

WSR 15-09-069
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Developmental Disabilities Administration)

[Filed April 15, 2015, 11:04 a.m., effective May 16, 2015]

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

Purpose: Changes to chapter 388-835 WAC, ICF/MR program and reimbursement system, were made to comply with goals stated in RCW 44.04.280, by replacing demeaning language with respectful language. This was done by using respectful language when referring to individuals with disabilities by replacing all instances of MR and mental retardation to ID and intellectual disability. Other housekeeping changes were also being made to reflect agency reorganization. None of the changes resulted in any changes to policy, eligibility or processes.

Citation of Existing Rules Affected by this Order:
Amending 66.

Statutory Authority for Adoption: RCW 71A.12.030.

Other Authority: RCW 44.04.280.

Adopted under notice filed as WSR 15-02-048 on January 5, 2015.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 66, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 66, Repealed 0.

Date Adopted: April 9, 2015.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0005 What is the purpose of this chapter? (1) The purpose of this chapter is to establish rules authorized by Title 71A RCW, Developmental disabilities that:

(a) Regulate the purchase and provision of services in intermediate care facility for ~~((the mentally retarded))~~ those with an intellectual disability (ICF/~~((MR))~~ID); and

(b) Assure adequate ICF/~~((MR))~~ID care, service, and protection are provided through licensing and certification procedures; and

(c) Establish standards for providing habilitative training, health-related care, supervision, and residential services to eligible persons.

(2) Except where specifically referenced, this chapter supersedes and replaces any and all sections affecting ICF/~~((MR))~~ID facilities or programs contained in chapter 388-96 WAC.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0010 What terms and definitions are important to understanding this chapter? Unless the context clearly requires otherwise, the following terms and definitions are used consistently throughout the chapter:

"Accrual method of accounting" is a method of accounting where:

(1) Revenues are reported when they are earned, regardless of when they are collected; and

(2) Expenses are reported when they are incurred, regardless of when they are paid.

"Active treatment," as used in this chapter, is defined in 42 C.F.R. 483.440(a) and includes implementation of an individual program plan for each resident as outlined in 42 C.F.R. 483.440 (c) through (f).

"Administration and management" means activities used to maintain, control, and evaluate an organization's use of resources while pursuing its goals, objectives and policies.

"Admission" means entering a state-certified facility and being authorized to receive services from it.

"Allowable costs" are documented costs that:

(1) Are necessary, ordinary, and related to providing ICF/~~((MR))~~ID services to ICF/~~((MR))~~ID residents; and

(2) Not expressly declared **"nonallowable"** by applicable statutes or regulations.

"Appraisal" is a process performed by a professional person either designated by the American Institute of Real Estate Appraisers as a member, appraisal institute (MAI), or by the Society of Real Estate Appraisers as a senior real estate analyst (SREA) or a senior real property appraiser (SRPA). The appraisal process is used to establish the fair market value of an asset or to reconstruct the historical cost of an asset that was acquired in a past period. The appraisal process includes recording and analyzing property facts, rights, investments and values based on a personal inspection and a property inventory.

"Arm's-length transaction" is a transaction resulting from good faith bargaining between a buyer and seller who hold adverse positions in the market place. Arm's-length transactions are presumed to be objective transactions. A sale or exchange of ICF/~~((MR))~~ID or nursing home facilities among two or more parties where all parties continue to own one or more of the facilities involved in the transaction is not considered an arm's-length transactions. The sale of an ICF/~~((MR))~~ID facility that is subsequently leased back to the seller within five years of the date of sale is not considered an arm's-length transaction for purposes of chapter 388-835 WAC.

"Assets" are economic resources of the provider, recognized, and measured in conformity with generally accepted accounting principles. Assets also include deferred charges that are recognized and measured according to generally accepted accounting principles. (The value of assets acquired

in a change of ownership transaction entered into after September 30, 1984, cannot exceed the acquisition cost of the owner of record as of July 18, 1984.)

"Bad debts" or **"uncollectable accounts"** are amounts considered uncollectable from accounts and notes receivable. Generally accepted accounting principles must be followed when accounting for bad debts.

"Beds," unless otherwise specified, means the number of set-up beds in an ICF/((MR))ID facility. The number of set-up beds cannot exceed the number of licensed beds for the facility.

"Beneficial owner": For a definition, see WAC 388-835-0015.

"((Boarding home)) Assisted living facility" means any home or other institution licensed according to the requirements of chapter 18.20 RCW.

"Capitalization" means recording expenditures as assets.

"Capitalized lease" is a lease that is recorded, according to generally accepted accounting principles, as an asset with an associated liability.

"Cash method of accounting" is a method of accounting where revenues are recorded only when cash is received and expenses are not recorded until cash is paid.

"Change of ownership," see WAC 388-835-0020.

"Charity allowances" are reductions in a provider's charges because of the indigence or medical indigence of a resident.

"Consent" means the process of obtaining a person's permission before initiating procedures or actions against that person.

"Contract" means a contract between the department and a provider for the delivery of ICF/((MR))ID services to eligible medicaid recipients.

~~("Provider" means an entity contracting with the department to deliver ICF/MR services to eligible medicaid recipients.)~~

"Courtesy allowances" are reductions in charges to physicians, clergy, and others for services received from a provider. Employee fringe benefits are not considered courtesy allowances.

"Custody" means the immediate physical confinement, sheltering and supervision of a person in order to provide them with care and protect their welfare.

~~"((DDD)) DDA"~~ means the ~~((division of))~~ developmental disabilities administration of the department.

"Department" means the department of social and health services (DSHS) and its employees.

"Depreciation" is the systematic distribution of the cost (or depreciable base) of a tangible asset over its estimated useful life.

"Discharge" means the process that takes place when:

- (1) A resident leaves a residential facility; and
- (2) The facility relinquishes any responsibility it acquired when the resident was admitted.

"Donated asset" is an asset given to a provider without any payment in cash, property, or services. An asset is not considered donated if the provider makes a nominal payment when acquiring it. An asset purchased using donated funds is not a donated asset.

"Entity" means an individual, partnership, corporation, public institution established by law, or any other association of individuals, capable of entering into enforceable contracts.

"Equity capital" is the total tangible and other assets that are necessary, ordinary, and related to resident care listed on a provider's most recent cost report minus the total related long-term debt from the same cost report plus working capital as defined in this section.

"Exemption" means a department approved written request asking for an exception to a rule in this chapter.

"Facility" means a residential setting certified, according to federal regulations, as an ICF/((MR))ID by the department. A state facility is a state-owned and operated residential living center. A private facility is a residential setting licensed as a nursing home under chapter 18.51 RCW or a boarding home licensed under chapter 18.20 RCW.

"Fair market value" is the purchase price of an asset resulting from an arm's-length transaction between a well-informed buyer and seller, neither being under any compulsion to buy or sell.

"Financial statements" are statements prepared and presented according to generally accepted accounting principles and practice and the requirements of this chapter. Financial statements and their related notes include, but are not limited to, balance sheet, statement of operations, and statement of change in financial position.

"Fiscal year" is the operating or business year of a provider. Providers report on the basis of a twelve-month fiscal year, but this chapter allows reports covering abbreviated fiscal periods.

"Funded capacity," for a state facility, is the number of beds on file with the office of financial management.

"Generally accepted accounting principles" are the accounting principles currently approved by the financial accounting standard board (FASB).

"Generally accepted auditing standards" are the auditing standards currently approved by the American Institute of Certified Public Accountants (AICPA).

"Goodwill" is the excess of the purchase price of a business over the fair market value of all identifiable, tangible, and intangible assets acquired. **"Goodwill"** also means the excess of the price paid for an asset over fair market value.

"Habilitative services" means those services required by an individual habilitation plan.

"Harmful" is when an individual is at immediate risk of serious bodily harm.

"Historical cost" is the actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architects' fees, and engineering studies.

"Imprest fund" is a fund:

- (1) Regularly replenished for the amounts expended from it; and
- (2) The cash in the fund and the receipts for expenditures should always equal a predetermined amount.
- (3) An example of an imprest fund is a petty cash fund.

"ICF/((MR))ID" means a facility certified by Title XIX as an intermediate care facility for providing services to persons with mental retardation or related conditions.

"Interest" is the cost incurred for the use of borrowed funds, generally paid at fixed intervals by the borrower.

"Joint facility costs" are any expenses incurred that benefit more than one facility or a facility and any other entity.

"Lease agreement" is a contract for a specified period of time between two parties regarding the possession and use of real or personal property and/or assets in exchange for specified periodic payments.

"Medicaid program" means either the state medical assistance program provided under RCW 74.09.500 or authorized state medical services.

"Medical assistance recipient" is an individual that the department declares eligible for medical assistance services provided in chapter 74.09 RCW.

"Modified accrual method of accounting" is a method of accounting that records revenues only when cash is received and records expenses when they are incurred, regardless of when they are paid.

"Net book value" is the historical cost of an asset less its accumulated depreciation.

"Nonallowable costs" are costs that are not documented, necessary, ordinary and related to providing services to residents.

"Nonrestricted funds" are donated funds not restricted to a specific use by the donor. General operating funds are an example of nonrestricted funds.

"Nursing facility" means a home, place, or institution, licensed or certified according to chapter 18.51 RCW.

"Operating lease" is a lease, according to generally accepted accounting principles, that requires rental or lease payments to be charged to current expenses when they are incurred.

"Ordinary costs" are costs that, by their nature and magnitude, a prudent and cost conscious management would pay.

"Owner" means a sole proprietor, general or limited partner, or beneficial interest holder of at least five percent of a corporation's outstanding stock.

"Ownership interest" means all beneficial interests owned by a person (calculated in the aggregate) regardless of the form such beneficial ownership takes. Also, see WAC 388-835-0015.

"Per diem costs" or **"per resident day costs"** are total allowable costs for a fiscal period divided by total resident days for that same period.

"Prospective daily payment rate" is the daily amount the department assigns to each provider for providing services to ICF/((MR))ID residents. The rate is used to compute the department's maximum participation in the provider's cost.

"Provider" means an entity contracting with the department to deliver ICF/ID services to eligible medicaid recipients.

"Qualified ((mental retardation)) intellectual disability professional (((QMRP)) QIDP)" means ((QMRP)) QIDP as defined under 42 C.F.R. 483.430(a).

"Qualified therapist," see WAC 388-835-0030.

"Regression analysis" is a statistical technique used to analyze the relationship between a dependent or criterion variable and a set of independent or predictor variables.

"Regional services" are the services of a local office of the ((division of)) developmental disabilities administration.

"Related organization" is an entity that either controls another entity or is controlled by another entity or provider. Control results from common ownership or the ability to exercise significant influence on the other entity's activities. Control occurs when an entity or provider has:

(1) At least a five percent ownership interest in the other entity; or

(2) The ability to influence the activities of the other.

"Relative" means spouse; natural parent, child, or sibling; adopted child or adoptive parent; stepparent, stepchild, stepbrother, stepsister; father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law; grandparent or grandchild; uncle, aunt, nephew, niece, or cousin.

"Resident" or **"person"** means a person the ((division)) administration determines is, under RCW 71A.16.040 eligible for ((division)) administration-funded services.

"Resident day" means a calendar day of resident care. When computing calendar days of resident care, the day of admission is always counted. The day of discharge is counted only when discharge and admission occur on the same day. For the purpose of this definition, a person is considered admitted when they are assigned a bed and a resident record is opened for them.

"Resident care and training staff" are staff whose primary responsibility is the care and development of the residents, including:

(1) Resident activity program;

(2) Domiciliary services; and

(3) Habilitative services under the supervision of a ((QMRP)) QIDP.

"Restricted fund" is a fund where the donor restricts the use of the fund principal or income to a specific purpose. Restricted funds generally fall into one of three categories:

(1) Funds restricted to specific operating purposes; or

(2) Funds restricted to additions of property, plant, and equipment; or

(3) Endowment funds.

"RHC" - Residential habilitation center. A facility owned and operated by the state and is certified as an ICF/((MR))ID or a nursing facility.

"Secretary" means the secretary of DSHS.

"Start-up costs" are the one-time costs incurred from the time preparations begin on a newly constructed or purchased building until the first resident is admitted. Such **"preopening"** costs include, but are not limited to, administrative and nursing salaries, utility costs, taxes, insurance, repairs and maintenance, and training costs. Start-up costs do not include expenditures for capital assets.

"Superintendent" means the superintendent of a residential habilitation center (RHC) or the superintendent's designee.

"Title XIX" means the 1965 amendments to the Social Security Act, P.L. 89-07, as amended.

"Uniform chart of accounts" means a list of department established account titles and related code numbers that providers must use when reporting costs.

"Vendor number" or **"provider number"** is a number assigned by the department to each provider who delivers

ICF/((MR))ID services to ICF/((MR))ID medicaid recipients.

"Working capital" is the difference between the total current assets that are necessary, ordinary, and related to resident care, as reported in a provider's most recent cost report, and the total current liabilities necessary, ordinary, and related to resident care reported in the same cost report.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0020 What is a "change in ownership"? (1) A "change in ownership" is a change in the individual or legal organization responsible for the daily operation of an ICF/((MR))ID facility.

(2) Types of events causing a change in ownership include but are not limited to:

(a) Changing the form of legal organization of the owner, such as a sole proprietorship becomes a partnership or corporation;

(b) Transferring the title to the ICF/((MR))ID enterprise from the provider to another party;

(c) Leasing the ICF/((MR))ID facility to another party or an existing lease is terminated;

(d) When the provider is a partnership, any event that dissolves the partnership;

(e) When the provider is a corporation and the corporation:

(i) Is dissolved;

(ii) Merges with another corporation which is the survivor; or

(iii) Consolidates with one or more other corporations to form a new corporation.

(3) Ownership does not change when:

(a) The provider contracts with another party to manage the facility and act as the provider's agent subject to the provider's general approval of daily operating decisions; or

(b) When the provider is a corporation, some or all of its corporate stock is transferred.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0030 What is a "qualified therapist"?

A qualified therapist is any of the following:

(1) An activity specialist who has department specified specialized education, training, or experience;

(2) An audiologist eligible for a certificate of clinical competency in audiology or possessing the equivalent education and clinical experience;

(3) A dental hygienist defined, licensed and regulated by chapter 18.29 RCW;

(4) A dietitian either:

(a) Eligible for registration by the American Dietetic Association under requirements in effect on January 17, 1974; or

(b) With a baccalaureate degree whose major studies covered food and nutrition, dietetics, or food service management; plus one year supervisory experience in the dietetic service of a health care institution; and annual participation in continuing dietetic education;

(5) An occupational therapist who graduated from a program in occupational therapy or who possesses the equivalent of such education or training and meets all Washington state legal requirements;

(6) A pharmacist who is licensed by the Washington state board of pharmacy to engage in the practice of pharmacy;

(7) A physical therapist, meaning someone practicing physical therapy as defined in RCW 18.74.010(3). Physical therapist does not include massage operators as defined in RCW 18.108.010;

(8) A physician as defined, licensed and regulated by chapter 18.71 RCW or an osteopathic physician as defined, licensed and regulated by chapter 18.57 RCW;

(9) A psychologist as defined, licensed and regulated by chapter 18.83 RCW;

(10) A qualified ((~~mental-retardation~~)) intellectual disability professional;

(11) A registered nurse as defined by chapter 18.88A RCW;

(12) A social worker who is a graduate of a school of social work; or

(13) A speech pathologist either:

(a) Eligible for a certificate of clinical competence in speech pathology; or

(b) Possessing the equivalent education and clinical experience.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0040 What general requirements apply to ICF/MR care facilities? The following general requirements apply:

(1) The ((~~division~~)) administration will recognize only the official name of an ICF/((MR))ID as shown on the license.

(2) All state and private ICF/((MR))ID facilities must be certified as a Title XIX ((~~IMR~~)) ICF/((MR))ID facility.

(3) All private ICF/((MR))ID facilities with a certified capacity of at least sixteen beds must be licensed as a nursing home under chapter 18.51 RCW, Nursing homes.

(4) All private ICF/((MR))ID facilities with a certified capacity of less than sixteen beds must be licensed as a boarding home for the aged under chapter 18.20 RCW.

(5) All facilities certified to provide ICF/((MR))ID services must comply with all applicable Title XIX, Section 1905 of the Social Security Act 42 U.S.C federal regulations as amended. In addition, all private-operated facilities must comply with state regulation governing the licensing of nursing homes or boarding homes for the aged and any other relevant state regulations.

(6) All certified facilities must only admit persons with developmental disabilities as residents.

(7) State facilities may not exceed funded capacity unless authorized by the secretary to do so (see RCW 71A.20.090).

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0045 What are the minimum staff requirements for an ICF/((MR))ID facility? All ICF/((MR))ID facilities must provide sufficient number of qualified staff to meet the needs of their residents.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0050 What general requirements apply to the quality of ICF/((MR))ID services? (1) DSHS is responsible for assuring the:

(a) Health care and habilitative training needs of an individual are identified and met according to state and federal regulations.

(b) Individual is placed in a facility certified as capable of meeting their needs.

(2) ((DDD)) DDA regional service staff is responsible for authorizing changes in residential services.

(3) All services provided must be essential to the resident's habilitation and health care needs and to achieving the primary goal of attaining the highest level of independence possible for each individual resident.

(4) A resident in an ICF/((MR))ID is eligible for community residential services when such services meet their needs.

(5) Every ICF/((MR))ID must provide habilitative training and health care that at least includes the following:

(a) Active treatment;

(b) Services according to the identified needs of the individual resident and provided by or under the supervision of qualified therapists;

(c) Routine items and supplies provided uniformly to all residents;

(d) Providing necessary surgical appliances, prosthetic devices, and aids to mobility for the exclusive use of individual residents;

(e) Nonreusable supplies not usually provided to all residents may be individually ordered. A department representative must authorize requests for such supplies.

(6) Each ICF/((MR))ID facility is responsible for providing transportation for residents. This responsibility may include the guarantee of a resident's use of public transportation.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0055 What are the resident's rights if DSHS decides that they are no longer eligible for ICF/((MR))ID services? (1) A resident, their guardian, next-of-kin, or responsible party must be informed by DSHS in writing thirty days before any redetermination of their eligibility for ICF/((MR))ID services takes place.

(2) The redetermination notice must include:

(a) The reasons for the proposed eligibility change;

(b) A statement that the resident or any other individual designated by the resident has a right to a conference with a ((DDD)) DDA representative within thirty days of receipt of the notice;

(c) A statement that the resident has the right to request a hearing to contest the department's decision within thirty days of the notice;

(d) Information as to how a hearing can be requested;

(e) A statement that the resident has the right to be represented at the hearing by an authorized representative; and

(f) Information regarding the availability and location of legal services within the resident's community.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0060 What are DSHS responsibilities when it decides to redetermine a resident eligibility for ICF/((MR))ID services? DSHS must send a hearing request form with the notice of redetermination.

(1) If the resident requests a hearing within the thirty-day time period, DSHS must not redetermine eligibility until a hearing decision is reached or appeal rights have been exhausted unless redetermination is warranted by the resident's health or safety needs.

(2) If the secretary or the secretary's designee concludes that redetermination is not appropriate, no further action will be taken to redetermine eligibility unless there is a change in the situation or circumstances. If there is a change in the situation or circumstances, the request may be resubmitted.

(3) If the secretary or the secretary's designee affirms the decision to change the resident's eligibility and no judicial review is filed within thirty days of the receipt of notice of redetermination, the department must proceed with the planned action.

(4) If the secretary or secretary's designee affirms the decision to change the resident's eligibility and a request for judicial review has been filed, any proposed redetermination must be delayed until the appeal process is complete unless a delay jeopardizes the resident's health or safety.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0070 What requirements apply to the placement of individuals in an ICF/((MR))ID facility? (1) Placing individuals in an ICF/((MR))ID facility is the responsibility of the ((division of)) developmental disabilities administration and must be done according to applicable federal and state regulations.

(2) A facility may not admit an individual who requires services the facility cannot provide.

(3) Department representatives must determine an individual's eligibility for ICF/((MR))ID services before payment can be approved.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0075 What if an individual is transferred between facilities? (1) When an individual is transferred between facilities, all essential information concerning the individual, their condition, regimen of care and training must be transmitted, in writing, by the sending facility to the receiving facility at the time of the transfer.

(2) "Transferred between facilities" means transferred from:

- (a) An ICF/~~(MR)~~ID to ICF/~~(MR)~~ID;
- (b) An ICF/~~(MR)~~ID to a hospital;
- (c) A hospital to an ICF/~~(MR)~~ID; or
- (d) An ICF/~~(MR)~~ID or hospital to alternative community placement.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0080 What if an ICF/~~(MR)~~ID facility is closed? (1) When a facility plans to close, it must notify the department, in writing, at least one hundred and eighty days before the date of closure.

(2) Upon receipt of a notice of closure, the department must stop referring individuals to the facility and begin the orderly transfer of its residents.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0095 Is a transfer plan required for each resident? (1) (~~DD~~) DDA must prepare a written plan for each resident to be transferred.

(2) These plans must:

- (a) Identify the location of available facilities that provide services appropriate and consistent with the resident's needs;
- (b) Provide for coordination between the staffs of the old and new agencies;
- (c) Allow for a pre-transfer visit, when the resident's condition permits, to the new facility, so the resident can become familiar with the new surroundings and residents;
- (d) Encourage active participation by the resident's guardian or family in the transfer preparation;
- (e) Facilitate discussions between the staffs of the old and new facilities regarding expectations;
- (f) Provide opportunities for consultations on request between the two staffs; and
- (g) Require follow-up by (~~DD~~) DDA to monitor the effects of the transfer.

AMENDATORY SECTION (Amending WSR 04-16-018, filed 7/23/04, effective 8/23/04)

WAC 388-835-0100 Why would an individual move?

An individual may move if:

- (1) The services provided to an individual do not meet their needs;
- (2) A facility's ICF/~~(MR)~~ID certification or license is revoked or suspended;
- (3) Medical reasons dictate relocation;
- (4) A resident's welfare would be improved;
- (5) The welfare of the other residents would be enhanced;
- (6) There is no payment for services provided to the resident during their stay at the facility;
- (7) The resident and/or guardian make a formal request;
- (8) The facility is partially closing; or
- (9) The facility is closing.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0105 What are DSHS' responsibilities for placing individuals? (1) When services available to an individual do not meet their needs, the department is responsible for initiating and facilitating the resident's relocation.

(2) The department may enforce immediate movement of a resident from an ICF/~~(MR)~~ID facility when the facility's ICF/~~(MR)~~ID certification or license is revoked or suspended.

(3) The department must notify a resident and their guardian, next of kin, or responsible party, in writing, when:

(a) DSHS or (~~Health Care Financing Administration (HCFA)~~) Centers for Medicare and Medicaid (CMS) determines a facility no longer meets certification requirements as an ICF/~~(MR)~~ID;

(b) DSHS determines the facility does not meet contract requirements; or

(c) A facility voluntarily terminates their contract with DSHS or stops participating in the ICF/~~(MR)~~ID program.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0125 Can residents request a transfer? (1) Every resident has a right to:

- (a) Request a transfer; and
 - (b) Select where they wish to move.
- (2) If the resident's selection is available and appropriate to their habilitation and health care needs, the department must make all reasonable attempts to accomplish transfer.
- (3) If the selection is neither appropriate nor available, the resident may make another selection.
- (4) All requests by the resident or their guardian must be in writing.
- (5) (~~DD~~) DDA is solely responsible for arranging the resident's transfer.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0130 What rights are available to a resident regarding a proposed transfer? (1) A resident, their guardian, next-of-kin, or responsible party must be notified in writing at least thirty days before any transfer occurs.

- (2) The transfer notice must include:
 - (a) The reasons supporting the proposed transfer;
 - (b) A statement that the resident or any other individual designated by the resident has a right to a conference with a (~~DD~~) DDA representative within twenty-eight days of receipt of the notice;
 - (c) A statement that the resident has the right to request a hearing to contest the department's decision within thirty days of the notice;
 - (d) Information as to how a hearing can be requested;
 - (e) A statement that the resident has the right to be represented at the hearing by an authorized representative; and
 - (f) Information regarding the availability and location of legal services within the resident's community.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0145 Does a facility have a responsibility to report incidents involving residents? Any facility that has an ICF/~~((MR))~~ ID contract with DSHS must immediately contact their ~~((DDD))~~ DDA regional services office regarding unauthorized leaves, disappearances, serious accidents, or other traumatic incidents effecting a resident or the resident's health or welfare.

