(4). Group 1 penalties imposed on a producer and/or processor license will not include license suspension. Penalties for a producer and/or processor license will be restricted to monetary fines, destruction of inventory, and/or license cancellation only.~~

| <b>Violation Type</b>   | <b>1st Violation</b>  | <b>2nd Violation in a three-year window</b>   | <b>3rd Violation in a three-year window</b> | <b>4th Violation in a three-year window</b> |
|---|---|---|---|---|
| <b>Furnishing to minor:</b><br>Sale or otherwise provide marijuana and/or paraphernalia to a person under twenty-one years of age.<br>Chapter 314-55 WAC<br>Chapter 69.50 RCW | Retailer/transporter:<br>10-day suspension or \$2,500 monetary option<br><br>Producer/processor:<br>Tier 1: \$2,500<br>Tier 2: \$5,000<br>Tier 3: \$7,500 monetary fine | Retailer/transporter:<br>30-day suspension<br><br>Producer/processor:<br>Tier 1: \$15,000<br>Tier 2: \$30,000<br>Tier 3: \$60,000 monetary fine | Cancellation of license                     |   |
| <b>Allowing a minor to frequent retail store.</b><br>Chapter 69.50 RCW  | \$1,000 monetary fine   | \$1,000 monetary fine   | \$1,000 monetary fine                       | \$1,000 monetary fine                       |
| <b>Allowing a minor to frequent a nonretail licensed premises or occupy a transport vehicle.</b><br>Chapter 314-55 WAC  | \$1,000 monetary fine   | \$1,000 monetary fine   | \$1,000 monetary fine                       | \$1,000 monetary fine                       |
| <b>Employee under legal age.</b><br>Chapter 69.50 RCW   | \$1,000 monetary fine   | \$1,000 monetary fine   | \$1,000 monetary fine                       | \$1,000 monetary fine                       |

| <b>Violation Type</b>  | <b>1st Violation</b>  | <b>2nd Violation in a three-year window</b>   | <b>3rd Violation in a three-year window</b> | <b>4th Violation in a three-year window</b> |
|--|---|---|---|---|
| <b>Opening and/or consuming marijuana on a retail licensed premises.</b><br>Chapter 69.50 RCW  | \$1,000 monetary fine   | \$1,000 monetary fine   | \$1,000 monetary fine                       | \$1,000 monetary fine                       |
| <b>Conduct violations:</b><br><b>Criminal conduct:</b> Permitting or engaging in criminal conduct.<br><b>Disorderly conduct</b> by licensee or employee, or permitting on premises.<br>Chapter 314-55 WAC<br><b>Licensee and/or employee</b> intoxicated on the licensed premises.<br>Chapter 314-55 WAC | Retailer/transporter:<br>10-day suspension or \$2,500 monetary option<br><br>Producer/processor:<br>Tier 1: \$2,500<br>Tier 2: \$5,000<br>Tier 3: \$7,500 monetary fine   | Retailer/transporter:<br>30-day suspension<br><br>Producer/processor:<br>Tier 1: \$15,000<br>Tier 2: \$30,000<br>Tier 3: \$60,000 monetary fine | Cancellation of license                     |   |
| <b>Refusal</b> to allow an inspection and/or obstructing a law enforcement officer from performing their official duties.<br>Chapter 314-55 WAC  | Retailer/transporter:<br>10-day suspension or \$2,500 monetary option<br><br>Producer/processor:<br>Tier 1: \$5,000<br>Tier 2: \$10,000<br>Tier 3: \$15,000 monetary fine | Retailer/transporter:<br>30-day suspension<br><br>Producer/processor:<br>Tier 1: \$15,000<br>Tier 2: \$30,000<br>Tier 3: \$60,000 monetary fine | Cancellation of license                     |   |
| <b>Marijuana purchased from an unauthorized source.</b><br>Chapter 69.50 RCW   | Cancellation of license   |   |   |   |
| <b>Marijuana sold to an unauthorized source.</b><br>Chapter 69.50 RCW  | Cancellation of license   |   |   |   |
| <b>Operating an unapproved CO<sub>2</sub> or hydrocarbon extraction system.</b><br>Chapter 314-55 WAC  | Cancellation of license   |   |   |   |
| <b>Condition of suspension violation: Failure to follow any suspension restriction while marijuana license is suspended (retailer).</b><br>Chapter 314-55 WAC  | Original penalty plus 10-day suspension with no monetary option   | Cancellation of license   |   |   |

| <b>Violation Type</b>   | <b>1st Violation</b>                         | <b>2nd Violation in a three-year window</b> | <b>3rd Violation in a three-year window</b> | <b>4th Violation in a three-year window</b> |
|---|--|---|---|---|
| <b>Sales in excess of transaction limitations.</b><br>Chapter 69.50 RCW<br>Chapter 314-55 WAC | 10-day suspension or \$2,500 monetary option | 30-day suspension                           | Cancellation of license))                   |   |

Violations of a severity that would make a license eligible for cancellation on a first offense. The board may not cancel a license for a single violation, unless it can prove a Category I violation by a preponderance of the evidence.

**Category I**

**Violations of a Severity That Would Make a License Eligible for Cancellation on the First Offense**

| <b>Violation Type</b>  | <b>1st Violation</b>   | <b>2nd Violation in a Two-year Window</b> |
|--|--|---|
| <b><u>Marijuana purchased from an unlicensed entity.</u></b><br>WAC 314-55-083(4)  | <u>License cancellation</u>  |   |
| <b><u>Marijuana sold to an unlicensed, nonretail source. Illegal sales out of the licensed market place.</u></b><br>WAC 314-55-083(4)  | <u>License cancellation</u>  |   |
| <b><u>Condition of suspension violation: Failure to follow any suspension restriction while marijuana license is suspended.</u></b><br>WAC 314-55-540  | <u>Original penalty plus 10-day suspension with no monetary option</u> | <u>License cancellation</u>               |
| <b><u>Transportation or storage of marijuana to or from an unlicensed source, diversion of product, or both.</u></b><br>WAC 314-55-083(4)  | <u>License cancellation</u>  |   |
| <b><u>Transportation of marijuana outside of Washington state boundaries.</u></b><br>RCW 69.50.342 (1)(k)<br>RCW 69.50.345(10)<br>WAC 314-55-310(1)  | <u>License cancellation</u>  |   |
| <b><u>True party of interest (TPI). Allowing a person to exercise ownership or control if the person would not have qualified based on affiliation with a criminal enterprise as described in chapter 69.50 RCW.</u></b><br>WAC 314-55-035(1)  | <u>License cancellation</u>  |   |
| <b><u>Financier. Receiving money from a financier that was not disclosed to or approved by the board when the financier has a criminal history demonstrating an affiliation with criminal enterprises, gangs, or cartels; or the money provided by a financier originated from criminal enterprises, gangs, or cartels.</u></b><br>WAC 314-55-035(4) | <u>License cancellation</u>  |   |

