

WSR 24-06-023  
PERMANENT RULES  
LIQUOR AND CANNABIS  
BOARD

[Filed February 28, 2024, 10:28 a.m., effective March 30, 2024]

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

Purpose: The Washington state liquor and cannabis board (board) has adopted amendments to the rule as described in WSR 24-02-094 to amend WAC 314-02-1071 to clarify the language regarding exceptions to trade area requirements for spirits retailers in locations that are primarily accessed by boat, and to exempt businesses on tribal land and owned by tribal enterprises from the 20 mile travel distance requirement in WAC 314-02-1071(1). The proposed changes include defining the terms "tribe" and "tribal enterprise," as well as moving around some of the language of existing WAC 314-02-1071 to enable better flow and readability of the rule language overall.

Citation of Rules Affected by this Order: Amending WAC 314-02-1071.

Statutory Authority for Adoption: RCW 66.08.030.

Adopted under notice filed as WSR 24-02-094 on January 3, 2024.

A final cost-benefit analysis is available by contacting Daniel Jacobs, Rules and Policy Coordinator, 1025 Union Avenue S.E., Olympia, WA 98501, phone 360-480-1238, fax 360-664-3208, email rules@lcb.wa.gov, website www.lcb.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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.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: February 28, 2024.

David Postman  
Chair

OTS-5059.3

AMENDATORY SECTION (Amending WSR 13-20-148, filed 10/2/13, effective 11/2/13)

**WAC 314-02-1071 ((What is "trade area?")) Trade area. (1)**

"Trade area" as used in RCW 66.24.630 means an area where there is no spirits retail license within a ((twenty)) 20-mile travel distance at the time of license application.

(2) ((The board will use the following criteria when determining to accept)) For a spirits retail license application where the pro-

posed premises ((location)) is less than ((ten thousand)) 10,000 square feet of fully enclosed retail space((+)

~~(a) There is no spirits retail license holder or auction title holder), the board will determine if there is an existing spirits retailer within ((twenty)) 20 travel miles at the time of license application(;/ and~~

~~(b) The board will determine travel distance by a publicly available mapping tool which may be accessed on the board's website. The web address of this site at the time of rule adoption is <http://wsleeb.maps.aregis.com/home/>)).~~

(3) Former contract or state liquor store((s and title holders by those who purchased a state store at auction)) owners are exempt from the ((ten thousand)) 10,000 square foot minimum required by law. ((Should)) If either entity chooses to locate within ((an establish- ed)) a trade area ((and)) as defined in this section, they may be is- sued a license as long as they are in compliance with ((board)) relo- cation criteria(, they may be issued a license)) as established by the board.

(4) Spirits retailers owned and operated by a tribe or its tribal enterprise, located in Indian country as defined by 18 U.S.C. Sec. 1151, including reservation and all lands held in trust by the United States for the tribe or its members, are exempt from the 20-mile travel distance requirement.

(a) For purposes of this subsection, "tribe" means a federally recognized tribe as defined by 25 U.S.C. Sec. 4103 (13) (B).

(b) For purposes of this subsection, "tribal enterprise" means a wholly owned business enterprise of the tribe.

(5) The board may make an exception to the ((twenty)) 20-mile travel distance requirement for ((the following:)) a spirits retail license application ((is for a location)) where ((the significant mode)) access to the proposed location is by means of travel ((is)) other than ((by)) automobile.