SOCIAL LEAVE FOR ICF/~~((MR))~~ ID RESIDENTS

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0155 What requirements apply to social leaves for ICF/~~((MR))~~ ID residents? (1) All social leaves should be consistent with the goals and objectives in the resident's individual habilitation plan.

(2) Any facility vacancies resulting from a resident's social leave will be reimbursed if the leave complies with the individual habilitation plan and the following conditions:

(a) The facility must notify the ~~((DDD-director))~~ DDA assistant secretary or their designee of all social leaves exceeding fifty-three hours.

(b) All social leaves exceeding seven consecutive days must receive prior written approval from the ~~((DDD-director))~~ DDA assistant secretary or their designee.

(c) The ~~((DDD-director))~~ DDA assistant secretary or their designee must give written approval before a resident can accumulate more than seventeen days of social leave per year.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0165 Is a superintendent required to give notice when they detain a resident? (1) When a superintendent detains an RHC resident, the superintendent or their designee must notify the resident and their legal representative as required in RCW 71A.10.070.

(2) If the resident's legal representative is not available, the superintendent must also notify one or more of the following persons in the order of priority listed:

(a) A parent of the resident;

(b) Other persons of close kinship relationship to the resident;

(c) The Washington protection and advocacy agency for the rights of a person with a developmental disability, appointed in compliance with 42 U.S.C. section 6042; or

(d) A person, who is not a DSHS employee or an ICF/~~((MR))~~ ID but who, in the superintendent's opinion, is concerned with the resident's welfare.

(3) Nothing in this section prevents a superintendent from notifying:

(a) A mental health professional;

(b) Local law enforcement;

(c) Adult protective services;

(d) Child protective services;

(e) Other agencies as appropriate; or

(f) ~~((Director, division of))~~ Assistant secretary, developmental disabilities administration, or designee.

~~((ICR/MR))~~ ICF/ID CONTRACTS

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0175 What if a facility violates its ICF/~~((MR))~~ ID contract? (1) If a facility violates the terms of their contract, DSHS may temporarily suspend referring residents to it.

(2) Whenever DSHS suspends referrals it must notify the facility immediately, in writing, and give the reasons for its action.

(3) The suspension may continue until DSHS determines that the circumstances leading to it have been corrected.

AMENDATORY SECTION (Amending WSR 02-16-014, filed 7/25/02, effective 8/25/02)

WAC 388-835-0180 What if an ICF/~~((MR))~~ ID contract is terminated? (1) Before a contract is terminated, the provider must give DSHS one hundred and eighty days written notice of the termination.

(2) When a contract is terminated, the provider must submit final reports to DSHS according to the requirements of WAC 388-835-0185.

(3) When notified of a contract termination, DSHS must determine, by preliminary or final settlement calculations, the amount of any overpayments made to the provider, including overpayments disputed by the provider. If preliminary or final settlements are not available for any periods before the termination date of the contract, DSHS must use available relevant information to make a reasonable estimate of any overpayments or underpayments.

(4) The provider must file a properly completed final cost report (see the requirements in WAC 388-835-0225, 388-835-0230, and 388-835-0235). This report may be audited by DSHS. A final settlement must be determined within ninety days after the audit process is completed (including any administrative review of the audit requested by the provider) or within twelve months of the termination of the contract if an audit is not performed.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0200 Does decertification, termination or nonrenewal of a contract stop payment of Title XIX funds? A decertification, termination, or nonrenewal of a contract stops the payment of Title XIX funds. Actions such as these do not affect a facility's right to operate as a nursing home or boarding home, but they do disqualify the facility from operating as an ICF/~~((MR))~~ ID facility and receiving federal funds.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0205 How does a change in ownership affect an ICF/((MR))ID contract with DSHS? (1) On the effective date of a change of ownership, DSHS's contract with the former owner is terminated. The former owner must give DSHS one hundred and eighty days written notice before the contract is terminated. When a certificate of need is required for the new owner and the new owner wishes to continue to provide services to residents without interruption, a certificate of need must be obtained before the former owner submits their notice of termination (see chapter 70.38 RCW for certificate of need requirements).

(2) If the new provider plans to participate in the cost related reimbursement system, they must meet the conditions specified in WAC 388-835-0215 and submit the projected budget required in WAC 388-835-0220. The new owner's ((CF/MR))ICF/ID contract is effective on the date ownership changes.

(3) When a contract is terminated, the provider must reverse any accumulated liabilities assumed by a new owner against the appropriate accounts.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0210 What is the prospective cost related reimbursement system (PCRRS)? PCRRS is the system used by DSHS pay for ICF/((MR))ID services provided to ICF/((MR))ID residents. Reimbursement rates for such services are determined according to the principles, methods, and standards contained in this chapter.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0215 What are the requirements for participating in PCRRS? To participate in PCRRS, an entity responsible for operating an ICF/((MR))ID facility must:

(1) Obtain a state certificate of need as required by chapter 70.38 RCW, Health planning and development;

(2) Possess a current license to operate an appropriate facility (e.g., nursing home, boarding home);

(3) Be currently certified under Title XIX to provide ICF/((MR))ID services;

(4) Hold a current contract to provide ICF/((MR))ID services and comply with all of its provisions; and

(5) Comply with all applicable federal and state regulations, including the requirements of this chapter.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0220 What are the projected budget requirements for new providers? (1) Unless the ((DDD director)) DDA assistant secretary approves a shorter period, each new provider must submit a one-year projected budget to DSHS at least sixty days before the contract will become effective.

(2) The projected budget must cover the twelve months immediately following the date the provider will enter the program.

(3) The projected budget must:

(a) Be prepared according to DSHS instructions;

(b) Be completed on the forms provided by DSHS; and

(c) Include all earnest money, purchase, and lease agreements involved in the change of ownership transaction.

(4) A new provider must also clearly identify, in their projected budget, all individuals and organizations having a beneficial ownership interest in the:

(a) Current operating entity;

(b) Land, building, or equipment used by the facility; and

(c) Purchasing or leasing entity.

(5) For purposes of this section, a "new provider" is one:

(a) Operating a new facility;

(b) Acquiring or assuming responsibility for operating an existing facility; or

(c) Obtaining a certificate of need approval due to an addition to or renovation of a facility.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0230 Must a cost report be certified?

(1) Every provider cost report required by DSHS must be accompanied by a certification signed on behalf of the provider who was responsible to DSHS during the reporting period.

(2) If a provider files a federal income tax return, the person normally signing the return and the ICF/((MR))ID facility administrator must sign the certification.

(3) If someone, who is not an employee of the provider, prepares the cost report, they must submit, as part of the certification, a signed statement indicating their relationship to the provider.

(4) Only original signatures must be affixed to certifications submitted to DSHS.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0280 Do ICF/((MR))ID providers have to maintain records related to their contracts? (1) A provider must, according to the terms of their contract, maintain adequate records so DSHS can audit reported data to verify provider compliance with generally accepted accounting principles and DSHS reimbursement principles and reporting instructions.

(2) If a provider maintains records based upon a chart of accounts other than the one established by DSHS, they must give DSHS a written schedule clearly illustrating how their individual account numbers correspond to those used by DSHS.

(3) After filing a report with DSHS, a provider must keep for five years, at a location in Washington state specified by the provider, all records supporting the report.

(4) If at the end of five years there are unresolved audit issues related to the report, the records supporting the report must be kept until the issues are resolved.

(5) Providers, according to the terms of their contract, must make records available for review upon demand by authorized personnel from DSHS and the United States Department of Health and Human Services during normal business hours at a location in Washington state specified by the provider.

(6) When a contract is terminated, final settlement must not be made until accessibility to and preservation of the provider's records within Washington state is assured.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0295 Are the reports submitted to DSHS by providers available to the public? According to chapter 388-01 WAC, all required financial and statistical reports submitted by ICF/((MR))ID facilities to DSHS are public documents and available to the public upon request.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0300 What is an ICF/((MR))ID field audit? A field audit consists of an on-site audit of the provider's financial records to verify that information provided on the cost report for the period being audited is accurate and represents allowable cost.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0310 When does DSHS complete a field audit? (1) If auditors are given timely access to a ICF/((MR))ID facility and to all records necessary to conducting their audit, DSHS must complete an audit within one year:

(a) Of receiving a properly completed annual cost report; or

(b) After the facility is notified it has been selected for an audit.

(2) For a state ICF/((MR))ID, DSHS must complete a field audit within three years after a properly completed cost report is received if auditors are given timely access to the facility and all records necessary to conducting their audit.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0315 How should a provider prepare for a field audit? (1) A provider must allow auditors access to the ICF/((MR))ID facility and all financial and statistical records. These records must be available at a location in the state of Washington specified by the provider. They must include:

(a) All income tax returns relating to the audited cost report and work papers supporting the report's data; or

(b) Work papers related to resident trust funds.

(2) The provider must reconcile reported cost data with:

(a) Applicable federal income and payroll tax returns; and

(b) The financial statements for the period covered by the report.

(c) The reconciliation must be in a form that facilitates verification by the auditors.

(3) The provider must designate and make available to the auditors at least one individual familiar with the internal operations of the facility being audited. The designated individual(s) must have sufficient knowledge and access to records to effectively respond to auditor questions and requests for information and documentation.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0335 What general requirements apply to accounting for resident trust accounts? (1) A provider must establish and maintain a bookkeeping system for all resident money received by the facility on behalf of the resident.

(2) This system must be incorporated into the facility's business records and be capable of being audited.

(3) The bookkeeping system must apply to residents that are:

(a) Incapable of handling their money and whose guardian, relative, ((DDD)) DDA regional service office administrator, or physician requests in writing that the facility accept this responsibility. (If the Social Security Form SSA-780, "Certificate of Applicant for Benefits on Behalf of Another," is used as documentation, it must be signed by one of the persons designated in this subsection.)

(b) Capable of handling their own money, but they ask the facility, in writing, to accept this responsibility for them.

(4) It is the facility's responsibility to maintain written authorization requests in a resident's file.

(5) A resident must be given at least a quarterly reporting of all financial transactions affecting their account. The resident's representative payee, guardian and/or other designated agents must be sent a copy of this quarterly report or any other reports related to the resident's account.

(6) Facilities must purchase surety bonds, or otherwise provide assurances or security satisfactory to DSHS, that assures the security of all resident personal funds deposited with them.

(7) Facilities may not require residents to deposit personal funds with them. A facility may hold a resident's personal funds only if the resident or resident's guardian gives written authorization to do so.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0340 What specific accounting procedures apply to resident trust accounts? (1) A provider must maintain a subsidiary ledger with an account for each resident for whom the provider holds money in trust.

(2) Each account and related supporting information must be:

(a) Maintained at the facility;

(b) Kept current;

(c) Balanced each month; and

(d) Detailed, with supporting verification, showing all money received on behalf of the individual resident and how that money was used.

(3) A provider must make each resident trust account available to DSHS representatives for inspection and audit.

(4) A provider must maintain each resident trust accounts for a minimum of five years.

(5) A provider must notify the (~~DDD~~) DDA regional service office when an individual's account balance is within one hundred dollars of the amount listed on their award letter.

(6) A resident can accumulate funds by:

(a) Not spending their entire clothing and personal incidentals allowance; and

(b) Saving other income DSHS specifically designates as exempt.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0370 What controls must a provider use to ensure the safety of trust fund money? (1) A provider must not release trust fund money to anyone other than the:

(a) Resident or, with their written consent, their guardian;

(b) Resident's designated agent as appointed by power of attorney; or

(c) Appropriate DSHS personnel designated by the (~~DDD~~) DDA regional services administrator.

(2) A provider must complete a receipt, in duplicate, when money is received. One copy must be given to the person making the payment or deposit and the other copy must remain in the receipt book for easy reference.

(3) All residents must endorse, with their own signature, any checks or state warrants they receive. Only when a resident is incapable of signing their own name may the provider use the resident's "X" mark followed by their printed name and the signature of two witnesses.

(4) When both a general fund account and a trust fund account are kept at the same bank, the trust account portion of any deposit can be deposited directly to the trust account.

(5) A provider must credit a resident's trust account ledger sheet when the resident's allowance is received. This entry must be referenced with the receipt number and must be supported by a copy of the deposit slip (one copy for all deposits made).

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0390 How are trust funds liquidated?

(1) In the case of deceased resident, the provider must obtain a receipt from the next-of-kin, guardian, or duly qualified agent when the balance of the trust fund is released. If the next-of-kin, guardian or duly qualified agent cannot be identified, the (~~DDD~~) DDA regional service office must be contacted, in writing within seven days of the resident's death, to assist in the release of the resident's trust fund money. A check or other document showing payment to the next-of-kin, guardian, or duly qualified agent will serve as a receipt.

(2) In situations where the resident leaves the ICF/((~~MR~~))ID facility without authorization and their whereabouts is unknown, the facility:

(a) Will make a reasonable attempt to locate the missing resident. A "reasonable attempt" includes, but is not limited to, contacting friends, relatives, police, the guardian, and the (~~DDD~~) DDA regional office in the area; and

(b) If the resident cannot be located after ninety days, the facility must notify the department of revenue regarding the existence of "abandoned property" (see chapter 63.29 RCW Uniform Unclaimed Property Act). The facility must deliver to the department of revenue the balance of the resident's trust fund account within twenty days following their notification.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0400 What are allowable costs? (1)

Allowable costs are documented costs that are necessary, ordinary, related to providing ICF/((~~MR~~))ID services to ICF/((~~MR~~))ID residents, and not expressly declared nonallowable by applicable statutes or regulations. Costs are ordinary if they are of the nature and magnitude that a prudent and cost conscious management would pay.

(2) Allowable costs do not include increased costs resulting from transactions or the application of accounting methods which circumvent the principles of the prospective cost-related reimbursement system.

(3) DSHS does not allow increased costs resulting from a series of transactions between the same parties and involving the same assets (e.g., sale and leaseback, successive sales or leases of a single facility or piece of equipment).

(4) When a provider requests a rate adjustment according to WAC 388-835-0900 or 388-835-0905, any cost audited previously and not disallowed is subject to DSHS review and reconsideration according to the criteria in this section.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0405 What are unallowable costs? (1)

Costs are unallowable if they are not documented, necessary, or ordinary and do not relate to providing services to ICF/((~~MR~~))ID residents.

(2) Examples of unallowable costs include, but are not limited to, the following:

(a) Costs of items or services not covered by the medic-aid program. Costs of nonprogram items or services will not be allowed even if indirectly reimbursed by DSHS as a result of an authorized reduction in resident contribution.

(b) Costs of services and items provided to ICF/((~~MR~~))ID residents covered by DSHS's medical care program but not included in ICF/((~~MR~~))ID services.

(c) Costs associated with a capital expenditure subject to Section 1122 approval (part 100, Title 42 C.F.R.) if DSHS found the expenditure was not consistent with applicable standards, criteria, or plans. If DSHS was not given timely notice of a proposed capital expenditure, all associated costs will not be allowed as of the date the costs were determined to be nonreimbursable under applicable federal regulations.

(d) Costs associated with a construction or acquisition project that requires certificate of need approval according to chapter 70.38 RCW and that approval was not obtained.

(e) Costs associated with outside activities (e.g., costs allocable to the use of a vehicle for personal purposes, or related to the part of a facility leased out for office space).

(f) All salaries or other compensation of officers, directors, stockholders, and others associated with the provider or home office, except compensation paid for services related to resident care and training.

(g) Costs in excess of limits set in this chapter or costs violating principles contained in this chapter.

(h) Costs resulting from transactions or the application of accounting methods used to circumvent the principles of the prospective cost-related reimbursement system.

(i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of cost to the related organization or market meaning the price paid for comparable services, facilities or supplies when purchased in an arms length transaction.

(j) Balances of accounts that cannot be collected (bad debts or uncollectable accounts).

(k) Charity and courtesy allowances.

(l) Cash, assessments, or other contributions to political parties, and cost incurred to improve community or public relations. Dues to charitable organizations, professional organizations and trade associations are allowable costs.

(m) Any portion of trade association dues for legal and consultant fees and costs related to lawsuits or other legal action against DSHS.

(n) Travel expenses for trade association boards of directors in excess of the twelve allowable meetings per calendar year.

(o) Vending machine expenses.

(p) Expenses for barber or beautician services not included in routine care.

(q) Funeral and burial expenses.

(r) Costs of gift shop operations and inventory.

(s) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except items used in resident activity programs or in ICF/((MR))ID programs where clothing is a part of routine care.

(t) Fund-raising expenses except those directly related to the resident activity program.

(u) Penalties and fines.

(v) Expenses related to telephones, televisions, radios, and similar appliances in a resident's private accommodations.

(w) Federal, state, and other income taxes.

(x) Costs of special care services, except where authorized by DSHS.

(y) Expenses for "key-person" insurance and other insurance or retirement plans not available to all employees.

(z) Expenses of profit-sharing plans.

(aa) Expenses related to the purchase and/or use of private or commercial aircraft that exceed what a prudent provider would spend for ordinary and economical transportation when conducting resident care business.

(bb) Personal expenses and allowances of owners or relatives.

(cc) All expenses of maintaining professional licenses or membership in professional organizations.

(dd) Costs related to agreements not to compete.

(ee) Goodwill and the amortization of goodwill.

(ff) Expenses related to vehicles in excess of what a prudent provider would expend for the ordinary and economic provision of transportation needs related to resident care.

(gg) Legal and consultant fees related to a fair hearing against DSHS. Including but not limited to, fees for accounting services used to prepare for an administrative judicial review resulting in a final administrative decision favorable to DSHS or where DSHS's decision is allowed to stand.

(hh) Legal and consultant fees related to a lawsuit against DSHS, including suits appealing administrative decisions.

(ii) Lease acquisition costs and other intangibles not related to resident care and training.

(jj) Interest charges assessed by the state of Washington for failure to make timely refund of overpayments and interest expenses incurred for loans obtained to make such refunds.

(kk) Travel expenses outside the states of Idaho, Oregon, and Washington and the Province of British Columbia except travel to and from the home and central office of a chain organization operation outside those areas if the travel is necessary, ordinary, and related to resident care and training.

(ll) Moving expenses of employees when a demonstrated, good-faith effort has not been made to recruit employees within the states of Idaho, Oregon, and Washington and Province of British Columbia.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0410 Can a provider offset miscellaneous revenues against allowable costs? (1) A provider must reduce allowable costs whenever the item, service, or activity covered by the costs generate revenue or financial benefits (e.g., purchase discounts or rebates) other than through the provider's normal billing for ICF/((MR))ID services.

(2) A provider must not deduct unrestricted grants, gifts, endowments, and interest earned from them from the allowable costs of a nonprofit facility.

(3) When goods or services are sold, the reduction in allowable costs must be the actual cost of the item, service, or activity. If actual cost cannot be accurately determined, the reduction must be the full amount of the revenue received. When financial benefits such as purchase discounts or rebates are received, the reduction must be the amount of the discount or rebate.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0415 Are the costs of meeting required standards allowable costs? (1) All necessary and ordinary expenses incurred by a provider to meet required standards associated with providing ICF/((MR))ID services are allowable costs.

(2) Examples are the cost of:

(a) Meeting licensing and certification standards;

(b) Fulfilling accounting and reporting requirements imposed by this chapter; and

(c) Performing any resident assessment activity required by DSHS.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0435 Are education and training costs allowable costs? (1) DSHS allows ordinary expenses associated with on-the-job and in-service training required for employee orientation and certification when those expenses directly relate to performing an employee's assigned duties.

(2) Ordinary expenses for staff training are allowable costs.

(3) Necessary and ordinary expenses for recreational and social activity training conducted by a provider for volunteers are allowable costs.

(4) Training program expenses for other nonemployees are not allowable costs, except the costs associated with training county-contracted training program employees by an ICF/((MR))ID as a condition of the ICF/((MR))ID's agreement with the county-contracted training program.

(5) DSHS must allow expenses for travel in the states of Idaho, Oregon, and Washington and Province of British Columbia associated with education and training if the expenses meet the requirements of this chapter.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0535 What is depreciation expense?

(1) Depreciation expense on tangible assets used to provide ICF/((MR))ID services is an allowable cost.

(2) Depreciation expense must be:

(a) Identifiable and recorded in the provider's accounting records; and

(b) Computed using the depreciation base, useful lives and methods specified in this chapter.

(3) If a provider reports annual depreciation expense that includes depreciation on assets unrelated to resident care and training, the annual reported expense must be reduced accordingly.

(4) Once a tangible asset is fully depreciated, no additional depreciation can be claimed unless a new depreciation base is established according to the rules of this chapter.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0570 Can DSHS recover reimbursements for depreciation expense? If a provider terminates their contract without selling or otherwise retiring equipment that was depreciated using an accelerated method, depreciation schedules for this equipment for those periods when the provider participated in the ICF/((MR))ID program must be adjusted. DSHS will recover any difference between reimbursement actually paid for depreciation and the reimbursement that would have been paid if the straight-line method had been used.

AMENDATORY SECTION (Amending WSR 02-16-014, filed 7/25/02, effective 8/25/02)

WAC 388-835-0575 What requirements apply to calculating ICF/((MR))ID reimbursement rates? (1) Medicaid program reimbursement rates established according to this chapter apply only to facilities holding appropriate state licenses and certified to provide ICF/((MR))ID services according to state and federal laws and regulations.

(2) All rates must be reasonable and adequate to meet the costs incurred by economically and efficiently operated facilities providing ICF/((MR))ID services according to state and federal laws and regulations.

(3) For private facilities:

(a) Final payments must be the lower of the facility's prospective rate or allowable costs.

(b) Prospective rates must be determined according to WAC 388-835-0845, 388-835-0850, 388-835-0860, 388-835-0865, 388-835-0870, 388-835-0875, and 388-835-0880.

(c) Final payments must be determined according to WAC 388-835-0880.

(4) For state facilities:

(a) Final payments must be the facility's allowable costs.

(b) Interim rates must be calculated using the most recent annual reported costs (see WAC 388-835-0845) divided by the total resident days during the reporting period. These costs may be adjusted to incorporate federal, state, or department changes in program standards or services.

(c) Final payments must be determined according to WAC 388-835-0880.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0580 What program services are not covered by DSHS prospective reimbursement rates?

Medical services that are part of DSHS's medical care program but not included in ICF/((MR))ID services are not covered by prospective reimbursement rates. Payments are made directly to the service provider according to WAC 388-835-0835 requirements.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0590 How are reimbursement rates calculated?

(1) Each provider's reimbursement rate must be recalculated once each calendar year. The recalculated rate will be implemented prospectively. The recalculated rate will be effective on July 1 of the calendar year in which it was computed. Rates may be recalculated to reflect legislative inflation adjustments or to comply with the requirements of WAC 388-835-0900.

(2) If a provider participated in the ICF/((MR))ID program for at least six months during the previous calendar year, their rates must be based on the prior period's allowable costs. If the provider participated in the program for less than six months in the previous calendar year, their rates must be calculated according to WAC 388-835-0840 requirements.

(3) Unless circumstances beyond DSHS's control interfere, all providers submitting correct and complete cost

reports by March 31 must receive notification of their new rates by July 1.

(4) When calculating a provider's rate, DSHS must use data from the most recent and complete cost report submitted by the provider and reviewed by DSHS as described in WAC 388-835-0700.

(5) Inflation factor adjustments are based on the Implicit Price Deflator for Personal Consumption from the state of Washington, Economic and Revenue Forecast prepared by the Office of the Forecast Council.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0615 What are component rates and cost centers? (1) A provider's overall ICF/((MR))ID resident reimbursement rate consists of five component rates within three cost centers.

(2) The five component rates are:

- (a) Resident care and habilitative services;
- (b) Food;
- (c) Administration and operations;
- (d) Property; and
- (e) Return on equity.