NEW SECTION

**WAC 314-55-521 Category II.** Violations that create a direct or immediate threat to public health, safety, or both.

**Category II  
Violations That Create a Direct or Immediate Threat to Public Health, Safety, or Both**

| Violation Type   | 1st Violation  | 2nd Violation in a Two-year Window  | 3rd Violation in a Two-year Window | 4th Violation in a Two-year Window |
|--|--|---|------------------------------------|------------------------------------|
| <b>Furnishing to persons under twenty-one years of age, except as allowed in RCW 60.50.357.</b><br>RCW 69.50.354<br>WAC 314-55-079(1)  | 5-day suspension or \$1,250 monetary option  | 10-day suspension or \$7,500 monetary option  | 30-day suspension                  | License cancellation               |
| <b>Conduct violations:</b><br><b>Criminal conduct:</b> Permitting or engaging in criminal conduct, or both.<br><b>Disorderly conduct, or apparent intoxication of</b> a licensee or employee, or permitting on premises.<br>Title 9 RCW<br>Title 9A RCW<br>WAC 314-55-110 (4)(b) | 5-day suspension or \$1,250 monetary option  | 10-day suspension or \$7,500 monetary option  | 30-day suspension                  | License cancellation               |
| <b>Operating an unapproved CO<sup>2</sup> or hydrocarbon extraction system.</b><br>WAC 314-55-104  | \$10,000 monetary fine   | License cancellation  |                                    |                                    |
| <b>Intentional use of unauthorized pesticides, soil amendments, fertilizers, other crop production aids.</b><br>RCW 69.50.342<br>WAC 314-55-084  | Tier 1: \$2,500<br>Tier 2: \$5,000<br>Tier 3: \$7,500 monetary fine and destruction of affected marijuana                                      | Tier 1: \$7,500<br>Tier 2: \$15,000<br>Tier 3: \$22,500 monetary fine and destruction of affected marijuana   | License cancellation               |                                    |
| <b>Adulterated usable marijuana with organic or nonorganic chemical or other compound.</b><br>WAC 314-55-077 (5)(b)<br>WAC 314-55-101  | Tier 1: \$2,500<br>Tier 2: \$5,000<br>Tier 3: \$7,500 monetary fine and destruction of affected marijuana                                      | Tier 1: \$7,500<br>Tier 2: \$15,000<br>Tier 3: \$22,500 monetary fine and destruction of affected marijuana   | License cancellation               |                                    |
| <b>Transportation of marijuana without a manifest.</b><br>WAC 314-55-085(3)<br>WAC 314-55-096 (1) and (2)<br>WAC 314-55-105(2)<br>WAC 314-55-310(3)  | Retail/transporter:<br>\$1,250 monetary fine<br><br>Producer/processor:<br>Tier 1: \$1,250<br>Tier 2: \$2,500<br>Tier 3: \$5,000 monetary fine | Retail/transporter:<br>5-day suspension or \$2,500 monetary option<br><br>Producer/processor:<br>Tier 1: \$2,500<br>Tier 2: \$5,000<br>Tier 3: \$10,000 monetary fine | License cancellation               |                                    |

| Violation Type  | 1st Violation  | 2nd Violation in a Two-year Window   | 3rd Violation in a Two-year Window         | 4th Violation in a Two-year Window |
|---|--|--|--|------------------------------------|
| <b>Obstruction:</b> Misrepresentation of fact; not permitting physical presence.<br>WAC 314-55-185  | 10-day suspension or \$7,500 monetary option   | 30-day suspension  | License cancellation                       |                                    |
| <b>Failure to use and maintain traceability, or both:</b> Including, but not limited to, failure to maintain records for flowering plant, finished product, any post-harvest product, any plant not on approved floor-plan, or not tagged, reusing identifier.<br>WAC 314-55-083(4) | \$1,250 monetary fine  | 5-day suspension or \$2,500 monetary fine  | 10-day suspension or \$5,000 monetary fine | License cancellation               |
| <b>Pickup, unload, or delivery at an unauthorized location.</b><br>WAC 314-55-085 (5)(f)<br>WAC 314-55-310  | Retail/transportation:<br>30-day suspension<br><br>Producer/processor:<br>Tier 1: \$10,000<br>Tier 2: \$20,000<br>Tier 3: \$30,000 monetary fine | Retail/transporter: 60-day suspension<br><br>Producer/processor:<br>Tier 1: \$20,000<br>Tier 2: \$40,000<br>Tier 3: \$60,000 monetary fine | License cancellation                       |                                    |

NEW SECTION

**WAC 314-55-522 Category III.** Violations that create a potential threat to public health, safety, or both.

**Category III  
Violations That Create a Potential Threat to Public Health, Safety, or Both**

| Violation Type  | 1st Violation                               | 2nd Violation in a Two-year Window                                  | 3rd Violation in a Two-year Window                                    | 4th Violation in a Two-year Window |
|---|---|---|---|------------------------------------|
| <b>Driver transporting without a valid driver's license.</b><br>WAC 314-55-310 (5)(a)   | 5-day suspension or \$1,250 monetary option | 10-day suspension   | 30-day suspension   | License cancellation               |
| <b>Exceeding maximum serving requirements for marijuana-infused products.</b><br>WAC 314-55-095 (1)(a) and (b)<br><br><b>Exceeding transaction limits.</b><br>WAC 314-55-095 (2)(c) | \$1,250 monetary fine                       | Tier 1: \$2,500<br>Tier 2: \$5,000<br>Tier 3: \$7,500 monetary fine | Tier 1: \$5,000<br>Tier 2: \$10,000<br>Tier 3: \$15,000 monetary fine | License cancellation               |

