
Commerce & Gaming Committee

HB 2510

Brief Description: Requiring the liquor and cannabis board to provide written interpretations of liquor statutes and rules.

Sponsors: Representatives Kirby, MacEwen and Graham.

Brief Summary of Bill

- Requires the Liquor and Cannabis Board (LCB) to adopt rules allowing liquor licensees, or organizations representing licensees, to request a written board interpretation of liquor laws and rules.
- Requires all LCB enforcement action to be consistent with published written interpretations, unless the interpretation is formally withdrawn.
- Provides that the LCB may withdraw a written interpretation at any time and for any reason, provided that the LCB identifies justification for the withdrawal on its public website.

Hearing Date: 2/4/20

Staff: Kyle Raymond (786-7190).

Background:

The Liquor and Cannabis Board (LCB) issues a variety of liquor licenses to qualified applicants engaged in the manufacturing, distributing, and selling of liquor, including beer, wine, and spirits. Available manufacturer licenses include, among others, the microbrewery license, domestic brewery license, domestic winery license, distiller license, and craft distillery license.

Summary of Bill:

The Liquor and Cannabis Board (LCB) must adopt rules to allow liquor licenses, or organizations representing liquor licensees, to request a written board interpretation of liquor

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laws and rules that apply to specific facts presented by the requester. The process of requesting a written interpretation must be clearly identified and described on the public website of the LCB.

The LCB must provide a written interpretation to the requester within 60 days of submitting the initial interpretation request. The LCB may request additional information from the requester during the 60 day period.

The LCB must make any written interpretation, or summary of the interpretation, available to the public within 30 days of providing the interpretation to the requester. The LCB must publish all interpretations on its public website in a manner that provides a complete collection of interpretations organized by topic and is readily searchable by the public.

Before making a written interpretation available for public inspection, the LCB must:

- remove the name, address, and other identifying details of the person or organization requesting the interpretation;
- make the interpretation generally applicable to all licensees, if possible, by removing the name, address, and other identifying details of a specific licensee;
- remove information, the disclosure of which is expressly prohibited by statute or rule; and
- upon request, prepare a summary of the interpretation and post this summary instead of the interpretation if the interpretation cannot be prepared in a manner that avoids information uniquely identifying the requester.

All enforcement action of the LCB must be consistent with its published written interpretations unless the LCB formally withdraws an interpretation.

The LCB may withdraw a written interpretation at any time and for any reason provided that the LCB identifies justification for the withdrawal on its public website.

Upon request of a liquor licensee or organization liquor licensees, the LCB must provide notice of the publication or withdrawal of any interpretation.

The LCB is not prevented from providing confidential interpretations to individual licensees if the confidential interpretation is not in conflict with a written interpretation published by the LCB.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.