(3) The three cost centers are:

- (a) Resident care and habilitation;
- (b) Administration, operations, and property; and
- (c) Return on equity.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0635 Is there a limit to the allowable cost for administrative personnel? Compensation for administrative personnel is an allowable cost within the limits contained in this section:

(1) For purposes of this section "compensation" means gross salaries, wages, and the applicable cost of fringe benefits made available to all employees. Compensation does not include payroll taxes paid by the provider.

(2) A licensed administrator's total compensation for actual services rendered to an ICF/((MR))ID facility on a full-time basis (at least forty hours per week, including reasonable vacation, holiday, and sick time) is allowable at the lower of:

(a) Actual compensation received; or

(b) For calendar year 2000, the amount specified in the following table that corresponds to the number of set-up beds in the facility.

Number of set-up beds	Maximum compensation
15 or less	\$42,886
16 to 79	\$47,739
80 to 159	\$52,832
160 and up	\$56,163

(c) The maximum compensation amounts will be adjusted annually for inflation. Inflation factor adjustments are based on the Implicit Price Deflator for Personal Con-

sumption from the state of Washington, Economic and Revenue Forecast prepared by the Office of the Forecast Council.

(d) A licensed administrator's compensation will be allowed only if DSHS is notified in writing within ten days following the start of their employment.

(3) Total compensation of not more than one full-time licensed assistant administrator will be allowed if there are at least eighty set-up beds in the ICF/((MR))ID facility. Compensation is allowable at the lower of:

(a) Actual compensation received; or

(b) Seventy-five percent of the amount specified in the above table.

(4) Total compensation of not more than one full-time registered administrator-in-training is allowed at the lower of:

(a) Actual compensation received; or

(b) Sixty percent of the amount specified by ((DDD)) DDA in the above table.

(5) The cost of a licensed administrator, assistant administrator, or administrator-in-training is not an allowable expense in ICF/((MR))ID facilities with fifteen beds or less. The facility's qualified ((mental retardation)) intellectual disability professional (((QMRP)) QIDP) will provide administrative services.

(6) A ((QMRP)) QIDP's total compensation of wages and/or salary is allowable at the lower of:

(a) Actual compensation received; or

(b) The amount specified in ((DDD)) DDA in the above table.

(7) If a licensed administrator, licensed assistant administrator, registered administrator-in-training, or ((QMRP)) QIDP are employed on a less than full-time basis, allowable compensation must be the lower of:

(a) Actual compensation received; or

(b) The maximum amount allowed multiplied by the percentage derived from dividing actual hours worked plus reasonable vacation, holiday and sick time, by two thousand and eighty hours.

(8) A provider must maintain time records for any licensed administrators, assistant administrators, administrators-in-training, or ((QMRP)) QIDPs they employ.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0640 Can a provider hire an individual or firm to manage their ICF/((MR))ID facility? (1) A provider can enter into an agreement with an individual or firm to manage their ICF/((MR))ID facility as the provider's agent, however, the provider must submit a copy of the agreement to DSHS at least sixty days before it becomes effective.

(2) Copies of any amendments to a management agreement must be received by DSHS at least thirty days before the amendment become effective.

(3) Management fees for periods before DSHS receives a copy of the agreement are not allowable costs.

(4) The department may waive the sixty-day notice requirement to protect the health and safety of facility residents. Any waiver of the sixty-day notice requirement by DSHS must be in writing.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0650 Are all management fee's allowable? Providers must limit the amount of allowable fees for general management services (including corporate management fees, business entity management fees, board of director fees and overhead and indirect costs associated with providing general management services) to:

(1) The maximum allowable compensation for a licensed administrator and, if the facility has at least eighty set-up beds, an assistant administrator even if one is not employed minus the actual compensation received by the licensed administrator and assistant administrator.

(2) The maximum allowable compensation for a ((QMRP)) QIDP at a ICF/((MR))ID facilities with fifteen beds or fewer, minus the actual compensation received by the ((QMRP)) QIDP.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0665 Are travel and housing expenses of nonresident staff working at a provider's ICF/((MR))ID facility allowable costs? (1) All necessary travel and housing expenses of nonresident staff working at a provider's ICF/((MR))ID facility are allowable costs if their visit does not exceed three weeks.

(2) If the nonresident staff visit extends beyond three weeks, any travel and housing expenses are subject to the management fee limits established in WAC 388-835-0405.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0670 Are bonuses paid to a provider's employees allowable costs? (1) Bonuses paid to employees at a provider's ICF/((MR))ID facility are compensation.

(2) Bonuses paid to central office employees are management costs that are subject to the management fee limits established in WAC 388-835-0405.

(3) Bonuses paid to other employees not located at an ICF/((MR))ID facility and performing managerial services are management costs that are subject to the management fee limits established in WAC 388-835-0405.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0675 Are fees paid to members of the board of directors or corporations allowable costs? Fees paid to board of director members or corporations operating ICF/((MR))ID facilities are management costs subject to the management fee limits established in WAC 388-835-0405.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0680 How is the administration and operations rate component computed? (1) The administration and operations rate component includes reimbursement for the necessary and ordinary costs of:

(a) Overall administration and management of the facility;

(b) Operations and maintenance of the physical plant;

(c) Resident transportation;

(d) Dietary service (other than the cost of food and beverages);

(e) Laundry service;

(f) Medical and habilitative supplies;

(g) Taxes; and

(h) Insurance.

(2) An ICF/((MR))ID facility's administration and operations rate component is the lesser of:

(a) It's most recent reported cost per resident day adjusted for inflation; or

(b) The calculated rate that is at or above eighty-five percent of state and private facilities' most recent reported cost per resident day adjusted for inflation. This ranking must be based on cost reports used to determine rates for facilities with an occupancy level of at least eighty-five percent during the cost report period.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0685 How is the property rate component computed? (1) The property rate component reimburses an ICF/((MR))ID facility for the necessary and ordinary costs of leases, depreciation, and interest.

(2) It is the facility's most recent desk-reviewed cost per resident day.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0825 What is DSHS' public disclosure responsibility regarding rate setting methodology? Without identifying individual ICF/((MR))ID facilities and in compliance with public disclosure statute and rule requirements, DSHS will provide the public with full and complete information regarding its rate setting methodology.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0830 How does a provider bill DSHS for services provided? (1) A provider must bill DSHS each month, from the first through the last day, for care provided to medical care recipients by completing and returning ((~~MR~~ MR)) a statement filed according to department instructions.

(2) A provider cannot bill DSHS for services provided to a resident until they receive a DSHS resident award letter. When the provider receives the award letter, they can bill for services provided since the resident's admission or eligibility date.

(3) A provider cannot bill DSHS for the day of a resident's death, discharge, or transfer from the ICF/((MR))ID facility.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0835 How does DSHS pay a provider?

(1) DSHS will reimburse a provider for billed service rendered under the ICF/((MR))ID contract according to the appropriate rate assigned to the provider.

(2) For each resident, DSHS will pay an amount equal to the appropriate rates multiplied by the number of resident days each rate was in effect, less any amount a resident is required to pay (see WAC 388-835-0940).

(3) A provider must accept DSHS's reimbursement rates as full compensation for all services the provider is obligated to provide under their contract. The provider must not seek or accept additional compensation any contracted services from or on behalf of a resident.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0855 What if a resident's circumstances change causing a provider to contribute more to the resident's care? (1) If a provider receives documentation verifying a change in a resident's income or resources that will reduce the resident's ability to contribute to the cost of their care, the provider must report this information in writing to the ((DDD)) DDA regional services office within seventy-two hours.

(2) Any necessary corrections should be made in the next ICF/((MR))ID statement and a copy of the supporting documentation should be attached.

(3) If a provider receives increased funds for a resident, the normal amount must be allowed for clothing, personal, and incidental expenses and the balance must be applied to the cost of care.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0860 What is the role of a receiver when an ICF/((MR))ID facility is placed in receivership? If an ICF/((MR))ID facility is providing care to state medical assistance recipients and is placed under receivership, the receiver:

(1) Becomes the medicaid provider during the receivership period;

(2) Assumes all new provider reporting responsibilities;

(3) Assumes all other new provider responsibilities established in this chapter; and

(4) Is responsible, during the receivership period, for refunding any medicaid rate payments received that exceed cost of services provided.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0870 What if the court asks DSHS to recommend a receiver's compensation? If asked for a recommendation regarding receiver compensation by the court, DSHS must consider the:

(1) Range of compensation for private ICF/((MR))ID facility managers;

(2) Experience and training of the receiver;

(3) Size, location, and current condition of the facility; and

(4) Additional factors considered appropriate.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0900 How does a provider request an administrative review? (1) A provider challenging an audit or settlement determination has a maximum of thirty days after receiving the finding or decision to file a written request for an administrative review.

(2) Written requests must be filed with the:

(a) Office of financial recovery services when the provider challenges an audit finding (adjusting journal entries or AJEs) or other audit determination; or

(b) ((DDD director)) DDA assistant secretary when the provider challenges a rate, desk review, or other settlement determination.

(3) The written request must:

(a) Be signed by the provider or facility administrator;

(b) Identify the specific determination being challenged and the date it was issued;

(c) State, as specifically as possible, the issues and regulations involved and why the provider claims the determination was erroneous; and

(d) Be accompanied by any documentation that will be used to support the provider's position.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0915 Can DSHS withhold an undisputed overpayment amount from a current ICF/((MR))ID payment? DSHS is authorized to withhold from an ICF/((MR))ID's current payment all amounts found by a preliminary or final settlement to be overpayments if they are not identified by the ICF/((MR))ID as overpayments and challenged in an administrative or judicial review.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0920 Can DSHS withhold a disputed overpayment amount from a current ICF/((MR))ID payment? Once administrative and judicial review processes are complete, contested overpayments retained by an ICF/((MR))ID may be withheld from the ICF/((MR))ID's current payment but only to the extent DSHS's position or claims are upheld.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0925 What is the purpose of this section? The purpose of this chapter is to regulate the costs of care of (~~mentally~~) intellectually/physically deficient persons.

WSR 15-10-059
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 15-98—Filed April 30, 2015, 3:44 p.m., effective May 31, 2015]

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

Purpose: WAC 232-12-079 Bait volume limits for the purposes of hunting deer or elk, 232-12-078 Baiting for the purposes of hunting deer and elk and 232-12-088 Baiting for the purposes of hunting deer or elk with exceptions: The fish and wildlife commission withdrew any new rule making on this topic. They have instructed the department to continue to investigate baiting for deer and elk, continue gathering information, further public outreach on the topic, and then come back with a recommendation for the 2016 hunting seasons.

WAC 232-28-248 Special closures and firearm restriction areas: This rule making changes the special closures and firearm restriction areas and adjusts the boundaries and dates of firearm restriction areas to better address safety issues while still accommodating hunting as a management tool. Also adds the ability to use semi-automatic handguns of .40 caliber or larger for the modern firearm season.

WAC 232-28-337 Elk area descriptions: This rule making changes elk area descriptions to accommodate the expansion of the 4-O Wildlife Area since additional lands were acquired last year. Additionally, this rule change:

- Implements an adjustment to Elk Area 3911 which will remove a portion of public land;
- Changes the boundary for an Elk Area in Klickitat County to better address wildlife conflict;
- Creates a new Elk Area in GMU 522 to accommodate a new quality elk opportunity;
- Changes the boundary of an existing Elk Area in Pierce County; and
- Creates a new Elk Area in Pierce County to better address agricultural damage caused by elk.

WAC 232-28-357 2015-2017 Deer general seasons and definitions: This rule making retains general season deer hunting opportunity for the years 2015-2017, balances the hunting opportunity between user groups, increases the opportunity when deer populations allow, and reduces the opportunity when declining deer numbers warrant a change.

WAC 232-28-358 2015-2017 Elk general seasons and definitions: This rule making retains general season elk hunting opportunity for 2015-2017, balances the elk hunting opportunity between user groups, increases elk hunting opportunity when elk populations allow, and reduces elk hunting opportunity when declining elk numbers warrant a change.

WAC 232-28-359 2015 Deer special permits: This rule making retains special permit deer hunting opportunity for 2015.

WAC 232-28-360 2015 Elk special permits: This rule making retains elk special permit hunting opportunity for 2015.

WAC 232-28-624 Deer area descriptions: This rule making changes the special closures and firearm restriction areas; adjusts the boundaries and dates of firearm restriction areas to better address safety issues while still accommodating hunting as a management tool; adds the ability to use semi-automatic handguns of .40 caliber or larger for the modern firearm season; and makes changes to the Deer Area Descriptions to accommodate the expansion of the 4-O Wildlife Area since additional lands were acquired last year.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-248, 232-28-337, 232-28-357, 232-28-358, 232-28-359, 232-28-360, and 232-28-624.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240.

Adopted under notice filed as WSR 15-04-098 on February 2, 2015.

Changes Other than Editing from Proposed to Adopted Version:

WAC 232-28-337 Elk area descriptions:

- Under Elk Area 5066 Norway Pass the following adjustments were made from the proposed version to the adopted version:
 - The addition of clarifying language that describes the new Elk Area as being in GMU 524 Margaret.
 - The rule is also changed to provide a directional adjustment on the line between the USFS trails 211/230 junction, and Minnie Peak.
 - These changes facilitate moving the Margaret Unit (524) to a general elk season, and with the creation of a new Elk Area in which a new quality special permit hunting opportunity. The change also discourages the use of areas deemed sensitive by the Mount St. Helens National Monument. These changes do not penalize the level of grouse, deer, and bear hunting currently taking place on public land.

WAC 232-28-357 2015-2017 Deer general seasons and definitions:

- Option B was adopted from the CR-102 filing adjusting the following hunts:
 - General Season, Eastern Washington White-tailed Deer in GMUs 117 and 121, "Any white-tailed buck"
 - Oct. 17-30, 2015
 - Oct. 15-28, 2016
 - Oct 14-27, 2017
 - Late General Season, Eastern Washington White-tailed Deer in GMUs 117 and 121, "Any white-tailed buck"
 - Nov. 7-19, 2015
 - Nov. 5-19, 2016
 - Nov. 11-19, 2017

- Youth General Season, Eastern Washington White-tailed Deer in GMUs 117 and 121, "Any white-tailed deer"
 - Oct. 17-30, 2015
 - Oct. 15-28, 2016
 - Oct 14-27, 2017
- Early Archery General Deer Season, Eastern Washington White-tailed Deer in GMUs 117 and 121, "Any white-tailed deer"
 - Sept. 1-30, 2015
 - Sept. 1-30, 2016
 - Sept. 1-29, 2017
- Late Archery General Deer Season, Eastern Washington White-tailed Deer in GMUs 117 and 121, "Any white-tailed deer"
 - Nov. 25 - Dec. 15, 2015
 - Nov. 23 - Dec. 15, 2016
 - Nov. 22 - Dec. 15, 2017
- Early Muzzleloader General Deer Season, Eastern Washington White-tailed Deer in GMUs 117 and 121, "Any white-tailed deer"
 - Oct. 3-11, 2015
 - Oct. 1-9, 2016
 - Sept. 30 - Oct. 8, 2017
- Under Early Archery Eastern Washington White-tailed Deer, GMUs 169 and 175, White-tailed 3 pt. min., the dates were changed to Sept. 1-30, 2015; Sept. 1-30, 2016; Sept. 1-29, 2017. These changes correct a typographical error in the CR-102 filing.
- Under Early Muzzleloader Western Washington Black-tailed Deer, the rule is changed to allow "any buck" from "2 pt. min." during the Oct. 3-11 season in GMU 437. This change corrects a typographical error in the CR-102 filing.
- Added an exception to the new general season in GMU 524. This exception will facilitate quality special permit hunts in the new Norway Pass Elk Area.
- Inserted early muzzleloader dates for GMU 407 and Elk Area 4601 for years 2015 and 2016. This corrects an omission from the last 3-year hunting season rule package.
- Reinstated the start dates for late muzzleloader for GMUs 130-142. This change corrects an omission from the CR-102 filing.
- Updated the January dates for Late Archery, GMU 371 and Elk Area 3912. This corrects an oversight in the CR-102 filing.
- Substituted new language for the Master Hunter (MH) 3911 hunt footnote. This change facilitates the lower pricing adopted for MH second tags and clarifies rule differences between the early and late 3911 hunts.

WAC 232-28-359 2015 Deer special permits:

WAC 232-28-358 2015-2017 Elk general seasons and definitions:

- Removed the general season for Elk Area 2033. This hunt was originally designed to address agricultural damage concerns. Those damage issues are now being effectively mitigated by wildlife conflict staff making the general season no longer necessary.
- Substituted new language for the Master Hunter (MH) 3911 hunt footnote. This change facilitates the lower pricing adopted for MH second tags and clarifies rule differences between the early and late 3911 hunts.
- Added an exception to the new general season in GMU 524. This exception will facilitate quality special permit hunts in the new Norway Pass Elk Area.
- Updated the January dates for Late Archery, Elk Area 1010 and GMU 163. This change corrects an oversight in the CR-102 filing.
- Updated the January dates for Late Archery, GMU 371 and Elk Area 3912. This change corrects an oversight in the CR-102 filing.
- Substituted new language for the Master Hunter (MH) 3911 hunt footnote. This change facilitates the lower pricing adopted for MH second tags and clarifies rule differences between the early and late 3911 hunts.
- Under Quality, Modern Firearm, Wenaha West, the boundary from GMU 1008 was changed to Deer Area 1008 to correct a typographical error.
- Under Quality, Modern Firearm, changes were made due to the special permit allocation formula calculating different special permit numbers from the previous year:
 - Chiwawa, adjusted the permit quota from 27 to 26.
 - Slide Ridge, adjusted the permit quota from 11 to 10.
 - Quilomene, adjusted the permit quota from 15 to 14.
 - Alkali, adjusted the permit quota from 5 to 4.
- Under Quality, Modern Firearm, Sauk, changed the Special Restriction from "2 pt. min." to "any buck" to correct a typographical error.
- Under Quality, Any Tag, changes were made due to the special permit allocation formula calculating different special permit numbers from the previous year:
 - Green River, the permit season was changed to Nov. 7-13 and the permit quota was changed to 5.
- Under Quality, Archery, changes were made due to the special permit allocation formula calculating different special permit numbers from the previous year:
 - Chiwawa, adjusted the permit quota from 11 to 10.
 - Desert, during the Sept. 1 - Oct. 7 season, the permit quota was changed from 18 to 15.
 - Desert, during the Nov. 25 - Dec. 12 season, the permit quota was changed from 18 to 15.
 - Naneum, the permit quota was changed from 10 to 8.
 - Teanaway, the permit quota was changed from 7 to 8.
- Under Quality, Muzzleloader, changes were made due to the special permit allocation formula calculating different special permit numbers from the previous year:
 - Chiwawa, adjusted the permit quota from 3 to 2.
 - Teanaway, adjusted the permit quota from 1 to 2.
 - Quilomene, adjusted the permit quota from 4 to 2.
- Under Quality, Muzzleloader, Quilomene, the season date was changed from Sept. 26 - Oct. 4 to Oct. 3 - 11 to correct a typographical error.

- Under Bucks, Modern Firearm, changes were made due to the special permit allocation formula calculating different special permit numbers from the previous year:
 - Ritzville, adjusted permit quota from 10 to 9.
- Under Bucks, Muzzleloader, Kahlotus, the season date was changed from Sept. 27 - Oct. 5 to Oct. 3 - 11 to correct a typographical error.
- Under Antlerless, Modern Firearm, Skokomish was changed to Satsop to correct a typographical error.
- Under Antlerless, Muzzleloader, Prescott, the season date was changed from Sept. 26 - Oct. 4 to Oct. 3 - 11 to correct a typographical error.
- Under 2nd Deer, Any Deer Tag, Lakeview, the season date year was changed from 2015 to 2016 to correct a typographical error.
- Under 2nd Deer, Muzzleloader, the following season dates were changed to correct typographical errors in the CR-102 filing:
 - Chiwawa, changed the season date from Sept. 27-Oct. 5 to Oct. 3-11.
 - Swakane, changed the season date from Sept. 27-Oct. 5 to Oct. 3-11.
 - Mission, changed the season date from Sept. 27-Oct. 5 to Oct. 3-11.
 - Foster Creek, changed the season date from Sept. 27 - Oct. 5 to Oct. 3-11.
 - Moses Coulee, changed the season date from Sept. 27-Oct. 5 to Oct. 3-11.
 - Orcas, changed the season date from Sept. 26-Oct. 4 and Nov. 26 - Dec. 14 to Oct. 3-11 and Nov. 26-Dec. 14.
 - Shaw, changed the season date from Sept. 26-Oct. 4 and Nov. 26 - Dec. 14 to Oct. 3-11 and Nov. 26-Dec. 14.
 - San Juan, changed the season date from Sept. 26-Oct. 4 and Nov. 26 - Dec. 14 to Oct. 3-11 and Nov. 26-Dec. 14.
 - Lopez, changed the season date from Sept. 26-Oct. 4 and Nov. 26 - Dec. 14 to Oct. 3-11 and Nov. 26-Dec. 14.
 - Blakely, changed the season date from Sept. 26-Oct. 4 and Nov. 26 - Dec. 14 to Oct. 3-11 and Nov. 26-Dec. 14.
 - Decatur, changed the season date from Sept. 26-Oct. 4 and Nov. 26 - Dec. 14 to Oct. 3-11 and Nov. 26-Dec. 14.
 - Cypress, changed the season date from Sept. 26-Oct. 4 and Nov. 26 - Dec. 14 to Oct. 3-11 and Nov. 26-Dec. 14.
 - Guemes, changed the season date from Sept. 26-Oct. 4 and Nov. 26 - Dec. 14 to Oct. 3-11 and Nov. 26-Dec. 14.
 - Whidbey, changed the season date from Sept. 26-Oct. 4 and Nov. 26 - Dec. 14 to Oct. 3-11 and Nov. 26-Dec. 14.
 - Camano, changed the season date from Sept. 26-Oct. 4 and Nov. 26 - Dec. 14 to Oct. 3-11 and Nov. 26-Dec. 14.
- Under 2nd Deer, Muzzleloader, the season date was changed to correct a typographical error:
 - Vashon-Maury, changed the season date from Sept. 26-Oct. 4 and Nov. 26 - Dec. 14 to Oct. 3-11 and Nov. 26-Dec. 14.
- Under Youth, Modern Firearm, the following season dates were changed to correct typographical errors in the CR-102 filing:
 - Blue Mtns. Foothills West, changed the season date from Oct. 17-25 to Oct. 17-27.
 - Blue Mtns. Foothills East, changed the season date from Oct. 17-25 to Oct. 17-27.
 - Tucannon, changed the season date from Oct. 17-25 to Oct. 17-27.
 - East Okanogan, changed the season date from Oct. 10-18 to Oct. 17-27.
 - Wannacut, changed the season date from Oct. 10-18 to Oct. 17-27.
 - Sinlahekin, changed the season date from Oct. 10-18 to Oct. 17-27.
 - Chewuch, changed the season date from Oct. 10-18 to Oct. 17-27.
 - Pearygin, changed the season date from Oct. 10-18 to Oct. 17-27.
 - Gardner, changed the season date from Oct. 10-18 to Oct. 17-27.
 - Pogue, changed the season date from Oct. 10-18 to Oct. 17-27.
 - Chiliwist, changed the season date from Oct. 10-18 to Oct. 17-27.
 - Alta, changed the season date from Oct. 10-18 to Oct. 17-27.
- Under Youth, Modern Firearm, the rule was changed to add a Green River hunt, Nov. 7-13, Any Buck, GMU 485, 5 permits.
- Under Youth, Muzzleloader, the following season dates were changed to correct typographical errors from the CR-102 filing:
 - East Okanogan, changed the season dates from Sept. 27-Oct. 5 to Oct. 3-11.
 - Wannacut, changed the season dates from Sept. 27-Oct. 5 to Oct. 3-11.
 - Pogue, changed the season dates from Sept. 27-Oct. 5 to Oct. 3-11.
 - Chiliwist, changed the season dates from Sept. 27-Oct. 5 to Oct. 3-11.
 - Alta, changed the season dates from Sept. 27-Oct. 5 to Oct. 3-11.
 - Mission, changed the season dates from Sept. 27-Oct. 5 to Oct. 3-11.
- Under Senior 65+, Modern Firearm, the following season dates were changed to correct typographical errors from the CR-102 filing:
 - Blue Mtns. Foothills, changed the season dates from Oct. 17-25 to Oct. 17-27.
 - East Okanogan, changed the season dates from Oct. 11-19 to Oct. 17-27.
 - Wannacut, changed the season dates from Oct. 11-19 to Oct. 17-27.
 - Sinlahekin, changed the season dates from Oct. 11-19 to Oct. 17-27.