| Violation Type   | 1st Violation                               | 2nd Violation in a Two-year Window                                  | 3rd Violation in a Two-year Window  | 4th Violation in a Two-year Window  |
|--|---|---|---|---|
| <b>Failure to follow and maintain food processing facility requirements.</b><br>RCW 69.50.342 (1)(a) and (c)<br>WAC 314-55-077 (4)(b)<br>WAC 246-70-070 (1) and (2)  | \$1,250 monetary fine                       | Tier 1: \$2,500<br>Tier 2: \$5,000<br>Tier 3: \$7,500 monetary fine | Tier 1: \$5,000<br>Tier 2: \$10,000<br>Tier 3: \$15,000 monetary fine   | Tier 1: \$10,000<br>Tier 2: \$20,000<br>Tier 3: \$30,000 monetary fine  |
| <b>Failure to maintain required surveillance system.</b><br>WAC 314-55-083(3)  | \$1,250 monetary fine                       | 5-day suspension or \$2,500 monetary option                         | 10-day suspension or \$7,500 monetary option  | 30-day suspension or \$15,000 monetary option   |
| <b>Retail sales: Unauthorized marijuana-infused products.</b><br>WAC 314-55-077 (9)(a) and (b)   | \$500 monetary fine                         | 5-day suspension or \$1,250 monetary option                         | 10-day suspension or \$2,500 option   | 30-day suspension   |
| <b>True party of interest:</b><br>Allowing a person to exercise ownership or control who has not been disclosed to the board, and would have failed for any reason.<br>WAC 314-55-035                      | 5-day suspension or \$2,500 monetary option | 10-day suspension or \$5,000 monetary option                        | Retail/transporter:<br>30-day suspension<br><br>Producer/processor:<br>Tier 1: \$10,000<br>Tier 2: \$20,000<br>Tier 3: \$30,000 monetary fine | Retail/transporter:<br>60-day suspension<br><br>Producer/processor:<br>Tier 1: \$20,000<br>Tier 2: \$40,000<br>Tier 3: \$60,000 monetary fine |
| <b>Financier.</b> Receiving money from a financier that was not disclosed to or approved by the board when the financier or the source of funds would not have qualified for any reason.<br>WAC 314-55-035 | 5-day suspension or \$2,500 monetary option | 10-day suspension or \$5,000 monetary option                        | Retail/transporter:<br>30-day suspension<br><br>Producer/processor:<br>Tier 1: \$10,000<br>Tier 2: \$20,000<br>Tier 3: \$30,000 monetary fine | Retail/transporter:<br>60-day suspension<br><br>Producer/processor:<br>Tier 1: \$20,000<br>Tier 2: \$40,000<br>Tier 3: \$60,000 monetary fine |
| <b>Obstruction: Failure to furnish records.</b><br>WAC 314-55-185 (1)(c)   | 5-day suspension or \$2,500 monetary option | 10-day suspension or \$5,000 monetary option                        | 30-day suspension   | 60-day suspension   |
| <b>Failure to use traceability, maintain traceability, or both</b> for quality assurance testing, including pesticide testing, potency testing, or both.<br>WAC 314-55-083 (4)(k)                          | \$1,250 monetary fine                       | \$2,500 monetary fine   | 10-day suspension or \$7,500 monetary option  | 30-day suspension or \$15,000 monetary option   |
| <b>Noncompliance with marijuana processor extraction requirements.</b><br>WAC 314-55-104   | \$1,250 monetary fine                       | \$2,500 monetary fine   | \$7,500 monetary fine   | \$15,000 monetary fine  |

| Violation Type   | 1st Violation         | 2nd Violation in a Two-year Window          | 3rd Violation in a Two-year Window           | 4th Violation in a Two-year Window            |
|--|-----------------------|---|--|---|
| <b>Sales in excess of transaction limits.</b><br>WAC 314-55-095 (2)(c) | \$1,250 monetary fine | 5-day suspension or \$2,500 monetary option | 10-day suspension or \$7,500 monetary option | 30-day suspension or \$15,000 monetary option |

NEW SECTION

**WAC 314-55-523 Category IV.** Violations that are significant regulatory violations.

**Category IV  
Significant Regulatory Violations**

| Violation Type   | 1st Violation                               | 2nd Violation in a Two-year Window           | 3rd Violation in a Two-year Window            | 4th Violation in a Two-year Window            |
|--|---|--|---|---|
| <b>Noncompliance with record keeping requirements.</b><br>WAC 314-55-087   | \$500 monetary fine                         | 5-day suspension or \$1,250 monetary fine    | 10-day suspension or \$2,500 monetary option  | 30-day suspension or \$7,500 monetary option  |
| <b>Marijuana illegally given away, including being sold below the cost of acquisition, true value, or both.</b><br>WAC 314-55-017(3)<br>WAC 314-55-018 (2)(f)<br>WAC 314-55-018(5)<br>WAC 314-55-077 (11)(b) | \$500 monetary fine                         | 5-day suspension or \$2,500 monetary option  | 10-day suspension or \$7,500 monetary option  | 30-day suspension or \$15,000 monetary option |
| <b>Retail sales: Use of an unauthorized money transmitter.</b><br>WAC 314-55-115(5)  | \$500 monetary fine                         | 5-day suspension or \$1,250 monetary option  | 10-day suspension or \$2,500 monetary option  | 30-day suspension or \$7,500 monetary option  |
| <b>Misuse or unauthorized use of marijuana license (operating outside of license class).</b><br>RCW 69.50.325  | 5-day suspension or \$2,500 monetary option | 10-day suspension or \$5,000 monetary option | 30-day suspension or \$10,000 monetary option | 60-day suspension or \$20,000 monetary option |
| <b>Selling or purchasing marijuana on credit.</b><br>WAC 314-55-018<br>WAC 314-55-115  | 5-day suspension or \$2,500 monetary option | 10-day suspension or \$5,000 monetary option | 30-day suspension or \$10,000 monetary option | 60-day suspension or \$20,000 monetary option |
| <b>Engaging in nonretail conditional sales, prohibited practices, or both.</b><br>WAC 314-55-017(1)<br>WAC 314-55-018  | \$1,250 monetary fine                       | 5-day suspension or \$2,500 monetary option  | 10-day suspension or \$7,500 monetary option  | 30-day suspension or \$15,000 monetary option |
| <b>Operating/floor plan:</b><br>Violations of a WSLCB approved operating plan.<br>WAC 314-55-020 (11)(a)   | \$500 monetary fine                         | 5-day suspension or \$1,250 monetary option  | 10-day suspension or \$2,500 monetary option  | 30-day suspension or \$7,500 monetary option  |



| <b>Violation Type</b>   | <b>1st Violation</b>  | <b>2nd Violation in a Two-year Window</b>                            | <b>3rd Violation in a Two-year Window</b>                             | <b>4th Violation in a Two-year Window</b>                              |
|---|-----------------------|--|---|--|
| <b>Failure to maintain required insurance.</b><br>WAC 314-55-082<br>WAC 314-55-310  | \$1,250 monetary fine | 5-day suspension or \$2,500 monetary option                          | 10-day suspension or \$7,500 monetary option                          | 30-day suspension or \$15,000 monetary option                          |
| <b>Unauthorized sale to a retail licensee (processor).</b><br>RCW 69.50.360<br>RCW 69.50.363<br>WAC 314-55-077<br>WAC 314-55-083(4) | \$1,250 monetary fine | Tier 1: \$2,500<br>Tier 2: \$5,000<br>Tier 3: \$10,000 monetary fine | Tier 1: \$7,500<br>Tier 2: \$15,000<br>Tier 3: \$30,000 monetary fine | Tier 1: \$15,000<br>Tier 2: \$30,000<br>Tier 3: \$60,000 monetary fine |
| <b>Packaging and labeling.</b><br>WAC 314-55-105  | \$500 monetary fine   | 5-day suspension or \$1,250 monetary option                          | 10-day suspension or \$2,500 monetary option                          | 30-day suspension or \$7,500 monetary option                           |
| <b>Unauthorized or unapproved product storage or delivery (processor/producer).</b><br>WAC 314-55-085(5)                            | \$1,250 monetary fine | Tier 1: \$2,500<br>Tier 2: \$5,000<br>Tier 3: \$7,500 monetary fine  | Tier 1: \$5,000<br>Tier 2: \$10,000<br>Tier 3: \$15,000 monetary fine | Tier 1: \$10,000<br>Tier 2: \$20,000<br>Tier 3: \$30,000 monetary fine |
| <b>Unauthorized or unapproved product storage or delivery (transporter).</b><br>WAC 314-55-310 (5)(d)                               | \$1,250 monetary fine | \$2,500 monetary fine  | \$5,000 monetary fine   | \$10,000 monetary fine   |
| <b>Failure to meet marijuana waste disposal requirements.</b><br>WAC 314-55-097   | \$1,250 monetary fine | Tier 1: \$2,500<br>Tier 2: \$5,000<br>Tier 3: \$7,500 monetary fine  | Tier 1: \$5,000<br>Tier 2: \$10,000<br>Tier 3: \$15,000 monetary fine | Tier 1: \$10,000<br>Tier 2: \$20,000<br>Tier 3: \$30,000 monetary fine |
| <b>Sampling violations (processors/producers: Vendor, educational, and internal quality control samples).</b><br>WAC 314-55-096     | \$1,250 monetary fine | Tier 1: \$2,500<br>Tier 2: \$5,000<br>Tier 3: \$7,500 monetary fine  | Tier 1: \$5,000<br>Tier 2: \$10,000<br>Tier 3: \$15,000 monetary fine | Tier 1: \$10,000<br>Tier 2: \$20,000<br>Tier 3: \$30,000 monetary fine |
| <b>Sampling violations (retail).</b><br>WAC 314-55-096(5)<br>WAC 314-55-096(6)  | \$1,250 monetary fine | Tier 1: \$2,500<br>Tier 2: \$5,000<br>Tier 3: \$7,500 monetary fine  | Tier 1: \$5,000<br>Tier 2: \$10,000<br>Tier 3: \$15,000 monetary fine | Tier 1: \$10,000<br>Tier 2: \$20,000<br>Tier 3: \$30,000 monetary fine |
| <b>Failure to maintain required security alarm.</b><br>WAC 314-55-083(2)  | \$1,250 monetary fine | \$2,500 monetary fine  | \$5,000 monetary fine   | \$10,000 monetary fine   |

NEW SECTION

**WAC 314-55-524 Category V.** Violations that are procedural and operational.

**Category V  
Procedural and Operation Violations**

| <b>Violation Type</b>  | <b>1st Violation</b>  | <b>2nd Violation in a Two-year Window</b>  | <b>3rd Violation in a Two-year Window</b>   | <b>4th Violation in a Two-year Window</b>  |
|--|-----------------------|--|---|--|
| <b>Hours of service: Sales of marijuana</b> between 8:00 a.m. and 12:00 a.m.<br>WAC 314-55-147     | \$500 monetary fine   | 5-day suspension or \$1,250 monetary fine  | 10-day suspension or \$2,500 monetary option  | 30-day suspension  |
| <b>General advertising violations.</b><br>RCW 69.50.369<br>WAC 314-55-155                          | \$1,250 monetary fine | 5-day suspension or \$2,500 monetary option  | 10-day suspension or \$5,000 monetary option  | 30-day suspension or \$10,000 monetary option  |
| <b>Engaging in conditional sales.</b><br>WAC 314-55-017(2)   | \$1,250 monetary fine | 5-day suspension or \$2,500 monetary option  | 10-day suspension or \$5,000 monetary option  | 30-day suspension or \$10,000 monetary option  |
| <b>Licensee, employee, or both failing to display identification badge.</b><br>WAC 314-55-083(1)   | \$250 monetary fine   | 5-day suspension or \$500 monetary option  | 10-day suspension or \$1,250 monetary option  | 30-day suspension or \$2,500 monetary option   |
| <b>Failure to post required signs.</b><br>WAC 314-55-086   | \$250 monetary fine   | 5-day suspension or \$500 monetary option  | 10-day suspension or \$1,250 monetary option  | 30-day suspension or \$2,500 monetary option   |
| <b>Unauthorized change of business name.</b><br>WAC 314-55-130                                     | \$500 monetary fine   | 5-day suspension or \$1,250 monetary option  | 10-day suspension or \$2,500 monetary option  | 30-day suspension or \$5,000 monetary option   |
| <b>Transporting marijuana in an unauthorized vehicle.</b><br>WAC 314-55-085(5)<br>WAC 314-55-310   | \$1,250 monetary fine | Retail/transporter:<br>5-day suspension or \$2,500 monetary option<br><br>Producer/processor:<br>Tier 1: \$2,500<br>Tier 2: \$5,000<br>Tier 3: \$7,500 monetary fine | Retail/transporter: 10-day suspension<br><br>Producer/processor:<br>Tier 1: \$5,000<br>Tier 2: \$10,000<br>Tier 3: \$15,000 monetary fine   | Retail/transporter: 30-day suspension<br><br>Producer/processor:<br>Tier 1: \$10,000<br>Tier 2: \$20,000<br>Tier 3: \$30,000 monetary fine |
| <b>Exceeding maximum delivery time frame.</b><br>WAC 314-55-085<br>WAC 314-55-083 (4)(d)           | \$1,250 monetary fine | Retail/transporter:<br>5-day suspension or \$2,500 monetary option<br><br>Producer/processor:<br>Tier 1: \$2,500<br>Tier 2: \$5,000<br>Tier 3: \$7,500 monetary fine | Retailer/Transporter: 10-day suspension<br><br>Producer/processor:<br>Tier 1: \$5,000<br>Tier 2: \$10,000<br>Tier 3: \$15,000 monetary fine | Retail/transporter: 30-day suspension<br><br>Producer/processor:<br>Tier 1: \$10,000<br>Tier 2: \$20,000<br>Tier 3: \$30,000 monetary fine |
| <b>Failure to maintain standardized scale requirements (producer/processor).</b><br>WAC 314-55-099 | \$1,250 monetary fine | Tier 1: \$2,500<br>Tier 2: \$5,000<br>Tier 3: \$7,500 monetary fine  | Tier 1: \$5,000<br>Tier 2: \$10,000<br>Tier 3: \$15,000 monetary fine   | Tier 1: \$10,000<br>Tier 2: \$20,000<br>Tier 3: \$30,000 monetary fine   |