- Chewuch, changed the season dates from Oct. 11-19 to Oct. 17-27.
 - Pearrygin, changed the season dates from Oct. 11-19 to Oct. 17-27.
 - Gardner, changed the season dates from Oct. 11-19 to Oct. 17-27.
 - Pogue, changed the season dates from Oct. 11-19 to Oct. 17-27.
 - Chiliwist, changed the season dates from Oct. 11-19 to Oct. 17-27.
 - Alta, changed the season dates from Oct. 11-19 to Oct. 17-27.
 - Chiwawa, changed the season dates from Oct. 11-19 to Oct. 17-27.
 - Entiat, changed the season dates from Oct. 11-19 to Oct. 17-27.
 - Swakane, changed the season dates from Oct. 11-19 to Oct. 17-27.
 - Mission, changed the season dates from Oct. 11-19 to Oct. 17-27.
 - Bridgeport, changed the season dates from Oct. 11-19 to Oct. 17-27.
 - Palisades, changed the season dates from Oct. 11-19 to Oct. 17-27.
 - Under Senior 65+, Modern Firearm, changed the season dates to correct a typographical error:
 - Sunnyside, changed the season dates from Oct. 11-19 to Oct. 17-27.
 - Horse Heaven Hills, changed the season dates from Oct. 11-19 to Oct. 17-27.
 - Kahlotus, changed the season dates from Oct. 11-19 to Oct. 17-27.
 - Whidbey, changed the season dates from Oct. 17-03 and Nov. 12-15 to Oct. 17-30 and Nov. 12-15.
 - Under Senior 65+, Muzzleloader, changed the season dates to correct a typographical error:
 - Whidbey, changed the season dates from Sept. 26-Oct. 4 and Nov. 26-Dec. 14 to Oct. 3-11 and Nov. 26-Dec. 14.
 - Vashon-Maury, changed the season dates from Sept. 26-Oct. 4 and Nov. 26-Dec. 14 to Oct. 3-11 and Nov. 26-Dec. 14.
 - Under Hunters with Disabilities, Modern Firearm, Blue Mtns. Foothills, changed the season date from Oct. 17-25 to Oct. 17-27 to correct a typographical error.
 - Under Hunters with Disabilities, Modern Firearm, removed hunts due to redundancy and incorrect placement:
 - Orcas, Senior 65+, Oct. 17-30 and Nov. 12-15, Antlerless, GMU 411, 4 permits.
 - Shaw, Senior 65+, Oct. 17-30 and Nov. 12-15, Antlerless, GMU 412, 2 permits.
 - San Juan, Senior 65+, Oct. 17-30 and Nov. 12-15, Antlerless, GMU 413, 4 permits.
 - Lopez, Senior 65+, Oct. 17-30 and Nov. 12-15, Antlerless, GMU 414, 3 permits.
 - Blakely, Senior 65+, Oct. 17-30 and Nov. 12-15, Antlerless, GMU 415, 2 permits.
 - Decatur, Senior 65+, Oct. 17-30 and Nov. 12-15, Antlerless, GMU 416, 1 permit.
 - Cypress, Senior 65+, Oct. 17-30 and Nov. 12-15, Antlerless, GMU 417, 1 permit.
 - Guemes, Senior 65+, Oct. 17-30 and Nov. 12-15, Antlerless, GMU 419, 1 permit.
 - Whidbey, Senior 65+, Oct. 17-30 and Nov. 12-15, Antlerless, GMU 420, 5 permits.
 - Camano, Senior 65+, Oct. 17-30 and Nov. 12-15, Antlerless, GMU 421, 3 permits.
 - Vashon-Maury, Senior 65+, Oct. 17-30 and Nov. 12-15, Antlerless, GMU 422, 5 permits.
 - Under Hunters with Disabilities, Modern Firearm, the Green River hunt, Oct. 25-31, Antlerless, is removed. This change was a result of a negotiated agreement between WDFW, Muckleshoot Tribe, and the City of Tacoma. This hunt will alternate every other year with the youth hunt.
 - Under Master Hunter, Any/2nd Deer Tag, changed the season dates to correct typographical errors:
 - Region 1, changed the season dates from Aug. 1, 2014 - March 31, 2015 to Aug. 1, 2015 - March 31, 2016.
 - Region 2, changed the season dates from Aug. 1, 2014 - March 31, 2015 to Aug. 1, 2015 - March 31, 2016.
 - Region 3, changed the season dates from Aug. 1, 2014 - March 31, 2015 to Aug. 1, 2015 - March 31, 2016.
 - Region 6, changed the season dates from Aug. 1, 2014 - March 31, 2015 to Aug. 1, 2015 - March 31, 2016.
 - Under 2nd Deer, Modern Firearm, Deschutes, changed the date from Oct. 11-31 to Oct. 17-31. This change corrects an oversight by regional staff regarding calendar date shifts.
 - Under 2nd Deer, Muzzleloader, Anderson, changed the start of the late date from Nov. 22 to Nov. 25. This change corrects an oversight by regional staff regarding calendar date shifts.
 - Under Senior 65+, Modern Firearm, changed the hunt named "Copalis" to "Wynoochee." This change corrects a typographical error in the CR-102 filing.
- WAC 232-28-360 2015 Elk special permits:
- Under Quality Eastern Modern Firearm (EF):
 - Number of permits for the Blue Creek hunt, Sept. 28-Oct. 2, were changed from 1 to 2 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the Blue Creek hunt, Oct. 26-Nov. 8, were changed from 4 to 6 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the Dayton hunt, Oct. 26-Nov. 8, were changed from 12 to 14 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the Tucannon hunt, Oct. 26-Nov. 8, were changed from 10 to 12 due to special

- permit allocation formula calculation providing different special permit numbers from the previous year.
- Number of permits for the Wenaha West hunt, Oct. 26-Nov. 8, were changed from 9 to 10 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the Wenaha East hunt, Oct. 26-Nov. 8, were changed from 13 to 12 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the Lick Creek hunt, Oct. 26-Nov. 8, were changed from 5 to 7 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the Couse hunt, Oct. 26-Nov. 8, were changed from 3 to 2 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the Observatory hunt, Sept. 25-Oct. 2, were changed from 3 to 5 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the Goose Prairie hunt, Sept. 25-Oct. 2, were changed from 3 to 5 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
- Under Quality Western Modern Firearm (WF):
 - Number of permits for the Green River was set at 6. The dates were changed from Oct. 25-31 to Nov. 7-13. These dates and permit levels are negotiated between Tacoma Water, Muckleshoot Tribe, and WDFW.
 - Number of permits for the Toutle hunt, Sept. 28-Oct. 2 and Nov. 7-18, were changed from 4 to 3 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - The dates for the Peninsula hunt were changed from a start of Sept. 27 to Sept. 28. This change corrects an error in the filing.
 - The dates for the Clearwater hunt were changed from a start of Sept. 27 to Sept. 28. This change corrects an error in the filing.
 - The dates for the Matheny hunt were changed from a start of Sept. 27 to Sept. 28. This change corrects an error in the filing.
 - The dates for the Quinault hunt were changed from a start of Sept. 27 to Sept. 28. This change corrects an error in the filing.
 - The dates for the Wynoochee hunt were changed from a start of Sept. 27 to Sept. 28. This change corrects an error in the filing.
 - The dates for the White River hunt were changed from a start of Sept. 27 to Sept. 28. This change corrects an error in the filing.
 - Under Quality Eastern Archery (EA):
 - Number of permits for the Blue Creek hunt, Sept. 5-24, was changed from 2 to 4 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the Tucannon hunt, Sept. 5-24, was changed from 8 to 7 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the Wenaha East hunt, Sept. 5-24, was changed from 5 to 6 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the Mountain View hunt, Sept. 5-24, was changed from 12 to 10 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the Lick Creek hunt, Sept. 5-24, was changed from 16 to 12 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the Couse hunt, Sept. 5-24, was changed from 2 to 1 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the Colockum hunt, Sept. 12-24, was changed from 5 to 8 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the Peaches Ridge hunt, Sept. 12-24, was changed from 134 to 126 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the Observatory hunt, Sept. 12-24, was changed from 131 to 133 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the Goose Prairie hunt, Sept. 12-24, was changed from 69 to 68 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the Bethel hunt, Sept. 12-24, was changed from 37 to 38 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the Rimrock hunt, Sept. 12-24, was changed from 96 to 105 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the Cowiche hunt, Sept. 12-24, was changed from 32 to 31 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Under Quality Western Archery (WA):
 - Number of permits for the Toutle hunt, Sept. 12-24 and Dec. 1-15, was changed from 44 to 41 due to

- special permit allocation formula calculation providing different special permit numbers from the previous year.
- Number of permits for the White River hunt, Sept. 12-24, was changed from 28 to 31 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Under Quality Eastern Muzzleloader (EM):
 - Number of permits for the Blue Creek hunt, Oct. 3-11, was changed from 1 to 2 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the Dayton hunt, Oct. 3-11, was changed from 3 to 4 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the Ten Ten hunt, Oct. 3-11, was changed from 2 to 1 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the Tucannon hunt, Oct. 3-11, was changed from 2 to 3 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Under Quality Eastern Muzzleloader (EM):
 - Number of permits for the Wenaha East hunt, Oct. 3-11, was changed from 2 to 3 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the Mountain View hunt, Oct. 3-11, was changed from 4 to 5 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the Lick Creek hunt, Oct. 3-11, was changed from 1 to 2 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the Peaches Ridge hunt, Oct. 3-11, was changed from 27 to 29 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the Observatory hunt, Oct. 3-11, was changed from 22 to 25 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the Goose Prairie hunt, Oct. 3-11, was changed from 13 to 12 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the Bethel hunt, Oct. 3-11, was changed from 14 to 13 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the Rimrock hunt, Oct. 3-11, was changed from 12 to 13 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the Cowiche hunt, Oct. 3-11, was changed from 9 to 10 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Under Quality Western Muzzleloader (WM):
 - Number of permits for the Toutle hunt, Oct. 3-9, was changed from 13 to 14 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Under Bulls Eastern Modern Firearm (EF):
 - Number of permits for the Teanaway hunt, Dec. 17-31, was changed from 11 to 12 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the Peaches Ridge hunt, Oct. 26-Nov. 8, was changed from 125 to 120 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the Observatory hunt, Oct. 26-Nov. 8, was changed from 72 to 88 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the Goose Prairie hunt, Oct. 26-Nov. 8, was changed from 73 to 77 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the Bethel hunt, Oct. 26-Nov. 8, was changed from 59 to 60 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the Rimrock hunt, Oct. 26-Nov. 8, was changed from 130 to 124 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the Cowiche hunt, Oct. 26-Nov. 8, was changed from 24 to 26 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Under Bulls Western Modern Firearm (WF):
 - Number of permits for the Olympic hunt, Nov. 7-18, was changed from 16 to 17 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the White River hunt, Nov. 7-18, was changed from 45 to 33 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Under Bulls Eastern Archery (EA):
 - Number of permits for the Teanaway hunt, Nov. 25-Dec. 8, was changed from 10 to 11 due to special permit allocation formula calculation providing different special permit numbers from the previous year.

- Under Bulls Western Archery (WA):
 - Number of permits for the Olympic hunt, Sept. 12-24, was changed from 9 to 8 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the Skokomish hunt, Sept. 12-24, was changed from 2 to 5 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
- Under Bulls Eastern Muzzleloader (EM):
 - Number of permits for the Teanaway hunt, Dec. 9-16, was changed from 13 to 11 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
- Under Bulls Western Muzzleloader (WM):
 - Number of permits for the Skokomish hunt, Oct. 3-9, was changed from 2 to 3 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
 - Number of permits for the White River hunt, Oct. 3-9, was changed from 13 to 8 due to special permit allocation formula calculation providing different special permit numbers from the previous year.
- Under Antlerless Eastern Modern Firearm (EF):
 - Number of permits for the Colockum hunt, Nov. 4-8, was changed from 400 to 590. This change is recommended after an assessment of the antlerless permit success rates for 2014.
- Under Antlerless Western Modern Firearm (WF):
 - A new hunt for antlerless elk was proposed for the Green River, Nov. 7-13. Two (2) permits were recommended for this initial hunt. All parties, Tacoma Water, Muckleshoot Tribe, and WDFW agree that some antlerless opportunity is warranted.
 - Added an exception to the proposed antlerless special permit season in Margaret. This exception facilitated antlerless special permit hunts that are separate from the newly proposed Norway Pass Elk Area.
- Under Antlerless Western Modern Firearm (WF):
 - Updated the January dates for the Raymond hunt, Jan. 1-20, 2016. This corrects an oversight in the filing.
 - Updated the January dates for the Puyallup hunt, Jan. 1-20, 2016. This corrects an oversight in the filing.
 - Updated the January dates for the Deschutes hunt, Jan. 10-20, 2016. This corrects an oversight in the filing.
- Under Antlerless Western Archery (WA):
 - Added an exception to the proposed antlerless special permit season in Margaret. This exception facilitated antlerless special permit hunts that are separate from the newly proposed Norway Pass Elk Area.
- Under Antlerless Eastern Muzzleloader (EM):
 - Number of permits for the Colockum hunt, Oct. 3-9, was changed from 80 to 130. This change was recommended after an assessment of the antlerless permit success rates for 2014.
- Under Antlerless Western Muzzleloader (WM):
 - Added an exception to the proposed antlerless special permit season in Margaret. This exception facilitated antlerless special permit hunts that are separate from the newly proposed Norway Pass Elk Area.
 - Updated the January dates for the Mashel hunt, Jan. 1-15, 2016. This corrected an oversight in the filing.
- Under Youth Eastern Modern Firearm (EF):
 - Number of permits for the Colockum hunt, Nov. 4-15, was changed from 50 to 70. This change was recommended after an assessment of the antlerless permit success rates for 2014.
- Under Youth Eastern Muzzleloader (EM):
 - Number of permits for the Colockum hunt, Oct. 3-11, was changed from 15 to 20. This change was recommended after an assessment of the antlerless permit success rates for 2014.
- Under 65+ Senior Eastern Modern Firearm (EF):
 - Number of permits for the Colockum hunt, Nov. 4-15, was changed from 15 to 20. This change was recommended after an assessment of the antlerless permit success rates for 2014.
- Under 65+ Senior Western Modern Firearm, Archery, and Muzzleloader (WF, WA, WM):
 - Updated the January dates for the Hanaford hunt, Jan. 1-15, 2016. This corrects an oversight in the filing.
 - Updated the January dates for the Hanaford hunt, Jan. 16-30, 2016. This corrects an oversight in the filing.
- Under Hunters with Disabilities Western Modern Firearm (WF):
 - Changed the dates for the Centralia Mine hunt to Oct. 3-4. This corrects an error in the filing.
 - Changed the dates for the Centralia Mine hunt to Oct. 10-11. This corrects an error in the filing.
- Under Master Hunter:
 - Updated the Aug. 1, 2015-Mar. 31, 2016 dates for the Region 1 hunt. This corrects an oversight in the filing.
 - Updated the Aug. 1, 2015-Mar. 31, 2016 dates for the Region 2 hunt. This corrects an oversight in the filing.
 - Updated the Nov. 1, 2015-Mar. 31, 2016 dates for the Fairview hunt. This corrects an oversight in the filing.
 - Updated the Aug. 1, 2015-Mar. 31, 2016 dates for the Region 3 hunt. This corrects an oversight in the filing.
 - Updated the Aug. 1, 2015-Feb. 28, 2016 dates for the Rattlesnake Hills hunt. This corrects an oversight in the filing.
 - Updated the Aug. 1, 2015-Mar. 31, 2016 dates for the North Bend hunt. This corrects an oversight in the filing. Also adjust the number of permits from 35 to 15. This adjustment reflects a lower need for antlerless harvest through this hunt.

- Updated the Aug. 1, 2015-Mar. 31, 2016 dates for the Region 4 North hunt. This corrects an oversight in the filing.
- Updated the Aug. 1, 2015-Mar. 31, 2016 dates for the Region 4 South hunt. This corrects an oversight in the filing.
- Updated the Aug. 1, 2015-Mar. 31, 2016 dates for the Region 6 hunt. This corrects an oversight in the filing.
- Under Antlerless, Western Modern Firearm, changed the hunt named "Raymond" to "Mallis" Dec. 16-31. This change corrects a long-standing naming convention that was confusing.
- Under Antlerless, Western Modern Firearm, changed the hunt named "Raymond" to "Mallis" Jan. 1-20. This change corrects a long-standing naming convention that was confusing.
- Under Antlerless, Western Muzzleloader, changed the hunt named "Raymond" to "Mallis" Oct. 3-9. This change corrects a long-standing naming convention that was confusing.

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 Request of a Nongovernmental 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: April 10, 2015.

Brad Smith, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending WSR 14-10-019, filed 4/25/14, effective 5/26/14)

WAC 232-28-248 Special closures and firearm restriction areas. (1) RESTRICTED HUNTING AREAS.

It is unlawful to hunt in the following restricted hunting areas unless otherwise provided:

(a) Parker Lake (GMU 117, Pend Oreille County): All lands south of Ruby Creek Road (USFS Road 2489), north of Tacoma Creek Road (USFS Road 2389), and west of Bonneville Power Administration power lines are designated as "CLOSED AREA" to hunting wild animals and wild birds year-round except for special hunts adopted by the fish and wildlife commission. The Parker Lake closure provides a protected area for the U.S. Air Force Military Survival Training Program.

(b) Columbia River: The Columbia River, all islands except privately owned, in the river, the Benton County

shoreline below the high water mark, Central Hanford Department of Energy property, and any peninsula originating on the Benton County shoreline, between Vernita Bridge on Highway 24 downstream to the Richland city limits are designated as a "CLOSED AREA" to hunting wild animals and wild birds except waterfowl hunting is open below the high water mark between the old Hanford townsite power line crossing (wooden towers) in Section 24, T 13 N, R 27 E, and the Richland city limits.

(c) Green River (GMU 485): Except for special permit hunters, who may also take a black bear and/or cougar with the appropriate license/tag options, all lands within GMU 485 are designated as a "CLOSED AREA" to hunting big game year-round. During the general westside elk season and general and late deer seasons, all lands within GMU 485 year-round are also designated as a "CLOSED AREA" to hunting all wild animals, including wild birds, year-round. The city of Tacoma enforces trespass within GMU 485 year-round on lands owned or controlled by the city.

(d) McNeil Island (part of GMU 652): Closed to hunting all wild animals, including wild birds, year-round.

(e) Loo-wit (GMU 522): Closed to hunting and trapping, except for elk hunting by special permit holders during established seasons and in designated areas.

(2) A violation of subsection (1) of this section is punishable under RCW 77.15.400, 77.15.410, or 77.15.430, depending on the species hunted.

(3) CLOSED BIG GAME HUNTING AREAS.

It is unlawful to hunt big game in the following closed areas, unless otherwise specified:

(a) Clark, Cowlitz, Pacific, and Wahkiakum counties: Closed to hunting for Columbian whitetail deer.

(b) Cathlamet: Except for special permits issued by the department for nonendangered deer and elk, this area is closed to all deer and elk hunting to protect the Columbian whitetail deer. This area's boundaries are described as:

Beginning in the town of Skamokawa; then east along SR 4 to Risk Road; then south and east along Risk Road to Foster Road; then south along the Foster Road to the Elochoman River; then upstream along the Elochoman River to Elochoman Valley Road (old SR 407); then west along the Elochoman Valley Road to SR 4; then east along SR 4 to SR 409; then south along SR 409 to the Cathlamet Channel of the Columbia River; then east along the north shore of the Cathlamet Channel to Cape Horn; then south in the Columbia River to the state line; then west along the state line to a point directly south of the mouth of Skamokawa Creek; then north on Skamokawa Creek to SR 4 and the point of beginning.

(c) Walla Walla Mill Creek Watershed (GMU 157): All lands in the Mill Creek Watershed are designated as a "CLOSED AREA" to hunting all wild animals, including wild birds. The only exception is for deer or elk hunting by holders of GMU-157 special deer or elk permits during the established open season. These permit holders must have a U.S. Forest Service permit to enter the hunt area, and the area is closed to motorized vehicles. No entry into the Mill Creek Watershed is allowed at other times.

(d) Westport: Closed to hunting all big game animals on the part of Westport Peninsula lying north of State Highway

105 from the Elk River Bridge west end and the Schafer Island Road to the ocean beach.

(e) Cottonwood and Howard islands (GMU 564): Closed to all deer hunting.

(4) A violation of subsection (3) of this section is a gross misdemeanor or a class C felony punishable under RCW 77.15.410, depending on the circumstances of the violation.

(5) FIREARM RESTRICTION AREAS.

(a) It is unlawful to hunt wildlife in the following firearm restriction areas with centerfire or rimfire rifles, or to fail to comply with additional firearm restrictions, except as established below:

COUNTY	AREA
Chelan	That portion of GMU 251 (Mission) beginning at the intersection of the Duncan Road and Highway 2; south on Duncan Road to Mountain Home Road; south along Mountain Home Road to the Icicle Irrigation Ditch; south and west along the Icicle Irrigation Ditch to the Snow Lake Trail; west and north along the Snow Lake Trail and across the Icicle River to Icicle River Road; east and north along Icicle River Road to the Wenatchee River; northwest along the Wenatchee River to Highway 2; north and east on Highway 2 to Duncan Road and the point of beginning.
Clallam	That portion of GMU 624 (Coyle) located within Clallam County.
Clark	GMU 564 (Battleground) That portion of GMU 554 in Clark County.
Cowlitz	GMU 554 (Yale) GMU 504 (Stella) That portion of GMU 564 (Battleground) in Cowlitz County.
Grays Harbor	That portion of GMU 658 (North River) beginning at Bay City; then west along Highway 105 to Twin Harbors State Park; then south along Highway 105 to Grayland Grocery; then east on Cranberry Road to Turkey Road; then east and north on Turkey Road to Bayview Logging Road; then north and east along Bayview Logging Road to Mallard Slough; then east and south along the Bayview Road to Andrews Creek; then north along main channel of Andrews Creek to Grays Harbor; then north and west along the main navigation channel to Bay City and point of beginning.

COUNTY	AREA
Grays Harbor	The following Chehalis Valley restriction applies only during <u>modern firearm</u> elk seasons: That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highway 12 and Highway 107 junction near Montesano; east and south on Highway 12 to <u>State Street in</u> Oakville; south on ((the Oakville-Brooklyn Road to a point one mile west of South Bank Road; north west along a line one mile southwest of the South Bank Road to Delzene Road; north along Delzene Road to)) <u>State Street to its merge with Oakville Road; west on Oakville Road to its merge with</u> South Bank Road; northwest along South Bank Road to Wakefield Road; north on Wakefield Road to the Chehalis River; west along the Chehalis River to Highway 107 bridge; north on Highway 107 to Highway 12 to the point of beginning.
Island	GMUs 421 (Camano) and 420 (Whidbey).
Jefferson	Indian and Marrowstone islands.
King	The area west of Highway 203 (Monroe-Fall City, then Fall City-Preston Road) to Interstate 90 (I-90), I-90 to Highway 18, Highway 18 to Interstate 5 (I-5), I-5 to the Pierce-King County line; and GMU 422 (Vashon-Maury). This area is restricted to archery only: The following portion of GMU 652 (Puyallup): Beginning at the intersection of State Highway 410 and the southeast Mud Mountain Dam Road near the King/Pierce County line north of Buckley; then east along the southeast Mud Mountain Road to 284th Avenue Southeast; then north along 284th Avenue Southeast to State Highway 410; then west along Highway 410 to the point of the beginning.
Kitsap	East of State Highway 16 originating at the Tacoma Narrows Bridge to Gorst, and east of Highway 3 to Newbury Hill Road, north of Newbury Hill Road and the Bremerton-Seabeck Highway to Big Beef Creek Bridge; all of Bainbridge Island, and Bangor Military Reservation.
Kittitas	GMU 334 (Ellensburg) Closed to centerfire rifles during deer and elk seasons except for those areas designated in writing by WDFW wildlife conflict staff.