| Violation Type   | 1st Violation                               | 2nd Violation in a Two-year Window           | 3rd Violation in a Two-year Window   | 4th Violation in a Two-year Window   |
|--|---|--|--|--|
| <b>Unauthorized driver or passenger.</b><br>WAC 314-55-310 (5)(a)  | \$1,250 monetary fine                       | 5-day suspension or \$2,500 monetary option  | 10-day suspension  | 30-day suspension  |
| <b>Transportation of marijuana without an accurate manifest.</b><br>WAC 314-55-085(3)<br>WAC 314-55-310(3)   | \$1,250 monetary fine                       | 5-day suspension or \$2,500 monetary option  | 10-day suspension  | 30-day suspension  |
| <b>Load exceeding maximum delivery amount.</b><br>RCW 69.50.385(3)<br>WAC 314-55-083 (4)(d)<br>WAC 314-55-085(1)   | \$1,250 monetary fine                       | 5-day suspension or \$2,500 monetary option  | 10-day suspension  | 30-day suspension  |
| <b>Retail sales: Accepting returns.</b><br>WAC 314-55-079(12)  | \$500 monetary fine                         | 5-day suspension or \$1,250 monetary option  | 10-day suspension or \$2,500 monetary option   | 30-day suspension  |
| <b>Failure to use traceability, maintain traceability, or both.</b> (e.g., failure to comply with traceability requirements for clones, seeds; illegal or folded tags; movement within a location)<br>WAC 314-55-083(4)                                    | 5-day suspension or \$2,500 monetary option | 10-day suspension or \$5,000 monetary option | Retail/transporter: 30-day suspension<br><br>Producer/processor:<br>Tier 1: \$10,000<br>Tier 2: \$20,000<br>Tier 3: \$30,000 monetary fine                           | Retail/transporter: 60-day suspension<br><br>Producer/processor:<br>Tier 1: \$20,000<br>Tier 2: \$40,000<br>Tier 3: \$60,000 monetary fine |
| <b>True party of interest (TPI):</b> Allowing a person not disclosed to the board who would have qualified to exercise ownership or control, or allowing a TPI previously approved by the board to provide funds without disclosure.<br>WAC 314-55-035(XX) | \$1,250 monetary fine                       | 5-day suspension or \$2,500 monetary option  | Retail/transporter: 10-day suspension or \$5,000 monetary option<br><br>Producer/Processor:<br>Tier 1: \$5,000<br>Tier 2: \$10,000<br>Tier 3: \$20,000 monetary fine | Retail/transporter: 30-day suspension<br><br>Producer/processor:<br>Tier 1: \$10,000<br>Tier 2: \$20,000<br>Tier 3: \$30,000 monetary fine |
| <b>Financier.</b> Receiving money from a financier previously approved by the board that was not timely disclosed to the board or that was timely disclosed to the board but the source could not be verified.<br>WAC 314-55-035(XX)                       | \$1,250 monetary fine                       | 5-day suspension or \$2,500 monetary option  | Retail/transporter: 10-day suspension or \$5,000 monetary option<br><br>Producer/Processor:<br>Tier 1: \$5,000<br>Tier 2: \$10,000<br>Tier 3: \$20,000 monetary fine | Retail/transporter: 30-day suspension<br><br>Producer/processor:<br>Tier 1: \$10,000<br>Tier 2: \$20,000<br>Tier 3: \$30,000 monetary fine |

AMENDATORY SECTION (Amending WSR 18-22-055, filed 10/31/18, effective 12/1/18)

**WAC 314-55-525 ((Group 2 regulatory violations.)) Category VI.** ((Group 2 violations are violations involving general regulation and administration of retail or nonretail licenses. Group 2 penalties imposed on a producer and/or processor license will not include license suspension. Penalties for a producer and/or processor license will be restricted to monetary fines, destruction of inventory, and/or license cancellation only.