COUNTY	AREA	COUNTY	AREA
Klickitat	Elk Area 5062 (Trout Lake) closed to centerfire rifles, handguns, and muzzleloaders October 1 to ((December 15)) <u>January 30.</u>	San Juan	All San Juan County, including GMUs 411 (Orcas), 412 (Shaw), 413 (San Juan), 414 (Lopez), 415 (Blakely), 416 (Decatur), and those portions of GMU 410 (Islands) that occur in San Juan County.
Mason	GMU 633 (Mason Lake) south of Hammersley Inlet; and all of Harstine Island.	Snohomish	All areas west of Highway 9, until the intersection of Highway 9 and Highway 2, then east along Highway 2 to Highway 203, then all areas west of Highway 203 to the Snohomish/King County line.
Pacific	GMU 684 (Long Beach) ((west of Sand Ridge Road)) <u>The following Long Beach Peninsula restriction applies only during modern firearm deer and elk seasons: Beginning at the end of Outer Harbor Way in the City of Ilwaco to U.S. Highway 101, west and north on Highway 101 to Sandridge Road; north on Sandridge Road to 95th Street; west on 95th Street to Tarlatt Slough; out Tarlatt Slough to Willapa Bay, north along the shoreline of Willapa Bay, then west to the Pacific Ocean. South along the west coast of the peninsula to Cape Disappointment State Park; east along state park boundary to Baker Bay; east along Baker Bay to the point of beginning.</u> The portion of GMU 658 (North River) south and west of State Highway 105 and Airport Road between Raymond and North River Bridge. GMU 681 ((between)) <u>(Chinook Valley) Beginning at confluence of Wallacut River, east along the Columbia River to the Astoria-Megler bridge; west along U.S. Highway 101(;) to Houtchen Road, north on Houtchen Road to the Chinook River; west on the Chinook River to the Chinook Valley Road ((and the Columbia River from Astoria-Megler bridge to the Wallacut River)); west on the Chinook Valley Road to Highway 101 and Wallacut River bridge; southwest on Wallacut River to point of beginning.</u>	Skagit	All mainland areas and islands, including GMU 419 (Guemes), in Skagit County west of I-5 and north of the Skagit/Snohomish County line, except Cypress Island. This restriction applies to big game hunting only.
		Skamania	That portion of GMU 564 (Battle Ground) in Skamania County.
		Thurston	GMU 666 (Deschutes) north of U.S. Highway 101 and Interstate 5 between Oyster Bay and the mouth of the Nisqually River.
		Whatcom	All mainland areas and islands of Whatcom County that are west of I-5. This restriction applies to big game hunting only.
			(b) Archery tag holders may only hunt during established archery seasons with archery equipment as defined under WAC 232-12-054.
			(c) Muzzleloader tag holders may only hunt during established muzzleloader seasons with muzzleloader equipment <u>or archery equipment</u> as defined by department rule.
			(d) Modern firearm tag holders may hunt during established modern firearm seasons with bows and arrows; crossbows; muzzleloaders; revolver-type handguns; <u>semiautomatic handguns of .40 (10 mm) caliber or larger</u> ; or shotguns, so long as the equipment and ammunition complies with department rules.
			(6) A violation of subsection (5) of this section is punishable under RCW 77.15.400, 77.15.410, or 77.15.430, depending on the species hunted.
			<u>AMENDATORY SECTION</u> (Amending WSR 14-10-019, filed 4/25/14, effective 5/26/14)
			WAC 232-28-337 Elk area descriptions.
			The following areas are defined as elk areas:
			Elk Area No. 1008 West Wenaha (Columbia County): That part of GMU 169 west of USFS trail 3112 from Tepee Camp (east fork of Butte Creek) to Butte Creek, and west of Butte Creek to the Washington-Oregon state line.
Pierce	GMU 652 (Ketron Island), GMU 655 (Anderson) limited to archery, shotgun, and muzzleloader. McNeil Island closed to hunting. See GMU 652 restriction area outlined for King County. GMU 627 (Kitsap) south of Highway 302 on the Longbranch Peninsula is a firearm restriction area.		

Elk Area No. 1009 East Wenaha (Columbia, Garfield, Asotin counties): That portion of GMU 169 east of USFS trail 3112 from Tepee Camp (east fork Butte Creek) to Butte Creek, and east of Butte Creek to the Washington-Oregon state line.

Elk Area No. 1010 (Columbia County): GMU 162 excluding National Forest land and the Rainwater Wildlife Area.

Elk Area No. 1011 (Columbia County): That part of GMU 162 east of the North Touchet Road, excluding National Forest land.

Elk Area No. 1012 (Columbia County): That part of GMU 162 west of the North Touchet Road, excluding National Forest land and the Rainwater Wildlife Area.

Elk Area No. 1013 (Asotin County): GMU 172, excluding National Forest lands and the 4-O Ranch Wildlife Area.

Elk Area No. 1015 Turnbull (Spokane County): Located in GMU 130, designated areas within the boundaries of Turnbull National Wildlife Refuge.

Elk Area No. 1016 (Columbia County): GMU-162 Dayton, excluding the Rainwater Wildlife Area.

Elk Area No. 1040 (Asotin County): That area within GMU 172 designated as the WDFW-owned lands (~~(associated with)~~ managed as the 4-O Ranch Wildlife Area. ~~((Also includes those portions of Section 1, Township 6N, Range 43E, east of Wenatchee (a.k.a. Menatchee) Creek. Excludes those portions of Section 35, Township 7N, Range 43E, west of Wenatchee (a.k.a. Menatchee) Creek.))~~)

Elk Area No. 2032 Malaga (Kittitas and Chelan counties): Beginning at the mouth of Davies Canyon on the Columbia River; west along Davies Canyon to the cliffs above (north of) the North Fork Tarpiscan Creek; west and north along the cliffs to the Bonneville Power Line; southwest along the power line to the North Fork Tarpiscan Road in Section 9, Township 20N, Range 21E; north and west along North Fork Tarpiscan Road to Colockum Pass Road (Section 9, Township 20N, Range 21E); south and west on Colockum Pass Road to section line between Sections 8 & 9; north along the section line between Sections 8 and 9 as well as Sections 4 & 5 (T20N, R21E) & Sections 32 & 33 (T21N, R21E) to Moses Carr Road; west and north on Moses Carr Road to Jump Off Road; south and west on Jump Off Road to Shaller Road; north and west on Shaller Road to Upper Basin Loop Road; north and west on Upper Basin Loop Road to Wheeler Ridge Road; north on Wheeler Ridge Road to the Basin Loop Road (pavement) in Section 10 (T21N, R20E); north on Basin Loop Road to Wenatchee Heights Road; west on Wenatchee Heights Road to Squilchuck Road; south on Squilchuck Road to Beehive Road (USFS Rd 9712); northwest on Beehive Road to USFS Rd 7100 near Beehive Reservoir; north and west on USFS Rd 7100 to Peavine Canyon Road (USFS Rd 7101); north and east on Peavine Canyon Road to Number Two Canyon Road; north on Number Two Canyon Road to Crawford Street in Wenatchee; east on Crawford Street to the Columbia River; south and east along the Columbia River to Davies Canyon and point of beginning. (Naneum Green Dot, Washington Gazetteer, Wenatchee National Forest)

Elk Area No. 2033 Peshastin (Chelan County): Starting at the Division St bridge over the Wenatchee River in the town of Cashmere; S on Aplets Way then Division St to Pioneer St; W on Pioneer St to Mission Creek Rd; S on Mission Creek Rd to Binder Rd; W on Binder Rd to Mission Creek Rd; S on Mission Creek Rd to Tripp Canyon Rd; W on Tripp Canyon Rd to where Tripp Canyon Rd stops following Tripp Creek; W on Tripp Creek to its headwaters; W up the drainage, about 1000 feet, to US Forest Service (USFS) Rd 7200-160; W on USFS Rd 7200-160 to Camas Creek Rd (USFS Rd 7200); W on Camas Creek Rd (USFS 7200 Rd) (excluding Camas Land firearm closure*) to US Hwy 97; N on US Hwy 97 to Mountain Home Rd (USFS 7300 Rd); N on Mountain Home Rd to the Wenatchee River in the town of Leavenworth; S on the Wenatchee River to the Division St bridge in Cashmere and the point of beginning.

Elk Area No. 2051 Tronsen (Chelan County): All of GMU 251 except that portion described as follows: Beginning at the junction of Naneum Ridge Road (WDFW Rd 9) and Ingersol Road (WDFW Rd 1); north and east on Ingersol Road to Colockum Road (WDFW Rd 10); east on Colockum Road and Colockum Creek to the intersection of Colockum Creek and the Columbia River; south on the Columbia River to mouth of Tarpiscan Creek; west up Tarpiscan Creek and Tarpiscan Road (WDFW Rd 14) and North Fork Road (WDFW Rd 10.10) to the intersection of North Fork Road and Colockum Road; southwest on Colockum Road to Naneum Ridge Road; west on Naneum Ridge Road to Ingersol Road and the point of beginning.

Elk Area No. 3681 Ahtanum (Yakima County): That part of GMU 368 beginning at the power line crossing on Ahtanum Creek in T12N, R16E, Section 15; west up Ahtanum Creek to South Fork Ahtanum Creek; southwest up South Fork Ahtanum Creek to its junction with Reservation Creek; southwest up Reservation Creek and the Yakama Indian Reservation boundary to the main divide between the Diamond Fork drainage and Ahtanum Creek drainage; north along the crest of the main divide between the Diamond Fork drainage and the Ahtanum Creek drainage to Darland Mountain; northeast on US Forest Service Trail 615 to US Forest Service Road 1020; northeast on US Forest Service Road 1020 to US Forest Service Road 613; northeast on US Forest Service Road 613 to US Forest Service Trail 1127; northeast on US Forest Service Trail 1127 to US Forest Service Road 1302 (Jump Off Road), southeast of the Jump Off Lookout Station; northeast on US Forest Service Road 1302 (Jump Off Road) to Highway 12; northeast on Highway 12 to the Naches River; southeast down the Naches River to Cowiche Creek; west up Cowiche Creek and South Fork Cowiche Creek to Summitview Avenue; northwest on Summitview Avenue to Cowiche Mill Road; west on Cowiche Mill Road to the power line in the northeast corner of T13N, R15E, SEC 13; southeast along the power line to Ahtanum Creek and the point of beginning.

Elk Area No. 3721 Corral Canyon (Benton and Yakima counties): That part of GMU 372 beginning at the Yakima River Bridge on SR 241 just north of Mabton; north along SR 241 to the Rattlesnake Ridge Road (mile post #19); east on Rattlesnake Ridge Road to the Hanford Reach National Mon-

ument's (HRNM) southwest corner boundary; east and south along the HRNM boundary to SR 225; south on SR 225 to the Yakima River Bridge in Benton City; west (upstream) along Yakima River to point of beginning (SR 241 Bridge).

Elk Area No. 3722 Blackrock (Benton and Yakima counties): That part of GMU 372 beginning at southern corner of the Yakima Training Center border on Columbia River, northwest of Priest Rapids Dam; southeast on southern shore of Columbia River (Priest Rapids Lake) to Priest Rapids Dam; east along Columbia River to the Hanford Reach National Monument's (HRNM) western boundary; south along the HRNM boundary to the Rattlesnake Ridge Road; west on Rattlesnake Ridge Road to SR 241; south on SR 241 to the Yakima River Bridge just north of Mabton; west along Yakima River to SR 823 (Harrison Road) south of town of Pomona; east along SR 823 (Harrison Road) to SR 821; southeast on SR 821 to Firing Center Road at I-82; east on Firing Center Road to main gate of Yakima Training Center; south and east along Yakima Training Center boundary to southern corner of Yakima Training Center boundary on Columbia River and point of beginning.

Elk Area No. 3911 Fairview (Kittitas County): Beginning at the intersection of the BPA Power Lines in T20N, R14E, Section 36 and Interstate 90; east along the power lines to Highway 903 (Salmon La Sac Road); northwest along Highway 903 to Pennsylvania Avenue; northeast along Pennsylvania Avenue to No. 6 Canyon Road; northeast along No. 6 Canyon Road to Cle Elum Ridge Road; north along Cle Elum Ridge Road to Carlson Canyon Road; northeast along Carlson Canyon Road to West Fork Teanaway River; east along West Fork Teanaway River to North Fork Teanaway River; north along North Fork Teanaway River to Teanaway Road; southeast on Teanaway Road to Ballard Hill Road; east on Ballard Hill Rd and Swauk Prairie Road to Hwy 970; northeast on Hwy 970 to Hwy 97; south on Hwy 97 to the power lines in T20N, R17E, Section 34; east on the power lines to Naneum Creek; south on Naneum Creek approximately 1/2 mile to power lines in T19N, R19E, Section 20; east along BPA power lines to Colockum Pass Road in T19N, R20E, Section 16; south on Colockum Pass Road to BPA power lines in T18N, R20E, Section 6; east and south along power lines to ~~((Parke Creek; north on Parke Creek to Whiskey Jim Creek; east on Whiskey Jim Creek to the Wild Horse Wind Farm Boundary; south and east on Wild Horse Wind Farm boundary to the Vantage Highway; east along the Vantage Highway to the first power line crossing; southwest along the power lines to where they intersect with the second set of BPA power lines in T17N, R21E, Section 18; southeast along the BPA power lines to I-90; west along I-90 to))~~ the Yakima Training Center boundary; south and west along the Yakima Training Center boundary to I-82; north on I-82 to Thrall Road; west on Thrall Road to Wilson Creek; south on Wilson Creek to Yakima River; north on Yakima River to gas pipeline crossing in T17N, R18E, Section 25; south and west on the gas pipeline to Umtanum Creek; west on Umtanum Creek to the Durr Road; north on the Durr Road to Umtanum Road; north on Umtanum Road to South Branch Canal; west on South Branch Canal to Bradshaw/Hanson Road; west on Bradshaw Road to the elk fence; north and west along the elk

fence to power line crossing in T19N, R16E, Section 10; west along the power line (south branch) to Big Creek; north on Big Creek to Nelson Siding Road; west and north on Nelson Siding Road to I-90; east on I-90 to point of beginning.

Elk Area No. 3912 Old Naches (Yakima County): Starting at the elk fence and Roza Canal along the south boundary T14N, R19E, Section 8; following the elk fence to the big-horn sheep feeding site in T15N, R16E, Section 36; south on the feeding site access road to the Old Naches Highway; west and south on the Old Naches Highway to State Route 12 and the Naches River; down the Naches River to the Tieton River; up the Tieton River approximately 2 miles to the intersection of the metal footbridge and the elk fence at the south end of the bridge in T14N, R16E, Section 3; south along the elk fence to the top of the cliff/rimrock line; southwest along the top of the cliff/rimrock line to the irrigation canal in T14N, R16E, Section 9; southwest along the irrigation canal to the elk fence in T14N, R16E, Section 8; south along the elk fence to the township line between T12N, R15E and T12N, R16E; south along the township line to the South Fork Ahtanum Creek; downstream along the South Fork Ahtanum Creek and Ahtanum Creek to the Yakima River; upstream along the Yakima River to Roza Canal and point of beginning.

Elk Area No. 4601 North Bend (King County): That portion of GMU 460 beginning at the interchange of State Route (SR) 18 and I-90; W on I-90 to SE 82nd St, Exit 22, at the town of Preston; N on SE 82nd Street to Preston Fall City Rd SE (Old SR 203); N on Preston Fall City Rd SE to SE Fall City Snoqualmie Rd (SR 202) at the town of Fall City; E on SE Fall City Snoqualmie Rd to the crossing of Tokul Creek; N and E up Tokul Creek to its crossing with Tokul Rd SE; S on SE Tokul Rd to SE 53rd Way; E on SE 53rd Way where it turns into 396th Dr SE then S on 396th Dr SE to SE Reinig Rd; E on SE Reinig Rd to 428th Ave SE; N on 428th Ave SE to where it turns into North Fork Rd SE; N and E on North Fork Rd SE to Ernie's Grove Rd; E on Ernie's Grove Rd to SE 70th St; N on SE 70th St to its ends at Fantastic Falls on the North Fork Snoqualmie River; SW down the North Fork Snoqualmie River to Fantastic Falls and the Mt Si Natural Resource Conservation Area boundary then S and E along the southern boundary of the Mt Si NRCA to the "School Bus" turnaround at SE 114th St; S on 480th Ave SE to SE 130th St; S and E on SE 130th St to its end; SSE overland from the end of SE 130th St, over the Middle Fork Snoqualmie River, to the end of 486th Ave SE; S on 486th Ave SE to the intersection with SE Middle Fork Road; Due S, from said intersection, up Grouse Mountain toward its peak, to the logging road adjacent to Grouse Mountain Peak; S down the logging road to Grouse Ridge Access Rd; W on Grouse Ridge Access Road which becomes SE 146th St; W on SE 146th St to I-90 then east along I-90 to the W boundary of Olallie/Twin Falls State Park then S along the state park western boundary to its most western boundary where it intersects with the boundary of the Iron Horse State Park; W along the boundary of Iron Horse State Park to the boundary of the Rattlesnake Lake Recreation Area; W along the boundary of the Rattlesnake Lake Recreation Area to Cedar Falls Rd SE; N along the Cedar Falls Rd to SE 174th Way; W on

SE 174th Way to SE 174th St; W on SE 174th St to SE 173rd St; W on SE 173rd St to SE 170th Pl; W on SE 170th Pl to SE 169th St; W on SE 169th St to 424th Ave SE; N on 424th Ave SE to SE 168th St; W on SE 168th St to 422 Ave SE; N on 422 Ave SE to 426th Way SE; S on 426th Way SE to SE 164th St; E on SE 164th St to Uplands Way SE; W on Uplands Way SE to the crossing with the Power Transmission Lines; W along the Power Transmission Lines to the Winery Rd; NW on the Winery Rd to SE 99th Rd; W and N on SE 99th Rd to the I-90 interchange, at Exit 27; SW on I-90 to the interchange with SR 18 and the point of beginning.

Elk Area No. 4941 Skagit River (Skagit County): That portion of GMU 437 beginning at the intersection of State Route 9 and State Route 20; east on State Route 20 to Concrete-Sauk Valley Road; south on Concrete-Sauk Valley Road over The Dalles Bridge (Skagit River) to the intersection with the South Skagit Highway; west on South Skagit Highway to State Route 9; north on State Route 9 and the point of beginning.

Elk Area No. 5029 Toledo (Lewis and Cowlitz counties): Beginning at the Cowlitz River and State Highway 505 junction; east along the Cowlitz River to the Weyerhaeuser 1800 Road; south along Weyerhaeuser 1800 Road to Cedar Creek Road; east along Cedar Creek Road to Due Road; south on Due Road to Weyerhaeuser 1823 Road; south along Weyerhaeuser 1823 Road to the Weyerhaeuser 1945 Road; south along the Weyerhaeuser 1945 Road to the Weyerhaeuser 1900 Road; south along the Weyerhaeuser 1900 Road to the North Fork Toutle River; west along the North Fork Toutle River to the Toutle River; west on the Toutle River to the Cowlitz River; North along the Cowlitz River to the junction of State Highway 505 and the point of beginning.

Elk Area No. 5049 Ethel (Lewis County): That part of GMU 505 beginning at the intersection of Jackson Highway and Highway 12; south along Jackson Highway to Buckley Road; south on Buckley Road to Spencer Road; east on Spencer Road to Fuller Road; north on Fuller Road to Highway 12; east on Highway 12 to Stowell Road; north on Stowell Road to Gore Road; west on Gore Road to Larmon Road; west on Larmon Road to Highway 12; west on Highway 12 to Jackson Highway and point of beginning.

Elk Area No. 5050 Newaukum (Lewis County): That part of GMU 505 beginning at the intersection of Interstate 5 and Highway 12; east on Highway 12 to Larmon Road; east on Larmon Road to Leonard Road; north on Leonard Road through the town of Onalaska to Degler Road; north on Degler Road to Middle Fork Road; east on Middle Fork Road to Beck Road; north on Beck Road to Centralia-Alpha Road; west on Centralia-Alpha Road to Logan Hill Road; south then west on Logan Hill Road to Jackson Highway; south on Jackson Highway to the Newaukum River; west along the Newaukum River to Interstate 5; south on Interstate 5 to Highway 12 and point of beginning.

Elk Area No. 5051 Green Mountain (Cowlitz County): Beginning at the junction of the Cowlitz River and the Toutle River; east along the Toutle River to the North Fork Toutle River; east along the North Fork Toutle River to the Weyer-

haeuser 1900 Road; south along the Weyerhaeuser 1900 Road to the Weyerhaeuser 1910 Road; south along the Weyerhaeuser 1910 Road to the Weyerhaeuser 2410 Road; south along the Weyerhaeuser 2410 Road to the Weyerhaeuser 4553 Road; south along the Weyerhaeuser 4553 Road to the Weyerhaeuser 4500 Road; south along the Weyerhaeuser 4500 Road to the Weyerhaeuser 4400 Road; south along the Weyerhaeuser 4400 Road to the Weyerhaeuser 4100 Road; east along the Weyerhaeuser 4100 Road to the Weyerhaeuser 4700 Road; south along the Weyerhaeuser 4700 Road to the Weyerhaeuser 4720 Road; west along the Weyerhaeuser 4720 Road to the Weyerhaeuser 4730 Road; west along the Weyerhaeuser 4730 Road to the Weyerhaeuser 4732 Road; west along the Weyerhaeuser 4732 Road to the Weyerhaeuser 4790 Road; west along the Weyerhaeuser 4790 Road to the Weyerhaeuser 1390 Road; south along the Weyerhaeuser 1390 Road to the Weyerhaeuser 1600 Road; west along the Weyerhaeuser 1600 Road to the Weyerhaeuser Logging Railroad Tracks at Headquarters; west along the Weyerhaeuser Logging Railroad Track to Ostrander Creek; west along Ostrander Creek to the Cowlitz River; north along the Cowlitz River to the Toutle River and point of beginning.

Elk Area No. 5052 Mossyrock (Lewis County): Beginning at the intersection of Winston Creek Road and State Highway 12; east on State Highway 12 to the Cowlitz River; east on the Cowlitz River to Riffe Lake; southeast along the south shore of Riffe Lake to Swofford Pond outlet creek; south on Swofford Pond outlet creek to Green Mountain Road; west on Green Mountain Road to Perkins Road; west on Perkins Road to Longbell Road; south on Longbell Road to Winston Creek Road; north on Winston Creek Road to State Highway 12 and the point of beginning. (All lands owned and managed by the Cowlitz Wildlife Area are excluded from this Elk Area.)

Elk Area No. 5053 Randle (Lewis County): Beginning at the town of Randle and the intersection of U.S. Highway 12 and State Route 131 (Forest Service 23 and 25 roads); south on State Route 131 to Forest Service 25 Road; south on Forest Service 25 Road to the Cispus River; west along the Cispus River to the Champion 300 line bridge; south and west on the Champion 300 line to the Champion Haul Road; north along the Champion Haul Road to Kosmos Road; north on Kosmos Road to U.S. Highway 12; east on U.S. Highway 12 to Randle and point of beginning. (All lands owned and managed by the Cowlitz Wildlife Area are excluded from this Elk Area.)

Elk Area No. 5054 Boistfort (Lewis County): Beginning at the town of Vader; west along State Highway 506 to the Wildwood Road; north along the Wildwood Road to the Abernathy 500 line gate (Section 20, T11N, R3W, Willamette Meridian); northwest along the 500, 540, and 560 lines to the Weyerhaeuser 813 line; northwest along the 813, 812, 5000J, 5000 and 4000 lines to the Pe Ell/McDonald Road (Section 15, T12N, R4W); west along the Pe Ell/McDonald Road to the Lost Valley Road; northeast along the Lost Valley Road to the Boistfort Road; north along the Boistfort Road to the King Road; east along the King Road to the town of Winlock and State Highway 603; south along Highway 505 to Interstate 5; south along Interstate 5 to State Hwy 506;

west along State Hwy 506 to the town of Vader and the point of beginning.

Elk Area No. 5056 Grays River Valley (Wahkiakum County): That area in GMU 506 on or within 1.5 miles of agricultural land in the Grays River Valley and Eden Valley within the following sections: T11N, R08W, Section 36; T11N, R07W, Sections 31, 32, 33; T10N, R7W, Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 28, 29, 30, 31, 32; T10N, R8W, Sections 1, 2, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 32, 33, 34, 35, 36; T09N, R08W, Sections 1, 2, 3, 4, 5, 9, 10, 11, 12, 14, 15; T09N, R07W, Sections 5, 6, 7, 8.

Elk Area No. 5057 Carlton (Lewis County): That part of 513 (South Rainier) lying east of Highway 123 and north of Highway 12.

Elk Area No. 5058 West Goat Rocks (Lewis County): Goat Rocks Wilderness west of the Pacific Crest Trail.

Elk Area No. 5059 Mt. Adams Wilderness (Skamania and Yakima counties): The Mt. Adams Wilderness.

Elk Area No. 5060 Merwin (Cowlitz County): Begin at the State Route 503 and the Longview Fibre Road WS-8000 junction; north and west on the Longview Fibre Road WS-8000 to Day Place Road; west on Day Place Road to Dubois Road; south on Dubois Road to State Route 503; east on State Route 503 to the State Route 503 and the Longview Fibre Road WS-8000 junction and point of beginning.

Elk Area No. 5061 Wildwood (Lewis County): Beginning at the junction of the Pacific West Timber (PWT) 600 Road and the Wildwood Road (SE1/4 S29 T11N R3W); southwest on the 600 Road to the 800 Road (NW1/4 S36 T11N R4W); southwest on the 800 Road to the 850 Road (SW1/4 S3 T10N R4W); northwest on the 850 Road to the Weyerhaeuser 4720 Road (S20 T11N R4W); north on the Weyerhaeuser 4720 Road to the Weyerhaeuser 4700 Road (S17 T11N R4W); east on the Weyerhaeuser 4700 Road to the Weyerhaeuser 5822 Road (NW1/4 S16 T11N R4W); east on the Weyerhaeuser 5822 Road to the Weyerhaeuser 5820 Road (NW1/4 S10 T11N R4W); southeast on the Weyerhaeuser 5820 Road to the PWT 574 Road (SE1/4 S10 T11N R4W); south on the PWT 574 Road to the 570 Road (NW1/4 S14 T11N R4W); south on the 570 Road to the 500 Road (NW1/4 S14 T11N R4W); northeast on the 500 Road to the 560 Road (SW1/4 S12 T11N R4W); east on the 560 Road to the 540 Road (SE1/4 S12 T11N R4W); east and south on the 540 Road to the 500 Road (SE1/4 S18 T11N R3W); east on the PWT 500 Road to the Wildwood Road (N1/2 S20 T11N R3W); south on the Wildwood Road to the point of beginning, the PWT 600 Road junction (SE1/4 S29 T11N R3W).

Elk Area No. 5062 Trout Lake (Klickitat County): Those portions of ~~((GMUs 560 (Lewis River) and 578 (West Klickitat) beginning at the intersection of SR 141 and Sunnyside Road; north on Sunnyside Road to Mount Adams Recreational Area Road; north on Mount Adams Recreational Area Road to USFS Road 23; north on USFS Road 23 to DNR T-4300 Road; west on DNR T-4300 Road to Trout Lake Creek Road; south on Trout Lake Creek Road to SR 141; east and~~

~~south on SR 141 to the intersection of)) GMU 578 (West Klickitat) beginning at the intersection of SR 141 and Sunnyside Road; north on Sunnyside Road to Mount Adams Recreational Area Road; (including agricultural land on the Trout Lake Valley floor north of Sunnyside Road within T06N R10E in Sections 13 and 14); south on Mount Adams Recreational Area Road to the intersection of SR 141 and south on SR 141 and Sunnyside Road to the point of beginning.~~

Elk Area No. 5063 Pumice Plain (Cowlitz and Skamania counties): That part of GMU 522 beginning at the confluence of the N. Fork Toutle River and Castle Creek; East along the N. Fork Toutle River to USFS trail 207; south along USFS trail 207 to USFS trail 216E; southwest along USFS trail 216E to USFS trail 216; west along USGS trail 216 to USGS 216G; northwest along USFS trail 216G to USGS trail 221; north along USFS 221 to Castle Creek; northwest along Castle Creek to N. Fork Toutle River and point of beginning.

Elk Area No. 5064 Upper Smith Creek (Skamania County): That part of GMU 522 beginning at the U.S. Forest Service Rd. 99 and U.S. Forest Service Trail 225 (Smith Creek Trail) junction; south on Trail 225 to Ape Canyon Creek; south and west up Ape Canyon Creek to U.S. Forest Service Trail 216 (Loowit Trail); north on Trail 216 to U.S. Forest Service Trail 216D (Abraham Trail); north on Trail 216D to U.S. Forest Service Trail 207 (Truman Trail); north and east on Trail 207 to U.S. Forest Service Rd. 99; north and east on U.S. Forest Service Rd. 99 to the junction of U.S. Forest Service Rd. 99 and U.S. Forest Service Trail 225 and the point of beginning.

Elk Area No. 5065 Mount Whittier (Skamania County): That part of GMU 522 beginning at the U.S. Forest Service Trail 1 (Boundary Trail) and U.S. Forest Service Trail 214 (Whittier Ridge Trail) junction; west on the U.S. Forest Service Trail 1 to U.S. Forest Service Trail 230 (Coldwater Trail); north on U.S. Forest Service Trail 230 to U.S. Forest Service Trail 211 (Lakes Trail); east on Trail 211 to U.S. Forest Service Trail 214; south on U.S. Forest Service Trail 214 to the junction of U.S. Forest Service Trail 214 and U.S. Forest Service Trail 1 and the point of beginning.

Elk Area No. 5066 Norway Pass (Lewis and Skamania counties): That part of GMU 524 beginning at the U.S. Forest Service (USFS) Trail 211 (Lakes Trail) and USFS Trail 230 (Coldwater Trail) junction; NE to Minnie Peak; W to the USFS property boundary in the SE 1/4 of Section 20, T10N, R5E; N along the USFS property boundary to the Green River; E up the Green River to the USFS Rd 2612; E on the USFS Rd 2612 to USFS Rd 26; S on USFS Rd 26 to USFS Trail 1 (Boundary Trail); W on USFS Trail 1 to USFS Trail 214 (Whittier Trail); N on USFS Trail 214 to USFS Trail 211 (Lakes Trail); W on USFS Trail 211 to the USFS Trail 211, Trail 230 junction and point of beginning.

Elk Area No. 5090 JBH (Wahkiakum County): The mainland portion of the Julia Butler Hansen National Wildlife Refuge, as administered by the U.S. Fish and Wildlife Service as described: Beginning at the junction of State Route 4 and Steamboat Island Slough Road, northwest on Steamboat Island Slough Road to Brooks Slough Road, east on Brooks

Slough Road to State Route 4, south on State Route 4 to Steamboat Slough Road and point of beginning.

Elk Area No. 5099 Mudflow (Cowlitz County): That part of GMU 522 beginning on the North Fork Toutle River at the mouth of Hoffstadt Creek; SE up the North Fork Toutle River to Deer Creek; SE up Deer Creek to Weyerhaeuser (Weyco) 3020 line; NW along Weyco 3020 line to Weyco 3000 line; E along Weyco 3000 line to Weyco 3000P line; E on the 3000P line to Weyco 5600 Line to the Mount Saint Helens National Volcanic Monument Boundary; N on the Mount Saint Helens National Volcanic Monument Boundary to SR 504; W on SR 504 to Hoffstadt Creek Bridge on Hoffstadt Creek; S and W down Hoffstadt Creek to the North Fork Toutle River and point of beginning.

Elk Area No. 6010 Mallis (Pacific County): That part of GMUs 506, 672, and 673 within one and one-half mile either side of SR 6 between the east end of Elk Prairie Rd and the Mallis Landing Rd, and all lands within a half mile of Elk Creek Rd bounded on the south by Monohon Landing Rd.

Elk Area No. 6011 Centralia Mine (Lewis County): That portion of GMU 667 within Centralia Mine property boundary.

Elk Area No. 6012 Tri Valley (Grays Harbor and Mason counties): Those portions of GMUs 648 (Wynoochee) and 651 (Satsop) within one mile of Brady-Matlock Road from State Highway 12 north to the junction with Schaefer State Park Road (east Satsop Road) and all lands within one mile of Wynoochee Valley Road from State Highway 12 north to the junction with Cougar Smith Road, and all lands within one mile of Wishkah Valley Road from north Aberdeen city limit to mile post 16 and all lands within 2 miles north of SR 12 between the Satsop River and Schouweiler and Hurd roads and then a line north from the end of Hurd Road to a point 2 miles north of SR 12.

Elk Area No. 6013 (Pierce County): That part of GMU 652 beginning at the intersection of Highway 167 and Highway 410; north on Highway 167 to Highway 18; east on Highway 18 to Highway 164; southeasterly on Highway 164 (~~to Highway 410; westerly on Highway 410 to Highway 167~~) to intersection with power transmission line in T20 R6 Section 18. West along power transmission line to intersection with 226th Ave E. South on 226th Ave East to intersection with 40th St E, east on 40th St E to 230th Ave E, South on 230th Ave E to Radke Road. Southwest on Radke to Barkubine Road, South on Barkubine Road to Connells Prairie; West on Connells Prairie Rd to 214th Ave E, South on 214th Ave E to Highway 410; westerly on Highway 410 to Highway 167 and the point of beginning.

Elk Area No 6014 (Pierce County): Starting at Highway 164 intersection with power transmission line in T20 R6 Section 18; W along power transmission line to intersection with 226th Ave E; S on 226th Ave East to intersection with 40th St E; E on 40th St E to 230th Ave E; S on 230th Ave E to Radke Rd; SW on Radke to Barkubine Rd; S on Barkubine Rd to Connells Prairie; W on Connells Prairie Rd to 214th Ave E; S on 214th Ave E to South Prairie Road; SE on South Prairie Road to Highway 162; E on Hwy 162 to Hwy 165; NE on

Hwy 165 to Hwy 410; NE on Hwy 410 to White River; SE along White River to intersection with power transmission lines in T19N R7E S; NE on power transmission lines to intersection with Hwy 410 West on SR 410 to Hwy 164; NW on Highway 164 to starting point.

Elk Area No. 6054 Puyallup River (Pierce County): That portion of GMU 654 beginning at the intersection of Mount Rainier National Park's western boundary and State Route (SR) 706; W on SR 706 to 278th Ave E; N on 278th Ave E to WA Dept of Natural Resources' (DNR) 1300 Rd; NW on DNR 1300 Rd to Scott Turner Rd; NW on Scott Turner Rd to Alder Cutoff Rd; W and NE on Alder Cutoff Rd to Center St SE in the town of Eatonville; NW on Center St SE to SR 161; N and W on SR 161 to Orville Rd E; N on Orville Rd E, past Lake Ohop and Lake Kapowsin, to the bridge crossing the Puyallup River; SE up the Puyallup River to Mount Rainier National Park's western boundary; S on Mount Rainier National Park's western boundary to SR 706 and the point of beginning.

Elk Area No. 6061 Twin Satsop Farms (Mason County): That portion of GMU 651 starting at the junction of the Deckerville Road and the Brady-Matlock Road; southwest to the junction with the West Boundary Road; north on West Boundary Road to the Deckerville Road; east on the Deckerville Road to the junction of Brady-Matlock Road and point of beginning. In addition, the area within a circle with a radius of two miles centered on the junction of State Route 108 and the Eich Road.

Elk Area No. 6062 South Bank (Grays Harbor County): That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highway 12 and Wakefield Road Junction (South Elma); south on Wakefield Road, across the Chehalis River to the South Bank Road; southeast on the South Bank Road to Delezene Road; south on the Delezene Road to a point one mile from the South Bank Road; southeast along a line one mile southwest of the South Bank Road to the Oakville-Brooklyn Road; east on the Oakville-Brooklyn Road to Oakville and Highway 12; northwest on Highway 12 to Wakefield Road to Elma and the point of beginning.

Elk Area No. 6063 (Grays Harbor and Jefferson counties): Private lands within Elk Area 6064 east of Highway 101.

Elk Area No. 6064 Quinault Valley (Grays Harbor and Jefferson counties): That portion of GMU 638 (Quinault) within the Quinault River watershed east of Gatton Creek and Lake Quinault excluding US Forest Service (USFS) Colonel Bob Wilderness Area.

Elk Area No. 6066 Chehalis Valley (Grays Harbor County): That portion of GMU 660 (Minot Peak) beginning at Highway 12 and Highway 107 junction near Montesano; east and south on Highway 12 to Oakville; south on Oakville-Brooklyn Road to a point one mile west of South Bank Road; northwest along a line one mile southwest of South Bank Road to Delezene Road; north along Delezene Road to South Bank Road; northwest along South Bank Road to Wakefield Road; north on Wakefield Road to Chehalis River; west on

Chehalis River to Highway 107 bridge; north on Highway 107 to Highway 12 and the point of beginning.

~~((Elk Area No. 6067 North Minot (Grays Harbor County): The portion of GMU 660 (Minot Peak) beginning at the junction on State Route 107 and the Melbourne A line, on the Melbourne A line to the Vesta F line; south on Vesta F line to Vesta H line (Vesta Creek Road); south on Vesta Creek Road to the North River Road; south and east on North River Road to the Brooklyn Road; east on Brooklyn Road to the Garrard Creek Road; east and north on Garrard Creek Road to the South Bank Road; east on South Bank to South State Street (Oakville); north on South State Street to U.S. 12; northwest and west on U.S. 12 to State Route 107; south and southwest on SR 107 to the Melbourne A line and the point of beginning-))~~

Elk Area No. 6068 Willapa (Grays Harbor County): That part of GMU 658 south of SR 105 between the intersection of SR 105 and Hammond Road and the SR 105 bridge over Smith Creek; and within one mile north of SR 105 west from Hammond Road and east of the SR 105 bridge over Smith Creek.

Elk Area No. 6069 Hanaford (Lewis and Thurston counties): That part of GMU 667 (Skookumchuck) beginning at the intersection of Salzer Valley Rd and S Pearl St (Centralia); N on S Pearl St to N Pearl St; N on N Pearl St to State Hwy 507; W and N on State Hwy 507 to Skookumchuck Rd; E on Skookumchuck Rd to the first bridge over the Skookumchuck River; E along the Skookumchuck River to the Skookumchuck Rd bridge; E on Skookumchuck Rd to the steel tower power line; SW along the power line to Big Hanaford Rd; E and S along Big Hanaford Rd to the intersection with the main stem of Hanaford Creek; SE along Hanaford Creek to the range line between Range 1W and Range 1E of Township 14N; S on the range line between Range 1W and Range 1E of Township 14N to Mitchell Creek; SW on Mitchell Creek to the North Fork of the Newaukum River; SW on the North Fork of the Newaukum River to North Fork Rd; W on North Fork Rd to Centralia-Alpha Rd; W on Centralia-Alpha Rd to Salzer Valley Rd and the point of beginning.

Elk Area No. 6071 Dungeness (Clallam County): Portions of GMUs 621 (Olympic) and 624 (Coyle) beginning at the mouth of the Dungeness River; east and south along the coast of the Strait of Juan de Fuca to the mouth of ~~((Jimmycomelately))~~ Dean Creek on Sequim Bay; south and west up ~~((Jimmycomelately))~~ Dean Creek to ~~((US Hwy 101))~~ the power transmission line; ~~((east))~~ west on ~~((US Hwy 101 to Chicken Coop Road; east and north on Chicken Coop Road to the Clallam-Jefferson county line; south and west along the Clallam-Jefferson county line to the Olympic National Park boundary; north and west along the Olympic Park boundary to McDonald Creek; north along McDonald Creek to US Hwy 101; east along US Hwy 101))~~ the power transmission line to the Dungeness River; north down the Dungeness River to its mouth and the point of beginning.

Elk Area No. 6072 Sol Duc Valley (Clallam County): That portion of GMU 607 (Sol Duc) between the Sol Duc River and Hwy 101 from a point at the Sol Duc River bridge over

Hwy 101 approximately 2 miles north of Forks to the westernmost Sol Duc River bridge over Hwy 101 at a point approximately 1 mile east of Lake Pleasant.

Elk Area No. 6073 Clearwater Valley (Jefferson County): That portion of GMU 615 (Clearwater) within one mile of the Clearwater Road from the Quinault Indian Reservation boundary to a point 4 miles to the north.

AMENDATORY SECTION (Amending WSR 14-10-019, filed 4/25/14, effective 5/26/14)

WAC 232-28-357 ((2012-2014)) 2015-2017 Deer general seasons and definitions. It is unlawful to fail to comply with the bag, possession, and season limits described below. Violations of this section are punishable under RCW 77.15.410, Unlawful hunting of big game—Penalty.

Bag Limit: One (1) deer per hunter during the license year except where otherwise permitted by department rule.

Hunting Method: Hunters must select one of the hunting methods: Modern firearm, archery, or muzzleloader.

Any Buck Deer Seasons: Open only to the taking of deer with visible antlers (buck fawns illegal).

Antler Point: To qualify as an antler point, the point must be at least one inch long, measured on the longest side.

Antler Restrictions: APPLIES TO ALL HUNTERS DURING ANY GENERAL SEASON AND DESIGNATED SPECIAL PERMIT SEASONS. Buck deer taken in antler restricted game management units (GMUs) must meet minimum antler point requirements. Minimum antler point requirements are antler points on one side only. Eye guards are antler points when they are at least one inch long.

~~((2-point Minimum GMUs: 437, 636, 654, and 681-))~~

3-point Minimum GMUs: All mule deer in 100, 200, and 300 series GMUs; white-tailed deer in GMUs 127, 130, 133, 136, 139, 142, 145, 149, 154, 162, 163, 166, 169, 172, 175, 178, 181, 186, and black-tailed deer in GMU 578.

~~((4-point Minimum GMUs: All white-tailed deer in GMUs 117 and 121-))~~

Permit-only Units: The following GMUs require a special permit to hunt deer: 157 (Mill Creek Watershed), 290 (Desert), 329 (Quilomene), 371 (Alkali), and 485 (Green River).

GMUs Closed to Deer Hunting: 490 (Cedar River) and 522 (Loo-wit).

Types of deer that a person may legally hunt in Washington:

Black-tailed Deer: Any member of black-tailed/mule deer (species *Odocoileus hemionus*) found west of a line drawn from the Canadian border south on the Pacific Crest Trail and along the Yakama Indian Reservation boundary in Yakima County to the Klickitat River; south down Klickitat River to the Columbia River.

Mule Deer: Any member of black-tailed/mule deer (species *Odocoileus hemionus*) found east of a line drawn from the

Canadian border south on the Pacific Crest Trail and along the Yakama Indian Reservation boundary in Yakima County to the Klickitat River; south down Klickitat River to the Columbia River.

White-tailed Deer: Any white-tailed deer (member of the species *Odocoileus virginianus*), except the Columbian whitetail deer (species *Odocoileus virginianus leucurus*).

MODERN FIREARM DEER SEASONS

License Required: A valid big game hunting license, which includes a deer species option.

Tag Required: A valid modern firearm deer tag for the area hunted.

Hunting Method: Modern firearm deer tag hunters may use rifle, handgun, shotgun, bow, crossbow, or muzzleloader, but only during modern firearm seasons.

Hunt Season	((2012)) 2015 Dates	((2013)) 2016 Dates	((2014)) 2017 Dates	Game Management Units (GMUs)	Legal Deer
HIGH BUCK HUNTS					
	Sept. 15-25	Sept. 15-25	Sept. 15-25	Alpine Lakes, Mount Baker, Glacier Peak, Pasayten, Olympic Peninsula, and Henry Jackson Wilderness Areas and Lake Chelan Recreation Area	3 pt. min.
GENERAL SEASON					
Western Washington Black-tailed Deer	Oct. ((13-31)) 17-31	Oct. ((12-31)) 15-31	Oct. ((11-31)) 14-31	407, 418, 426, <u>437</u> , 448, 450, 454, 460, 466, 501 through 520, 524 through 556, 560, 568, 572, 574, 601 through ((633, 638 through 653, 658 through 673, 684)) <u>621, 624 (except Deer Area 6020), 627 through 654, 658 through 699</u>	Any buck
				410, 411, 412, 413, 414, 415, 416, 417, 419, 420, 421, 422, 564, 655, Deer Area 6020	Any deer
				578	3 pt. min.
				((437, 636, 654, 681	2 pt. min.))
Eastern Washington White-tailed Deer	Oct. ((13-26)) 17-30	Oct. ((12-25)) 15-28	Oct. ((11-24)) 14-27	101, 105, 108, 111, 113, 124	Any white-tailed buck
	Oct. ((13-21)) 17-27	Oct. ((12-20)) 15-25	Oct. ((11-19)) 14-24	203 through 284	Any white-tailed buck
	Oct. ((13-21)) 17-27	Oct. ((12-20)) 15-25	Oct. ((11-19)) 14-24	127 through 154, 162 through 186 (except Deer Area 1040)	White-tailed, 3 pt. min.
	Oct. 17-27	Oct. 15-25	Oct. 14-24	<u>373, 379, 381</u>	Any white-tailed deer
	((Oct. 13-26	Oct. 12-25	Oct. 11-24	<u>373</u>	Any white-tailed deer))
((Eastern Washington White-tailed Deer in GMUs 117 and 121	Oct. 13-26	Oct. 12-25	Oct. 11-24	117, 121	White-tailed, 4 pt. min.))
Eastern Washington White-tailed Deer in GMUs 117 and 121	Oct. 17-30	Oct. 15-28	Oct. 14-27	117, 121	Any white-tailed buck
Eastern Washington Mule Deer	Oct. ((13-21)) 17-27	Oct. ((12-20)) 15-25	Oct. ((11-19)) 14-24	101 through 154, 162 through 169, 172 (except Deer Area 1040), 175 through 186, 203 through 284, 328, 330 through 368, 372, <u>373, 379, 381, 382, 388</u>	Mule deer, 3 pt. min.
	((Oct. 13-26	Oct. 12-25	Oct. 11-24	<u>373, 382, 388))</u>	Mule deer, 3 pt. min.
LATE GENERAL SEASON					
Western Washington Black-tailed Deer	Nov. ((15-18)) 19-22	Nov. ((14-17)) 17-20	Nov. ((13-16)) 16-19	407, 454, 466, 501 through 520, 524 through 560, 568, 572, 601 through ((633, 638 through 653,)) <u>621, 624 (except Deer Area 6020), 627 through 654, 658 through ((673, 684 and)) 699</u>	Any buck
				((636, 654, 681	2 pt. min.))
	Nov. ((15-18)) 19-22	Nov. ((14-17)) 17-20	Nov. ((13-16)) 16-19	410, 411, 412, 413, 414, 415, 416, 417, 419, 420, 421, 422, 564, 655, Deer Area 6020	Any deer
Eastern Washington White-tailed Deer	Nov. ((10-19)) 7-19	Nov. ((9-19)) 5-19	Nov. ((8-19)) 11-19	105, 108, 111, 113, 124	Any white-tailed buck

Hunt Season	((2012)) 2015 Dates	((2013)) 2016 Dates	((2014)) 2017 Dates	Game Management Units (GMUs)	Legal Deer
((Eastern Washington White-tailed Deer in GMUs 117 and 121))	Nov. 10-19	Nov. 9-19	Nov. 8-19	117, 121	White-tailed, 4 pt. min.))
<u>Eastern Washington White-tailed Deer in GMUs 117 and 121</u>	Nov. 7-19	Nov. 5-19	Nov. 11-19	117, 121	Any white-tailed buck
HUNTERS 65 AND OVER, DISABLED, OR YOUTH GENERAL SEASONS					
Eastern Washington White-tailed Deer	Oct. ((13-26)) 17-30	Oct. ((12-25)) 15-28	Oct. ((11-24)) 14-27	101, 105, 108, 111, 113, 124	Any white-tailed deer
	((Oct. 18-21))	Oct. 17-20	Oct. 16-19	101, 105, 108, 111, 113	Any white-tailed deer))
	Nov. ((10-19)) 7-19	Nov. ((9-19)) 5-19	Nov. ((8-19)) 11-19	Deer Area 1050	Any white-tailed deer
	Nov. ((10-19)) 7-19	Nov. ((9-19)) 5-19	Nov. ((8-19)) 11-19	Deer Areas 1060, 1070, 1080	White-tailed, antlerless only
	Oct. ((13-21)) 17-27	Oct. ((12-20)) 15-25	Oct. ((11-19)) 14-24	127 through 142, 145, 149, 154, Deer Area 1010, and 178	White-tailed, 3 pt. min. or antlerless
HUNTERS 65 AND OVER AND DISABLED					
<u>Eastern Washington White-tailed Deer</u>	Oct. 17-30	Oct. 15-28	Oct. 14-27	117, 121	Antlerless white-tailed deer
YOUTH GENERAL SEASONS					
((Eastern Washington White-tailed Deer in GMUs 117 and 121))	Oct. 18-21	Oct. 17-20	Oct. 16-19	117, 121	White-tailed, 4 pt. min. or antlerless))
<u>Eastern Washington White-tailed Deer in GMUs 117 and 121</u>	Oct. 17-30	Oct. 15-28	Oct. 14-27	117, 121	Any white-tailed deer

ARCHERY DEER SEASONS

License Required: A valid big game hunting license, which includes a deer species option.