| <b>Violation Type</b>   | <b>1st Violation</b>   | <b>2nd Violation in a three-year window</b>   | <b>3rd Violation in a three-year window</b>   | <b>4th Violation in a three-year window</b> |
|---|--|---|---|---|
| <b>Hours of service:</b><br>Sales of marijuana between 12:00 a.m. and 8:00 a.m.<br>Chapter 314-55 WAC | 5-day suspension or \$1,000 monetary option  | 10-day suspension or \$2,500 monetary option  | 30-day suspension   | Cancellation of license                     |
| <b>General advertising:</b><br>Violations<br>Chapter 314-55 WAC                                       | Retailer/transporter:<br>5-day suspension or \$1,000 monetary option<br><br>Producer/processor:<br>\$1,000 monetary fine | Retailer/transporter:<br>10-day suspension or \$2,500 monetary option<br><br>Producer/processor:<br>Tier 1: \$2,500<br>Tier 2: \$5,000<br>Tier 3: \$7,500 monetary fine | Retailer/transporter:<br>30-day suspension<br><br>Producer/processor:<br>Tier 1: \$15,000<br>Tier 2: \$30,000<br>Tier 3: \$60,000 monetary fine | Cancellation of license                     |
| <b>Engaging in conditional retail sales:</b><br>Chapter 314-55 WAC<br>Chapter 69.50 RCW               | 5-day suspension or \$1,000 monetary option  | 10-day suspension or \$2,500 monetary option  | 30-day suspension   | Cancellation of license                     |
| <b>Licensee/employee failing to display required security badge:</b><br>Chapter 314-55 WAC            | Retailer/transporter:<br>5-day suspension or \$500 monetary option<br><br>Producer/processor:<br>\$500 monetary fine     | Retailer/transporter:<br>10-day suspension or \$1,500 monetary option<br><br>Producer/processor:<br>All tiers: \$1,500 monetary fine                                    | Retailer/transporter:<br>30-day suspension<br><br>Producer/processor:<br>All tiers: \$5,000 monetary fine                                       | Cancellation of license                     |
| <b>Failure to maintain required security alarm and surveillance systems:</b><br>Chapter 314-55 WAC    | Retailer/transporter: 5-day suspension or \$2,500 monetary option<br><br>Producer/processor:<br>\$2,500 monetary fine    | Retailer/transporter:<br>10-day suspension or \$5,000 monetary fine<br><br>Producer/processor:<br>Tier 1: \$5,000<br>Tier 2: \$10,000<br>Tier 3: \$15,000 monetary fine | Retailer/transporter:<br>30-day suspension<br><br>Producer/processor:<br>Tier 1: \$15,000<br>Tier 2: \$30,000<br>Tier 3: \$60,000 monetary fine | Cancellation of license                     |
| <b>Records:</b> Improper recordkeeping.<br>Chapter 314-55 WAC   | Retailer/transporter: 5-day suspension or \$1,000 monetary option<br><br>Producer/processor:<br>\$1,000 monetary fine    | Retailer/transporter:<br>10-day suspension or \$2,500 monetary option<br><br>Producer/processor:<br>Tier 1: \$2,500<br>Tier 2: \$5,000<br>Tier 3: \$7,500 monetary fine | Retailer/transporter:<br>30-day suspension<br><br>Producer/processor:<br>Tier 1: \$15,000<br>Tier 2: \$30,000<br>Tier 3: \$60,000 monetary fine | Cancellation of license                     |
| <b>Failure to submit monthly tax payments:</b><br>Chapter 69.50 RCW<br>Chapter 314-55 WAC             | Retailer: 5-day suspension or \$1,000 monetary option  | Retailer: 10-day suspension or \$2,500 monetary option  | Retailer: 30-day suspension   | Cancellation of license                     |

| <b>Violation Type</b>  | <b>1st Violation</b>   | <b>2nd Violation in a three-year window</b>  | <b>3rd Violation in a three-year window</b>  | <b>4th Violation in a three-year window</b> |
|--|--|--|--|---|
| <b>Signs:</b> Failure to post required signs.<br>Chapter 69.50 RCW<br>Chapter 314-55 WAC                                       | Retailer/transporter: 5-day suspension or \$500 monetary option<br><br>Producer/processor: \$500 monetary fine | Retailer/transporter: 10-day suspension or \$1,500 monetary option<br><br>Producer/processor: All tiers: \$1,500 monetary fine                             | Retailer/transporter: 15-day suspension or \$5,000 monetary option<br><br>Producer/processor: All tiers: \$5,000 monetary fine   | Cancellation of license                     |
| <b>Failure to utilize and/or maintain traceability:</b><br>Chapter 314-55 WAC  | 5-day suspension or \$2,500 monetary option<br><br>Producer/processor: \$2,500 monetary fine                   | Retailer: 10-day suspension or \$5,000 monetary fine<br><br>Producer/processor:<br>Tier 1: \$5,000<br>Tier 2: \$10,000<br>Tier 3: \$15,000 monetary fine   | Retailer: 30-day suspension<br><br>Producer/processor:<br>Tier 1: \$15,000<br>Tier 2: \$30,000<br>Tier 3: \$60,000 monetary fine | Cancellation of license                     |
| <b>Violation of transportation requirements:</b><br>Chapter 314-55 WAC   | Retailer: 5-day suspension or \$2,500 monetary option<br><br>Producer/processor: \$2,500 monetary fine         | Retailer: 10-day suspension or \$5,000 monetary fine<br><br>Producer/processor:<br>Tier 1: \$5,000<br>Tier 2: \$10,000<br>Tier 3: \$15,000 monetary fine   | Retailer: 30-day suspension<br><br>Producer/processor:<br>Tier 1: \$15,000<br>Tier 2: \$30,000<br>Tier 3: \$60,000 monetary fine | Cancellation of license                     |
| <b>Marijuana sold below cost of acquisition, true value, or illegally given away:</b>  | Retailer: 5-day suspension or \$1,000 monetary option<br><br>Producer/processor: \$2,500 monetary fine         | Retailer: 10-day suspension or \$5,000 monetary option<br><br>Producer/processor:<br>Tier 1: \$5,000<br>Tier 2: \$10,000<br>Tier 3: \$15,000 monetary fine | Retailer: 30-day suspension<br><br>Producer/processor:<br>Tier 1: \$15,000<br>Tier 2: \$30,000<br>Tier 3: \$60,000 monetary fine | Cancellation of license                     |
| <b>Retail sales: Use of an unauthorized money transmitter:</b><br>Chapter 314-55 WAC   | 5-day suspension or \$1,000 monetary option  | 10-day suspension or \$2,500 monetary option   | 30-day suspension  | Cancellation of license                     |
| <b>Retail outlet selling unauthorized products:</b><br>Chapter 69.50 RCW   | \$1,000 monetary fine  | \$1,000 monetary fine  | \$1,000 monetary fine  | \$1,000 monetary fine                       |
| <b>Retailer displaying products in a manner visible to the general public from a public right of way:</b><br>Chapter 69.50 RCW | \$1,000 monetary fine  | \$1,000 monetary fine  | \$1,000 monetary fine  | \$1,000 monetary fine                       |

| <b>Violation Type</b>  | <b>1st Violation</b>                        | <b>2nd Violation in a three-year window</b>  | <b>3rd Violation in a three-year window</b> | <b>4th Violation in a three-year window</b> |
|--|---|--|---|---|
| <b>Retail sales: Unauthorized marijuana-infused products, internet sales, and accepting returns.</b><br>Chapter 314-55 WAC | 5-day suspension or \$1,000 monetary option | 10-day suspension or \$2,500 monetary option | 30-day suspension                           | Cancellation of license))                   |

Statutory penalty violations.

**Category VI  
Statutory Penalty Violations**

|  |                       |
|--|-----------------------|
| <b>Allowing a minor to frequent a retail store.</b><br>RCW 69.50.357(2)  | \$1,000 monetary fine |
| <b>Allowing persons under twenty-one years of age to frequent a retail licensed premises.</b><br>RCW 69.50.357 | \$1,000 monetary fine |
| <b>Employee under legal age.</b><br>RCW 69.50.357(2)   | \$1,000 monetary fine |
| <b>Opening or consuming marijuana on a licensed retail premises, or both.</b><br>RCW 69.50.357(4)              | \$1,000 monetary fine |
| <b>Retail outlet selling unauthorized products.</b><br>RCW 69.50.357 (1)(a)                                    | \$1,000 monetary fine |

**AMENDATORY SECTION** (Amending WSR 16-11-110, filed 5/18/16, effective 6/18/16)

**WAC 314-55-540 ((Information about)) Marijuana license suspensions.** (1) On the effective date of a marijuana license suspension ((goes into effect)), a ((WSLCB)) board enforcement officer will post a suspension notice in a conspicuous place on or about the licensed premises. This notice will state that the license has been suspended by order of the ((WSLCB due to)) board based on a violation of ((@WSLCB)) applicable law or rule.

(2) During the period of marijuana license suspension, the licensee and employees:

(a) Are required to ((maintain compliance)) comply with all applicable ((marijuana)) laws and rules;

(b) May not remove, alter, or cover the posted suspension notice, and may not permit another person to do so;

(c) May not place or permit the placement of any statement on the licensed premises indicating that the premises have been closed for any reason other than as stated in the suspension notice;

(d) May not advertise by any means that the licensed premises is closed for any reason other than as stated in the ((WSLCB's)) board's suspension notice.

(3) During the period of marijuana license suspension a marijuana licensee:

(a) ((A marijuana licensee)) May not operate ((his/her)) their business.

(b) ((There is no sale, delivery, service, destruction, removal, or receipt of)) May not sell, deliver, service, destroy, remove, or receive marijuana.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 314-55-510 What options does a licensee have once he/she receives a notice of an administrative violation?

WAC 314-55-515 What are the penalties if a marijuana license holder violates a marijuana law or rule?

WAC 314-55-530 Group 3 license violations.

WAC 314-55-535 Group 4 marijuana producer and/or processor violations.

WAC 314-55-537 Group 5 license violations.

**WSR 20-03-180  
PERMANENT RULES  
LIQUOR AND CANNABIS  
BOARD**

[Filed January 22, 2020, 11:08 a.m., effective February 22, 2020]

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

Purpose: The revised rules allow several demarcation options other than a forty-two-inch barrier to designate areas classified as off-limits to minors in beer/wine and spirits/beer/wine restaurants. Revisions also allow licensees to reclassify areas of restaurants as open to minors for regularly scheduled or special events with prior board approval. The revised rules update requirements for "minor prohibited" signs and make additional technical and clarifying changes.

Citation of Rules Affected by this Order: Amending WAC 314-02-025 What are the floor space requirements to obtain and maintain a spirits, beer, and wine restaurant license or a beer and wine restaurant license?, 314-02-033 Do spirits, beer, and wine restaurants that exclude minors from the premises have to put demarcations around their dedicated dining area(s)?, and 314-03-200 Outside or extended alcohol service.

Statutory Authority for Adoption: RCW 66.08.030 and 66.44.310.

Adopted under notice filed as WSR 19-24-050 on November 26, 2019.

Changes Other than Editing from Proposed to Adopted Version: Nonsubstantive clarifying changes were made to ensure all language referencing areas classified as off-limits to minors was uniform. "That are" was removed and "classified as" was added to WAC 314-02-025(3). "Restricted" was removed and "classified as off-limits to minors" was added to WAC 314-02-025 (3)(b)(iii). "Classified as" was added to WAC 314-02-025(6).

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 0, Repealed 0.

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 3, 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 3, Repealed 0.

Date Adopted: January 22, 2020.

Jane Rushford  
Chair

**AMENDATORY SECTION** (Amending WSR 17-12-030, filed 5/31/17, effective 7/1/17)

**WAC 314-02-025 What are the floor space requirements to obtain and maintain a spirits, beer, and wine restaurant license or a beer and wine restaurant license?**

(1) The liquor and cannabis board has the responsibility to classify what licensed premises or what portions of the licensed premises are off-limits to minors ~~((--))~~ per RCW 66.44.310(2). ~~((3))~~ Minors may not purchase, possess, or consume liquor, and may not enter any areas that are classified as off-limits to minors ~~((--))~~ per RCW 66.44.290 and 66.44.310. ~~((3))~~ The purpose of this rule is to clarify the ways in which licensees can prevent minors from consuming alcohol or entering ~~((restricted))~~ areas classified as off-limits to minors.

(2) Dedicated dining areas - If a spirits, beer, and wine restaurant licensee or a beer and wine restaurant licensee that allows minors chooses to have live music, Karaoke, patron dancing, live entertainment, or contests involving physical participation by patrons in the dedicated dining area after 11:00 p.m., the licensee must either:

(a) Request board approval to reclassify the dining area to a lounge for the period of time that live entertainment is conducted, thus restricting minors during that time; or

(b) Notify the ~~((board's licensing and regulation division))~~ board in writing at least forty-eight hours in advance that the sale, service, and consumption of liquor will end in the dedicated dining area after 11:00 p.m.

Requests or notifications may cover one event or a series of recurring events over a period of time.