Tag Required: A valid archery deer tag for the area hunted.

Special Notes: Archery tag holders can only hunt during archery seasons with archery equipment (WAC 232-12-054).

Hunt Area	((2012)) 2015 Dates	((2013)) 2016 Dates	((2014)) 2017 Dates	Game Management Units (GMUs)	Legal Deer
EARLY ARCHERY GENERAL DEER SEASONS					
Western Washington Black-tailed Deer	Sept. ((1-28)) 1-30	Sept. ((1-27)) 1-30	Sept. ((1-26)) 1-29	407 through 426, 437, 448, 450, 454, 466, 501, 504, 505, ((510, 513, 520)) 524, 554, 564, 568, 621 through ((633, 642)) 636, 648 through 652, ((655, 658)) 654 through ((672)) 673, 684 ((and 699))	Any deer
				460, 503, 574, 601((, 603, 615,)) through 618, ((673)) 638, 642, 653, 681 and 699	Any buck
				((437, 636, 654, 681))	2 pt. min. or antlerless))
				578	3 pt. min.
	Sept. ((1-23)) 1-27	Sept. ((1-22)) 1-25	Sept. ((1-21)) 1-24	510, 513, 516, ((524,)) 520, 556 ((, 638, 653))	Any deer
			506, 530, 550, 560, 572 ((, 574, 602, 607, 612))	Any buck	
Eastern Washington Mule Deer	Sept. ((1-28)) 1-30	Sept. ((1-27)) 1-30	Sept. ((1-26)) 1-29	105 through 121, 166, 169, 172 (except Deer Area 1040), 175, 181, 243, 334	3 pt. min.

Hunt Area	(2012) 2015 Dates	(2013) 2016 Dates	(2014) 2017 Dates	Game Management Units (GMUs)	Legal Deer
				124 through 142, 145, 149, 186, 244 through 247, 249, 250, 260, 372, 373, 379, 381, 382, 388	3 pt. min. or antlerless
	Sept. ((1-23)) 1-27	Sept. ((1-22)) 1-25	Sept. ((1-21)) 1-24	154, 178	3 pt. min. or antlerless
	Sept. ((1-23)) 1-27	Sept. ((1-22)) 1-25	Sept. ((1-21)) 1-24	162, 163, 251, 328, 335, 336, 340, ((342;)) 346, 352, 356, 360, 364, 368	3 pt. min.
	Sept. 1-15	Sept. 1-15	Sept. 1-15	101, 204 through 242, 248, 254, 262, 266, 269, 272, 278, 284	3 pt. min.
	Sept. ((16-28)) 16-30	Sept. ((16-27)) 16-30	Sept. ((16-26)) 16-29	101, 204 through 242, 248, 254, 262, 266, 269, 272, 278, 284	3 pt. min. or antlerless
Eastern Washington White-tailed Deer	Sept. ((1-28)) 1-30	Sept. ((1-27)) 1-30	Sept. ((1-26)) 1-29	101, 105, 108, 111, 113	Any white-tailed ((buck)) deer
	Sept. ((1-28)) 1-30	Sept. ((1-27)) 1-30	Sept. ((1-26)) 1-29	124, 204 through 250, 254 through 284, 373, 379, 381	Any white-tailed deer
	Sept. ((1-28)) 1-30	Sept. ((1-27)) 1-30	Sept. ((1-26)) 1-29	127 through 149, 166, 172 (except Deer Area 1040), 181, 186	White-tailed, 3 pt. min. or antlerless
	Sept. ((1-23)) 1-27	Sept. ((1-22)) 1-25	Sept. ((1-21)) 1-24	154, 162, 163, 178	White-tailed, 3 pt. min. or antlerless
	Sept. ((1-23)) 1-27	Sept. ((1-22)) 1-25	Sept. ((1-26)) 1-24	169, ((172 (except Deer Area 1040;))) 175	White-tailed, 3 pt. min.
((Eastern Washington White-tailed Deer in GMUs 117 and 121))	Sept. 1-28	Sept. 1-27	Sept. 1-26	117, 121	White-tailed, 4 pt. min.))
Eastern Washington White-tailed Deer in GMUs 117 and 121	Sept. 1-30	Sept. 1-30	Sept. 1-29	117, 121	Any white-tailed deer
LATE ARCHERY GENERAL DEER SEASONS					
Western Washington Black-tailed Deer	((Nov. 21 - Dec. 8))	Nov. 27 - Dec. 8	Nov. 26 - Dec. 8	437, 636, 654, 681	2 pt. min. or antlerless))
	Nov. ((24)) 25 - Dec. 15	Nov. ((27)) 23 - Dec. 15	Nov. ((26)) 22 - Dec. 15	437, 466, 510 through 520, 524, 556 ((-638, 648, and 699))	Any deer
	Nov. ((24)) 25 - Dec. 15	Nov. ((27)) 23 - Dec. 15	Nov. ((26)) 22 - Dec. 15	448, 460, 506, 530, 560, 572, 601, ((607)) 603 through 618, 638, 642, 681, and 699	Any buck
	((Nov. 21 - Dec. 31))	Nov. 27 - Dec. 31	Nov. 26 - Dec. 31	603, 624, 652, 655	Any buck))
	Nov. ((24)) 25 - Dec. 31	Nov. ((27)) 23 - Dec. 31	Nov. ((26)) 22 - Dec. 31	407, 410, 411, 412, 413, 414, 415, 416, 417, 419, 420, 421, 422, 454, 505, 564, 624, 627, ((633, 642;)) 636, 648, 652, 654, 655, 660 through 672	Any deer
Eastern Washington Mule Deer	Nov. 21-30	Nov. 21-30	Nov. 21-30	209, 215, 233, 243, 250	3 pt. min.
	Nov. ((24)) 25 - Dec. 8	Nov. ((27)) 23 - Dec. 8	Nov. ((26)) 22 - Dec. 8	336, 342, 346, 352, 364, 388, Deer Area 3682	3 pt. min.
	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	145, 163, 178, 272, 278, 373	3 pt. min. or antlerless
	((Nov. 21 - Dec. 8))	Nov. 27 - Dec. 8	Nov. 26 - Dec. 8	272, 278, 373	3 pt. min. or antlerless))
	Dec. 9-31	Dec. 9-31	Dec. 9-31	Deer Area 1021	Antlerless only
Eastern Washington White-tailed Deer	Nov. 10 - Dec. 15	Nov. 10 - Dec. 15	Nov. 10 - Dec. 15	101	Any white-tailed deer
	Nov. 25 - Dec. 15	Nov. 25 - Dec. 15	Nov. 25 - Dec. 15	((105, 108;)) 124	Any white-tailed deer
	Nov. 25 - Dec. 15	Nov. 25 - Dec. 15	Nov. 25 - Dec. 15	127	White-tailed, 3 pt. min. or antlerless
	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	145, 163, 178, 272, 278	White-tailed, 3 pt. min. or antlerless
	Nov. ((24)) 25 - Dec. 15	Nov. ((27)) 23 - Dec. 15	Nov. ((26)) 22 - Dec. 15	105, 108, 204, 209, 215, 233, 243, ((272, 278;)) 373	Any white-tailed deer

Hunt Area	((2012)) 2015 Dates	((2013)) 2016 Dates	((2014)) 2017 Dates	Game Management Units (GMUs)	Legal Deer
((Eastern Washington White-tailed Deer in GMUs 117 and 121	Nov. 25 – Dec. 9	Nov. 25 – Dec. 9	Nov. 25 – Dec. 9	117, 121	White-tailed, 4 pt. min.
	Dec. 10-15	Dec. 10-15	Dec. 10-15	117, 121	White-tailed, 4 pt. min. or antlerless))
<u>Eastern Washington White-tailed Deer in GMUs 117 and 121</u>	<u>Nov. 25 - Dec. 15</u>	<u>Nov. 23 - Dec. 15</u>	<u>Nov. 22 - Dec. 15</u>	<u>117, 121</u>	<u>Any white-tailed deer</u>

MUZZLELOADER DEER SEASONS

License Required: A valid big game hunting license, which includes a deer species option.

Tag Required: A valid muzzleloader deer tag for the area hunted.

Hunting Method: Muzzleloader only.

Special Notes: Muzzleloader tag holders can only hunt during muzzleloader seasons and must hunt with muzzleloader equipment (WAC 232-12-051) or archery equipment (WAC 232-12-054).

Hunt Area	((2012)) 2015 Dates	((2013)) 2016 Dates	((2014)) 2017 Dates	Game Management Units (GMUs)	Legal Deer
High Buck Hunts	Sept. 15-25	Sept. 15-25	Sept. 15-25	Alpine Lakes, Glacier Peak, Pasayten, Mount Baker, Olympic Peninsula, and Henry Jackson Wilderness areas, and Lake Chelan Recreation Area	3 pt. min.
EARLY MUZZLELOADER GENERAL DEER SEASONS					
Western Washington Black-tailed Deer	((Sept. 29 – Oct. 7)) <u>Oct. 3-11</u>	((Sept. 28 – Oct. 6)) <u>Oct. 1-9</u>	Sept. ((27)) <u>30</u> - Oct. ((5)) <u>8</u>	407, 418, 426, 437 , 448, 450, 501, 503 , 504, 505, 506, 510, 513, 516, 520, 530, 554, 556, 560 , 568, 572, 574, 603, 607, 612, 615, 624 (except Deer Area 6020), 636 , 638, 642, 648, 660, 663, 672, 673(-684)	Any buck
				410, 411, 412, 413, 414, 415, 416, 417, 419, 420, 421, 422, 454, 564, 627, 652, 655, 666, 684 , and Deer Area 6020	Any deer
				((437, 636	2 pt. min.))
				578	3 pt. min.
Eastern Washington White-tailed Deer	((Sept. 29 – Oct. 7)) <u>Oct. 3-11</u>	((Sept. 28 – Oct. 6)) <u>Oct. 1-9</u>	Sept. ((27)) <u>30</u> - Oct. ((5)) <u>8</u>	((101, 105, 108, 111, 113, 124,)) 203, 204, 209, 215, 231, 233, 239, 242, 243, 244, 245, 246, 248, 250, 251, 260, 272, 278, 284	White-tailed, any buck
				<u>101, 105, 108, 111, 113, 124</u>	<u>Any white-tailed deer</u>
				<u>127, 142, 145, 149</u>	White-tailed, 3 pt. min. or antlerless
				((127,)) 130, 133, 136, 139, 175, 181, 186 373, 379	White-tailed, 3 pt. min. <u>Any white-tailed, ((any)) deer</u>
((Eastern Washington White-tailed Deer in GMUs 117 and 121	Sept. 29 – Oct. 7	Sept. 28 – Oct. 6	Sept. 27 – Oct. 5	117, 121	White-tailed, 4 pt. min.))
	<u>Oct. 3-11</u>	<u>Oct. 1-9</u>	<u>Sept. 30 - Oct. 8</u>	<u>117, 121</u>	<u>Any white-tailed deer</u>
Eastern Washington Mule Deer	((Sept. 29 – Oct. 7)) <u>Oct. 3-11</u>	((Sept. 28 – Oct. 6)) <u>Oct. 1-9</u>	Sept. ((27)) <u>30</u> - Oct. ((5)) <u>8</u>	101 through 149, 175, 181, 186, 203, 204, 209, 215, 231, 233, 239, 242, 243, 244, 245, 246, 248, 250, 251, 254, 260, 262, 266, 269, 272, 278, 284, 328, 330 through 342, 352 through ((360,)) 368, 373, 379(-382)	Mule deer, 3 pt. min.

Hunt Area	(2012) 2015 Dates	(2013) 2016 Dates	(2014) 2017 Dates	Game Management Units (GMUs)	Legal Deer
LATE MUZZLELOADER GENERAL DEER SEASONS					
Western Washington Black-tailed Deer	Nov. ((22)) 25 - Dec. 15	Nov. ((28)) 23 - Dec. 15	Nov. ((27)) 22 - Dec. 15	407, 410, 411, 412, 413, 414, 415, 416, 417, 419, 420, 421, 422, 454, 501, 504, 564, ((627,)) 633, 666, 684, and Deer Area 6020	Any deer
				((654	2-pt. min.))
				<u>448, 460, 550, 602, 621, 651, 654, 658, 667, and 673</u>	Any buck
	((Nov. 22 - Dec. 6	Nov. 28 - Dec. 6	Nov. 27 - Dec. 6	667, 673	Any buck
	Dec. 7-15	Dec. 7-15	Dec. 7-15	673	Any deer))
Eastern Washington White-tailed Deer	Nov. 25 - Dec. 8	Nov. ((25)) 23 - Dec. 8	Nov. ((25)) 22 - Dec. 8	113	Any white-tailed buck
	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	130, 133, 136, 139	White-tailed, 3 pt. min. or antlerless
	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	172 (except Deer Area 1040), 181	White-tailed, 3 pt. min. or antlerless
	Nov. 20-30	Nov. 20-30	Nov. 20-30	379, 381	Any white-tailed deer
Eastern Washington Mule Deer	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	130	Antlerless
	Nov. 20-30	Nov. 20-30	Nov. 20-30	381	3 pt. min. or antlerless
	Nov. 20-30	Nov. 20-30	Nov. 20-30	379, 382	3 pt. min.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 14-10-019, filed 4/25/14, effective 5/26/14)

WAC 232-28-358 ~~(2012-2014)~~ 2015-2017 Elk general seasons and definitions. It is unlawful to fail to comply with bag, possession, and season limits described below. A violation of this section is punishable under RCW 77.15.410, Unlawful hunting of big game—Penalty.

Bag Limit: One (1) elk per hunter during the license year, except where otherwise permitted by department rule. Any combination of seasons, tags, and permits set by the department will not exceed a maximum of two (2) elk per hunter during the license year.

Hunting Method: Elk hunters must select only one of the hunting methods: Modern firearm, archery, or muzzleloader.

Elk Tag Areas: Elk hunters must choose either Eastern or Western Washington to hunt in and buy the appropriate tag for that area.

Any Bull Elk Seasons: Open only to the taking of elk with visible antlers; bull calves are illegal.

Antler Point: To qualify as an antler point, the point must be at least one inch long, measured on the longest side.

Branch: A branch is defined as any projection off the main antler beam that is at least one inch long, measured on the longest side, and longer than it is wide.

Spike Bull Antler Restrictions: Bull elk taken in spike-only game management units (GMUs) must have at least one antler with no branches originating more than 4 inches above where the antler attaches to the skull.

Spike-only GMUs: 145-154, 162-186, 249, and 336-368.

True Spike - Bull Antler Restrictions: Neither antler of bull elk taken in GMUs 251, and 328-335 can have branching originating more than 4 inches above where the antlers attach to the skull. Under the true-spike restriction, taking an elk that has two points on one side or antler points within one inch of the definitions regarding length of point, or point of origination, is an infraction under RCW 77.15.160. All other types of violations of the true-spike restriction are subject to current penalties and assessments under RCW 77.15.410 and 77.15.420.

True-spike GMUs: 251, 328-335.

3-point Antler Restrictions: Legal bull elk must have at least 3 antler points on one side, with at least 2 antler points above the ear. Eye guards are antler points when they are at least one inch long. Antler restrictions apply to all hunters during any open season.

3-point GMUs: All of Western Washington, except for GMUs 448, 454, 564, 652 for archers, 666, 684, and Elk Area 4941.

Permit-only Units: The following GMUs are closed to elk hunting during general elk seasons: 157, 371, 418, 485, 522, ~~((524,))~~ 556, 621, 636, and 653.

GMUs Closed to Elk Hunting: 437 (except for Elk Area 4941) and 490.

Areas with Special Restrictions: There are modern firearm restrictions in GMU 334 and portions of GMU 660. GMU 554 is open only for early archery and muzzleloader seasons. Elk Area 6064 in GMU 638 (Quinalt) is open to master hunters only.

Elk Tag Areas

Eastern Washington: All 100, 200, and 300 GMUs.
 EA - Eastern Washington Archery Tag
 EF - Eastern Washington Modern Firearm General Elk Tag
 EM - Eastern Washington Muzzleloader Tag

Western Washington: All 400, 500, and 600 GMUs.
 WA - Western Washington Archery Tag
 WF - Western Washington Modern Firearm General Elk Tag
 WM - Western Washington Muzzleloader Tag

Modern Firearm General Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: A valid modern firearm elk tag as listed below for the area hunted.

Hunting Method: May use modern firearm, bow and arrow, crossbow, or muzzleloader, but only during modern firearm seasons.

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	((2012)) 2015 Dates	((2013)) 2016 Dates	((2014)) 2017 Dates	Legal Elk
Eastern Washington	EF	101, 105, 108, 111, 113, 117, 121, 204	Oct. ((27)) 31 - Nov. ((4)) 8	Oct. ((26)) 29 - Nov. ((3)) 6	Oct. ((25)) 28 - Nov. ((2)) 5	Any bull
		145 through 154, 162 through 169, 172 (except Elk Area 1040), 175 through 186, 249, 336 through 368	Oct. ((27)) 31 - Nov. ((4)) 8	Oct. ((26)) 29 - Nov. ((3)) 6	Oct. ((25)) 28 - Nov. ((2)) 5	Spike bull
		251, 328, 329, 334, 335	Oct. ((27)) 31 - Nov. ((4)) 8	Oct. ((26)) 29 - Nov. ((3)) 6	Oct. ((25)) 28 - Nov. ((2)) 5	True spike bull
		Elk Area 3722*	Sept. 8-23	Sept. 7-22	Sept. 6-21	Antlerless only
		124 through 142, 372, 382, 388	Oct. ((27)) 31 - Nov. ((4)) 8	Oct. ((26)) 29 - Nov. ((3)) 6	Oct. ((25)) 28 - Nov. ((2)) 5	Any elk
		203, 209 through 248, 250, 254 through 290, 373, 379, 381	Oct. ((27)) 31 - Nov. 15	Oct. ((26)) 29 - Nov. 15	Oct. ((25)) 28 - Nov. 15	Any elk
		((Elk Area 2033	Sept. 4-30	Sept. 3-30	Sept. 2-30	Antlerless-only)
		Master Hunters Only: 371, Elk Area 3912	Aug. 1 - Jan. 20, ((2013)) 2016	Aug. 1 - Jan. 20, ((2014)) 2017	Aug. 1 - Jan. 20, ((2015)) 2018	Antlerless only
		Master Hunters Only: Elk Area 3911**	Nov. ((40)) 14 - Dec. ((46)) 15	Nov. (9) 12 - Dec. 15	Nov. (8) 11 - Dec. ((44)) 15	Antlerless only
		Master Hunters Only: Elk Area 3911** 2nd tag.	Aug. 1 - Oct. ((26)) 30	Aug. 1 - Oct. ((25)) 28	Aug. 1 - Oct. ((24)) 27	Antlerless only
Master Hunters Only: 127, 130	Dec. 9-31	Dec. 9-31	Dec. 9-31	Antlerless only		
<p>*GMU 372 and Elk Area 3722 are mainly private property. Hunters are not advised to try hunting these areas without making prior arrangements for access.</p> <p>((**Master Hunters who hunt in Elk Area 3911 may purchase a master hunter, Elk Area 3911, second elk transport tag. Only one (1) antlerless elk may be taken from Elk Area 3911 unless drawn for an antlerless elk special permit. Any legal weapon may be used. Master hunter, Elk Area 3911, second elk transport tags will be valid only for Elk Area 3911 from August 1 - October 26, 2012, August 1 - October 25, 2013, and August 1 - October 24, 2014. All hunters participating in the Elk Area 3911 hunt must wear hunter orange.))</p> <p><u>**Master hunters who hunt in Elk Area 3911 during the August to October early master hunter season must purchase a master hunter, Elk Area 3911, second elk transport tag. Only master hunters with an eastside elk tag can purchase this tag. Elk Area 3911 second elk transport tags will be valid only for Elk Area 3911 from August 1 - October 30, 2015, August 1 - October 28, 2016, and August 1 - October 27, 2017. Only one antlerless elk may be taken from Elk Area 3911, unless drawn for an antlerless elk special permit. Master hunters who hunt in Elk Area 3911 during the November to December late master hunter season may use their unused general season elk tag, but are not eligible to use an Elk Area 3911, master hunter, second elk transport tag. Any legal weapon may be used during either master hunter Elk Area 3911 hunt. All master hunters participating in an Elk Area 3911 hunt must wear hunter orange.</u></p>						
Western Washington	WF	460, 466, 503, 505 through 520, 524 (except Elk Area 5066) , 530, 550, 560, 568, 572, 574, 578, 601 through 618, 624 (except for Elk Area 6071), 627 ((through)) , 633, 638 through ((652)) 651, 652 (except for Elk Area 6014) , 654 through	Nov. ((3-14)) 7-18	Nov. ((2-13)) 5-16	Nov. ((1-12)) 4-15	3 pt. min.

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	((2012)) 2015 Dates	((2013)) 2016 Dates	((2014)) 2017 Dates	Legal Elk
		684. Except master hunters only in Elk Area 6064 portion of GMU 638.				
		501, 504, Elk Area 6014	Nov. ((3-14)) 7-18	Nov. ((2-13)) 5-16	Nov. ((1-12)) 4-15	3 pt. min. or antlerless
		407, 448, 564, 666	Nov. ((3-14)) 7-18	Nov. ((2-13)) 5-16	Nov. ((1-12)) 4-15	Any elk
		454	Nov. ((3-14)) 7-18	Nov. ((2-13)) 5-16	Nov. ((1-12)) 4-15	Any bull

Archery General Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: A valid archery elk tag as listed below for the area hunted.

Hunting Method: Bow and arrow only, as defined under WAC 232-12-054.

Special Notes: Archery tag holders can hunt only during archery seasons and must hunt with archery equipment (WAC 232-12-054). Archery elk hunters may apply for special bull permits. Please see permit table for tag eligibility for all elk permits.