~~(3) ((Barriers — Licensees must place barriers around areas that are classified as off-limits to minors and around game rooms.~~

~~(a) The barriers))~~ A licensed premises must have a clear demarcation between dedicated dining areas and areas classified as off-limits to minors.

(a) Demarcation means a dividing line that must clearly separate ((restricted areas, and must be at least forty two inches high.

~~(b) The barriers must be permanently affixed (folding or retractable doors or other barriers that are permanently affixed are acceptable). A portable or moveable rope and stanchion is not acceptable. Those licensees that have been approved by the board for moveable barriers prior to the effective date of this rule may keep their moveable barriers until the licensee requests alterations to the premises or the premises change ownership.~~

~~(c) Structures where customers can sit or stand and consume food or liquor are not acceptable as a barrier.~~

~~(d) Entrances to restricted areas may not be wider than ten feet. If a licensee has more than one entrance along one wall, the total entrance areas may not exceed ten feet.~~

~~((3))~~ areas classified as off-limits to minors from dedicated dining areas.

(b) Demarcation options available to applicants and licensees, subject to approval by the board, include:

(i) Visibly different and contrasting flooring;

(ii) Steps or ramps up or down;

(iii) Walls, half-walls, or forty-two inch barriers, where entrances to the areas classified as off-limits to minors are not more than ten feet wide;

(iv) Permanently affixed stanchions, pillars, or posts at least six inches wide and placed no more than ten feet apart;

(v) Stationary planters at least six inches wide and placed no more than ten feet apart; and

(vi) Permanently affixed floor lighting or beacons placed no more than ten feet apart.

(c) Other demarcation options may be approved at the board's discretion.

(d) Demarcation does not include tape, paint, or stickers on floors, walls, or ceilings.

(e) Once the floor plan is approved by the board the demarcation cannot be moved or changed without prior board approval.

(f) "Minor prohibited" signs, as required by WAC 314-11-060(1), must be posted ((at each entrance to restricted areas.

~~((4))~~ and clearly visible to patrons who are:

(i) Approaching the area(s) classified as off-limits to minors; and

(ii) Inside the area(s) classified as off-limits to minors.

(4) A spirits, beer, and wine restaurant licensee or a beer and wine restaurant licensee may request the board reclassify their off-limits area(s) as open to minors for regularly scheduled or special events. Reclassifying an off-limits area is considered an alteration to a licensed premises under WAC 314-03-300 and must be approved by the board prior to the event.

(5) If the business allows minors, the business's primary entrance must open directly into a dedicated dining area or into a neutral area, such as a lobby or foyer, that leads directly to a dedicated dining area. Minors must be able to access restrooms without passing through a lounge or other age-restricted area.

~~((5))~~ (6) **Floor plans** - When applying for a license, the applicant must provide to the ~~((board's licensing and regulation division two copies of))~~ board a detailed drawing of the entire premises. The drawing must:

- (a) Be drawn ~~((one foot to one quarter inch))~~ to scale;
- (b) Have all ~~((rooms))~~ areas labeled according to their use; e.g., dining ~~((room))~~, lounge, ~~((game room))~~ gaming, kitchen, etc.; and
- (c) Have all ~~((barriers labeled in a descriptive way; e.g., "full wall," "half wall," etc.))~~

~~((6))~~ demarcations that separate dedicated dining areas from areas classified as off-limits to minors labeled and described in detail.

(7) **Convention centers** - To qualify ~~((for))~~ as a convention center ~~((there must be))~~ a premises must have two or more rooms that provide space and accommodations for private events only. ~~((Licensees holding a))~~ Convention center licensees may only sell alcohol for private events at the licensed premises.

AMENDATORY SECTION (Amending WSR 11-01-133, filed 12/21/10, effective 1/21/11)

**WAC 314-02-033 Do spirits, beer, and wine restaurants that exclude minors from the premises have to put ~~((barriers))~~ demarcations around their dedicated dining area(s)?** Spirits, beer, and wine restaurant licensees who exclude minors from the entire premises at all times are only required to place ~~((the barriers))~~ demarcations described in WAC 314-02-025~~((2))~~ around dedicated dining areas for the purpose of paying the lower annual license fee (fifty percent to ninety-nine percent dedicated dining area). Restaurants that do not allow minors at any time and do not wish to have ~~((barriers))~~ demarcations around their dining area(s) must pay the higher annual license fee (less than fifty percent dedicated dining area). (See WAC 314-02-020 for an explanation of fees.)

AMENDATORY SECTION (Amending WSR 17-12-030, filed 5/31/17, effective 7/1/17)

**WAC 314-03-200 Outside or extended alcohol service.** A licensee must request approval from the board's licensing division for ongoing outside or extended alcohol service. The following conditions must be met:

- (1) The area must be enclosed with a permanent or movable barrier a minimum of forty-two inches in height~~((and))~~;
- (2) There must be an interior access to the licensed premises. If the interior access is from a minor restricted area of the premises, minors are prohibited in the outside or extended alcohol service area.
- (3) There must be an attendant, wait staff, or server dedicated to the outside service area when patrons are present.
- (4) Must have leasehold rights to the area and have and be connected to the licensed premises.

(5) Openings into and out of the outside area cannot exceed ten feet. If there is more than one opening along one side, the total combined opening may not exceed ten feet.

(6) **Exception.** For sidewalk cafe outside service, the board allows local regulations that, in conjunction with a local sidewalk cafe permit, requires a forty-two inch barrier or permanent demarcation of the designated alcohol service areas for continued enforcement of the boundaries.

(a) The permanent demarcation must be at all boundaries of the outside service area;

(b) The permanent demarcation must be at least six inches in diameter;

(c) The permanent demarcation must be placed ~~((at a minimum of))~~ no more than ten feet apart;

(d) There must be an attendant, wait staff, or server dedicated to the outside service area when patrons are present;

(e) This exception only applies to restaurant liquor licenses with sidewalk cafe service areas contiguous to the liquor licensed premises. "Contiguous" means touching along a boundary or at a point;

(f) This exception does not apply to beer gardens, standing room only venues, and permitted special events. Board approval is still required with respect to sidewalk cafe barrier requirements.

(7) **Limited exception.** The board may grant limited exceptions to the required forty-two inch high barrier for outside alcohol service areas.

(a) The licensee must have exclusive leasehold rights to the outside service area.

(b) There must be permanent demarcations at all boundaries of the outside service area for continued enforcement of the boundaries.