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	((2012)) 2015 Dates	((2013)) 2016 Dates	((2014)) 2017 Dates	Legal Elk
Early Archery General Elk Seasons						
Eastern Washington	EA	101 through 142, 243, 247, 249, 250, 373, 379, 381, 388	Sept. ((4-16)) 12-24	Sept. ((3-15)) 10-22	Sept. ((2-14)) 9-21	Any elk
		162, 166, 169, 172 (except Elk Area 1040), 186	Sept. ((4-16)) 12-24	Sept. ((3-15)) 10-22	Sept. ((2-14)) 9-21	Spike bull
		((328, 329))	Sept. 4-16	Sept. 3-15	Sept. 2-14	True spike bull
		328, 329, 335	Sept. 12-24	Sept. 10-22	Sept. ((2-14)) 9-21	True spike bull or antlerless
		145, 149, 154, Elk Area 1010, Elk Area 1013, 163, 175, 178, 181, 334, 336, 340, 352, 356, 364	Sept. ((4-16)) 12-24	Sept. ((3-15)) 10-22	Sept. ((2-14)) 9-21	Spike bull or antlerless
Western Washington	WA	448, 454, 564, 652 (except Elk area 6013), 666, 684	Sept. ((4-16)) 12-24	Sept. ((3-15)) 10-22	Sept. ((2-14)) 9-21	Any elk
		407	((N/A)) Sept. 12-24	Sept. ((3-27)) 10-22	Sept. ((2-26)) 9-21	Any elk
		501 through 505, 520, 550, 554, 560, 568, 572, 574, 578, 624(((:))) (except for Elk Area 6071), Elk Area 6061, 654, 660, 667 through 673, 681, ((684,)) 699	Sept. ((4-16)) 12-24	Sept. ((3-15)) 10-22	Sept. ((2-14)) 9-21	3 pt. min. or antlerless
		460, 466, 506, 510, 513, 516, 524 (except Elk Area 5066), 530, 601(((, 602, 603, 607, 642))) through 618, 627, 633, 638 (except Master Hunters only in Elk Area 6064), 642 through ((648,)) 651, 658, 663(((, Master hunters only in Elk Area 6064,)))	Sept. ((4-16)) 12-24	Sept. ((3-15)) 10-22	Sept. ((2-14)) 9-21	3 pt. min.
Late Archery General Elk Seasons						
Eastern Washington	EA	101, 105, 108, 117, 121, 204	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Any bull
		124, 127, 373, 388	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Any elk
		178	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Antlerless only
		Elk Area 1010, 163	Dec. 9 - Jan. 30, ((2013)) 2016	Dec. 9 - Jan. 30, ((2014)) 2017	Dec. 9 - Jan. 30, ((2015)) 2018	Antlerless only
		203, 209 through 248, 250, 254 through 290, 379, 381. Must wear hunter orange.	Oct. ((24)) 31 - Nov. 15	Oct. ((27)) 29 - Nov. 15	Oct. ((25)) 28 - Nov. 15	Any elk

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	((2012)) 2015 Dates	((2013)) 2016 Dates	((2014)) 2017 Dates	Legal Elk
		Master Hunters Only: 371, Elk Area 3912. Must wear hunter orange.	Aug. 1 - Jan. 20, ((2013)) 2016	Aug. 1 - Jan. 20, ((2014)) 2017	Aug. 1 - Jan. 20, ((2015)) 2018	Antlerless only
		Master Hunters Only: Elk Area 3911**. Must wear hunter orange.	Nov. ((40)) 14 - Dec. ((46)) 15	Nov. ((9)) 12 - Dec. 15	Nov. ((8)) 11 - Dec. ((14)) 15	Antlerless only
		Master Hunters Only: Elk Area 3911** 2nd tag. Must wear hunter orange.	Aug. 1 - Oct. ((26)) 30	Aug. 1 - Oct. ((25)) 28	Aug. 1 - Oct. ((24)) 27	Antlerless only
		Master Hunters Only: 127, 130	Dec. 9-31	Dec. 9-31	Dec. 9-31	Antlerless only
		328, 334, 335	Nov. ((21)) 25 - Dec. 8	Nov. ((27)) 23 - Dec. 8	Nov. ((26)) 22 - Dec. 8	True spike bull or antlerless
		336, 342, 346, 352, 364, Elk Area 3681	Nov. ((21)) 25 - Dec. 8	Nov. ((27)) 23 - Dec. 8	Nov. ((26)) 22 - Dec. 8	Spike bull or antlerless
Western Washington	WA	Elk Area 4601, 503, 505, 652 (except Elk Area 6013), 667, 672, 681, and 699. Master hunters only in Elk Area 6064 portion of GMU 638.	Nov. ((21)) 25 - Dec. 15	Nov. ((27)) 23 - Dec. 15	Nov. ((26)) 22 - Dec. 15	3 pt. min. or antlerless
		407, 448, 454, 564, 666	Nov. ((21)) 25 - Dec. 15	Nov. ((27)) 23 - Dec. 15	Nov. ((26)) 22 - Dec. 15	Any elk
		603, 612, 615, 638 (except for Elk Area 6064), 648	Nov. ((21)) 25 - Dec. 15	Nov. ((27)) 23 - Dec. 15	Nov. ((26)) 22 - Dec. 15	3 pt. min.
		506, 520, 530	Nov. ((21)) 25 - Dec. 15	Nov. ((27)) 23 - Dec. 15	Nov. ((26)) 22 - Dec. 15	Antlerless only
<p>*GMU 372 and Elk Area 3722 are mainly private property. Hunters are not advised to try hunting these areas without making prior arrangements for access.</p> <p>((**Master Hunters who hunt in Elk Area 3911 may purchase a master hunter, Elk Area 3911, second elk transport tag. Only one (1) antlerless elk may be taken from Elk Area 3911 unless drawn for an antlerless elk special permit. Any legal weapon may be used. Master hunter, Elk Area 3911, second elk transport tags will be valid only for Elk Area 3911 from August 1 - October 26, 2012, August 1 - October 25, 2013, and August 1 - October 24, 2014. All hunters participating in the Elk Area 3911 hunt must wear hunter orange.))</p> <p>**Master hunters who hunt in Elk Area 3911 during the August to October early master hunter season must purchase a master hunter, Elk Area 3911, second elk transport tag. Only master hunters with an eastside elk tag can purchase this tag. Elk Area 3911 second elk transport tags will be valid only for Elk Area 3911 from August 1 - October 30, 2015, August 1 - October 28, 2016, and August 1 - October 27, 2017. Only one antlerless elk may be taken from Elk Area 3911, unless drawn for an antlerless elk special permit. Master hunters who hunt in Elk Area 3911 during the November to December late master hunter season may use their unused general season elk tag, but are not eligible to use an Elk Area 3911, master hunter, second elk transport tag. Any legal weapon may be used during either master hunter Elk Area 3911 hunt. All master hunters participating in an Elk Area 3911 hunt must wear hunter orange.</p>						

Muzzleloader General Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: A valid muzzleloader elk tag as listed below for the area hunted.

Hunting Method: Muzzleloader, as defined under WAC 232-12-051, or bow and arrow, as defined under WAC 232-12-054.

Special Notes: Muzzleloader tag holders can only hunt during the muzzleloader seasons. Only hunters with tags identified in the Special Elk Permits tables may apply for special elk permits.

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	((2012)) 2015 Dates	((2013)) 2016 Dates	((2014)) 2017 Dates	Legal Elk
Early Muzzleloader General Elk Seasons						
Eastern Washington	EM	101 through 121, 247	Oct. ((6-12)) 3-9	Oct. ((5-11)) 1-7	Oct. ((4-10)) 7-13	Any bull
		124 through 142, 245, 250	Oct. ((6-12)) 3-9	Oct. ((5-11)) 1-7	Oct. ((4-10)) 7-13	Any elk
		145, 149, 154, 162, 163, 166, 172 (except Elk Area 1040), 175, 178, 336 through 342, 352 through ((360;)) 368	Oct. ((6-12)) 3-9	Oct. ((5-11)) 1-7	Oct. ((4-10)) 7-13	Spike bull
		328, 329, 335, Elk Area 2051	Oct. ((6-12)) 3-9	Oct. ((5-11)) 1-7	Oct. ((4-10)) 7-13	True spike bull

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	((2012)) 2015 Dates	((2013)) 2016 Dates	((2014)) 2017 Dates	Legal Elk
Western Washington	WM	407	((N/A)) Oct. 3-9	((Sept. 28--)) Oct. ((+)) 1-7	((Sept. 27--)) Oct. ((+0)) 7-13	Any elk
		Elk Area 4601	((N/A)) Oct. 3-9	((N/A)) Oct. 1-7	((Sept. 27--)) Oct. ((+0)) 7-13	3 pt. min. or antlerless
		448, 454, 564, 666, 684	Oct. ((6-12)) 3-9	Oct. ((5-11)) 1-7	Oct. ((4-10)) 7-13	Any elk
		460, 466, 505, 506, 510, 513, 516, 520, 524 (except Elk Area 5066), 530, 550, 554, 560, 568, 572, 574, 578, 602, 603, 607, 612, 615, 624 (except for Elk Area 6071), 627, 633, 638 (except for Elk Area 6064), 642, 648, 660, 663, 672, 673, 681	Oct. ((6-12)) 3-9	Oct. ((5-11)) 1-7	Oct. ((4-10)) 7-13	3 pt. min.
		501, 503, 504, 652(;) (except Elk Area 6013 closed to antlerless), 654, 667	Oct. ((6-12)) 3-9	Oct. ((5-11)) 1-7	Oct. ((4-10)) 7-13	3 pt. min. or antlerless
Late Muzzleloader General Elk Seasons						
Eastern Washington	EM	130 through 142	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Any elk
		204. <u>Must wear hunter orange.</u>	Oct. ((27)) 31 - Nov. 15	Oct. ((26)) 29 - Nov. 15	Oct. ((25)) 28 - Nov. 15	Any bull
		203, 209 through 248, 250, 254 through 290, 373, 379, 381. <u>Must wear hunter orange.</u>	Oct. ((27)) 31 - Nov. 15	Oct. ((26)) 29 - Nov. 15	Oct. ((25)) 28 - Nov. 15	Any elk
		Master Hunters Only: 371, Elk Area 3912. <u>Must wear hunter orange.</u>	Aug. 1 - Jan. 20, ((2013)) 2016	Aug. 1 - Jan. 20, ((2014)) 2017	Aug. 1 - Jan. 20, ((2015)) 2018	Antlerless only
		Master Hunters Only: Elk Area 3911**. <u>Must wear hunter orange.</u>	Nov. ((+0)) 14 - Dec. ((+6)) 15	Nov. ((9)) 12 - Dec. 15	Nov. ((8)) 11 - Dec. ((+4)) 15	Antlerless only
		Master Hunters Only: Elk Area 3911** 2nd tag. <u>Must wear hunter orange.</u>	Aug. 1 - Oct. ((26)) 30	Aug. 1 - Oct. ((25)) 28	Aug. 1 - Oct. ((24)) 27	Antlerless only
		Master Hunters Only: 127, 130	Dec. 9-31	Dec. 9-31	Dec. 9-31	Antlerless only
Western Washington	WM	407	((N/A)) Nov. 25 - Dec. 15	Nov. ((27)) 23 - Dec. 15	Nov. ((26)) 22 - Dec. 15	3 pt. min. or antlerless
		501, 503, 504, 505, 652 (except Elk Area 6013 closed to antlerless).	Nov. ((21)) 25 - Dec. 8	Nov. ((27)) 23 - Dec. 8	Nov. ((26)) 22 - Dec. 8	3 pt. min. or antlerless
		448, 454, 564, 666, 684	Nov. ((21)) 25 - Dec. 15	Nov. ((27)) 23 - Dec. 15	Nov. ((26)) 22 - Dec. 15	Any elk
		568, 574, 578	Nov. ((21-30)) 25-30	Nov. ((27-30)) 23-30	Nov. ((26-30)) 22-30	3 pt. min.
		((550;)) 601, 618, 651, 658, 667	Nov. ((21)) 25 - Dec. 15	Nov. ((27)) 23 - Dec. 15	Nov. ((26)) 22 - Dec. 15	3 pt. min.
		<p>((**Master Hunters who hunt in Elk Area 3911 may purchase a master hunter, Elk Area 3911, second elk transport tag. Any legal weapon may be used. Only one (1) antlerless elk may be taken from Elk Area 3911 unless drawn for an antlerless elk special permit. Master hunter, Elk Area 3911, second elk transport tags will be valid only for Elk Area 3911 from August 1 - October 26, 2012, August 1 - October 25, 2013, and August 1 - October 24, 2014. All hunters participating in the Elk Area 3911 hunt must wear hunter orange.))</p> <p>((**Master hunters who hunt in Elk Area 3911 during the August to October early master hunter season must purchase a master hunter, Elk Area 3911, second elk transport tag. Only master hunters with an eastside elk tag can purchase this tag. Elk Area 3911 second elk transport tags will be valid only for Elk Area 3911 from August 1 - October 30, 2015, August 1 - October 28, 2016, and August 1 - October 27, 2017. Only one antlerless elk may be taken from Elk Area 3911, unless drawn for an antlerless elk special permit. Master hunters who hunt in Elk Area 3911 during the November to December late master hunter season may use their unused general season elk tag, but are not eligible to use an Elk Area 3911, master hunter, second elk transport tag. Any legal weapon may be used during either master hunter Elk Area 3911 hunt. All master hunters participating in an Elk Area 3911 hunt must wear hunter orange.))</p>				

AMENDATORY SECTION (Amending WSR 14-10-019, filed 4/25/14, effective 5/26/14)

WAC 232-28-359 ((2014)) 2015 Deer special permits. It is unlawful to fail to comply with the bag, possession, and season limits described below. A violation of this section is punishable under RCW 77.15.410, Unlawful hunting of big game—Penalty.

Deer Special Permit Hunting Seasons (Open to Permit Holders Only)

Hunters must purchase a deer hunting license prior to purchasing a permit application. Hunters may only apply for permits consistent with the tag required for the hunt choice; however, Multiple Season Permit holders may apply for archery, muzzleloader, or modern firearm permit hunts. Hunters drawn for a special permit hunt must comply with weapon restrictions, dates, and other conditions listed for the hunt. Hunters drawn for a special permit designated "**Any tag**" under the "**Weapon/Tag**" restriction must use equipment consistent with the requirements of their transport tag and license.

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Kelly Hill White-tailed Buck	Modern	Any	Oct. ((25)) 24 - Nov. ((23)) 22	White-tailed, Any buck	GMU 105	5
Kelly Hill Mule Deer Buck	Modern	Any	Nov. ((8-23)) 7-22	Mule deer, 3 pt. min.	GMU 105	1
Douglas White-tailed Buck	Modern	Any	Oct. ((25)) 24 - Nov. ((23)) 22	White-tailed, Any buck	GMU 108	5
Douglas Mule Deer Buck	Modern	Any	Nov. ((8-23)) 7-22	Mule deer, 3 pt. min.	GMU 108	1
Aladdin White-tailed Buck	Modern	Any	Oct. ((25)) 24 - Nov. ((23)) 22	White-tailed, Any buck	GMU 111	5
Aladdin Mule Deer Buck	Modern	Any	Nov. ((8-23)) 7-22	Mule deer, 3 pt. min.	GMU 111	1
Selkirk Mule Deer Buck	Modern	Any	Nov. ((8-23)) 7-22	Mule deer, 3 pt. min.	GMU 113	1
49 Degrees North White-tailed Buck	Modern	Any	Oct. ((25)) 24 - Nov. ((23)) 22	White-tailed, Any buck	GMU 117	5
49 Degrees North Mule Deer Buck	Modern	Any	Nov. ((8-23)) 7-22	Mule deer, 3 pt. min.	GMU 117	1
Huckleberry White-tailed Buck	Modern	Any	Oct. ((25)) 24 - Nov. ((23)) 22	White-tailed, Any buck	GMU 121	5
Huckleberry Mule Deer Buck	Modern	Any	Nov. ((8-23)) 7-22	Mule deer, 3 pt. min.	GMU 121	1
Mt. Spokane	Modern	Any	Nov. 20-24	White-tailed, Any buck	GMU 124	5
Mica Peak	Modern	Any	Nov. 20-24	White-tailed, 3 pt. min.	GMU 127	5
Cheney	Modern	Any	Nov. 20-24	White-tailed, 3 pt. min.	GMU 130	5
Roosevelt	Modern	Any	Nov. 20-24	White-tailed, 3 pt. min.	GMU 133	5
Steptoe	Modern	Any	Nov. 20-24	White-tailed, 3 pt. min.	GMU 139	5
Almota	Modern	Any	Nov. 20-24	White-tailed, 3 pt. min.	GMU 142	5
Dayton	Modern	Any	Nov. 20-24	3 pt. min.	GMU 162	5
Tucannon	Modern	Any	Nov. 20-24	3 pt. min.	GMU 166	2
Wenaha West	Modern	Any	Nov. 7-14	Mule deer, 3 pt. min.	Deer Area 1008	2
Wenaha East	Modern	Any	Nov. 7-14	Mule deer, 3 pt. min.	Deer Area 1009	5
((Wenaha West	Modern	Any	Nov. 7-14	Mule deer, 3 pt. min.	Deer Area 1008	2))
Lick Creek	Modern	Any	Nov. 20-24	3 pt. min.	GMU 175	1
Grande Ronde	Modern	Any	Nov. 20-24	3 pt. min.	GMU 186	1
East Okanogan	Modern	Any	Nov. 1-20	Any buck	GMU 204	10
Sinlahekin	Modern	Any	Nov. 1-20	Any buck	GMU 215	10
Chewuch	Modern	Any	Nov. 1-20	Any buck	GMU 218	20
Pearrygin	Modern	Any	Nov. 1-20	Any buck	GMU 224	20
Gardner	Modern	Any	Nov. 1-20	Any buck	GMU 231	15
Pogue	Modern	Any	Nov. 1-20	Any buck	GMU 233	15
Alta	Modern	Any	Nov. 1-20	Any buck	GMU 242	15
Manson	Modern	Any	Nov. 1-20	Any buck	GMU 243	10

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Chiwawa	Modern	Any	Nov. 1-20	Any buck	GMU 245	((27)) 26
Slide Ridge	Modern	Any	Nov. 1-20	Any buck	GMU 246	((11)) 10
Entiat	Modern	Any	Nov. 1-20	Any buck	GMU 247	25
Swakane	Modern	Any	Nov. 1-20	Any buck	GMU 250	15
Mission	Modern	Any	Nov. 1-20	Any buck	GMU 251	10
Desert	Modern	Any	Oct. ((25)) 24 - Nov. ((2)) 1	Any buck	GMU 290	16
Desert	Modern	Any	Nov. ((15-23)) 14-22	Any buck	GMU 290	5
Naneum	Modern	Any	Nov. ((11-19)) 16-24	Any buck	GMU 328	14
Quilomene	Modern	Any	Nov. ((3-19)) 9-24	Any buck	GMU 329	((15)) 14
Teanaway	Modern	Any	Nov. ((11-19)) 16-24	Any buck	GMU 335	17
L.T. Murray	Modern	Any	Nov. ((11-19)) 16-24	Any buck	GMUs 336, 340	5
Bethel	Modern	Any	Nov. ((3-19)) 9-24	Any buck	GMU 360	5
Cowiche	Modern	Any	Nov. ((3-19)) 9-24	Any buck	GMU 368	10
Alkali	Modern	Any	Nov. 1-16	Any buck	GMU 371	((5)) 4
Kahlotus	Modern	Any	Nov. 8-17	Any buck	GMU 381	10
Grayback	Modern	Any	Nov. ((3-23)) 9-24	3 pt. min.	GMU 388	40
Nooksack	Modern	Any	Nov. ((15-20)) 14-19	Any buck	GMU 418	25
Skagit	Modern	Any	Nov. ((15-20)) 14-19	Any buck	GMU 426	10
Sauk	Modern	Any	Nov. ((15-20)) 14-19	((2 pt. min.)) Any buck	GMU 437	25
Stillaguamish	Modern	Any	Nov. ((15-20)) 14-19	Any buck	GMU 448	10
Snoqualmie	Modern	Any	Nov. ((15-20)) 14-19	Any buck	GMU 460	10
Green River	Any tag	Any	((Oct. 25-31)) Nov. 7- 13	Any buck	GMU 485	((10)) 5
<u>Lincoln</u>	<u>Modern</u>	<u>Any</u>	<u>Nov. 1-18</u>	<u>Any buck</u>	<u>GMU 501</u>	<u>4</u>
<u>Mossyrock</u>	<u>Modern</u>	<u>Any</u>	<u>Nov. 1-18</u>	<u>Any buck</u>	<u>GMU 505</u>	<u>4</u>
<u>Willapa Hills</u>	<u>Modern</u>	<u>Any</u>	<u>Nov. 1-18</u>	<u>Any buck</u>	<u>GMU 506</u>	<u>4</u>
<u>Stormking</u>	<u>Modern</u>	<u>Any</u>	<u>Nov. 1-18</u>	<u>Any buck</u>	<u>GMU 510</u>	<u>1</u>
<u>South Rainier</u>	<u>Modern</u>	<u>Any</u>	<u>Nov. 1-18</u>	<u>Any buck</u>	<u>GMU 513</u>	<u>1</u>
<u>Packwood</u>	<u>Modern</u>	<u>Any</u>	<u>Nov. 1-18</u>	<u>Any buck</u>	<u>GMU 516</u>	<u>1</u>
<u>Winston</u>	<u>Modern</u>	<u>Any</u>	<u>Nov. 1-18</u>	<u>Any buck</u>	<u>GMU 520</u>	<u>4</u>
<u>Ryderwood</u>	<u>Modern</u>	<u>Any</u>	<u>Nov. 1-18</u>	<u>Any buck</u>	<u>GMU 530</u>	<u>4</u>
<u>Coweeman</u>	<u>Modern</u>	<u>Any</u>	<u>Nov. 1-18</u>	<u>Any buck</u>	<u>GMU 550</u>	<u>4</u>
<u>Toutle</u>	<u>Modern</u>	<u>Any</u>	<u>Nov. 1-18</u>	<u>Any buck</u>	<u>GMU 556</u>	<u>1</u>
Lewis River	Modern	Any	Nov. 1-((12)) 18	Any buck	GMU 560	1
Washougal	Modern	Any	Nov. 1-((12)) 18	Any buck	GMU 568	2
Siouxon	Modern	Any	Nov. 1-((12)) 18	Any buck	GMU 572	1
Wind River	Modern	Any	Nov. ((13-25)) 19-24	Any buck	GMU 574	40
West Klickitat	Modern	Any	Nov. ((13-20)) 19-25	3 pt. min.	GMU 578	40
((Sol Due	Modern	Any	Nov. 1-20	Any buck	GMU 607	5))
<u>Mason</u>	<u>Modern</u>	<u>Any</u>	<u>Nov. 1-18</u>	<u>Any buck</u>	<u>GMU 633</u>	<u>10</u>
Wynoochee	Modern	Any	Nov. ((1-24)) 1-18	Any buck	GMU 648	10
Satsop	Modern	Any	Nov. ((1-24)) 1-18	Any buck	GMU 651	10
<u>White River</u>	<u>Modern</u>	<u>Any</u>	<u>Nov. 1-18</u>	<u>Any buck</u>	<u>GMU 653</u>	<u>10</u>
Mashel	Modern	Any	Nov. ((1-23)) 1-18	((2 pt. min.)) Any buck	GMU 654	10
<u>North River</u>	<u>Modern</u>	<u>Any</u>	<u>Nov. 1-18</u>	<u>Any buck</u>	<u>GMU 658</u>	<u>10</u>
Capitol Peak	Modern	Any	Nov. ((1-24)) 1-18	Any buck	GMU 663	10

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Skookumchuck	Modern	Any	Nov. ((1-24)) 1-18	Any buck	GMU 667	10
Williams Creek	Modern	Any	Nov. 1-18	Any buck	GMU 673	10
Chiliwist	Archery	Any	Nov. 21-30	Any buck	GMU 239	15
((Entiat	Archery	Any	Nov. 21-30	Any buck	GMU 247	50))
Chiwawa	Archery	Any	Dec. 1-8	Any buck	GMU 245	((11)) 10
Slide Ridge	Archery	Any	Dec. 1-8	Any buck	GMU 246	3
Entiat	Archery	Any	Nov. 21-30	Any buck	GMU 247	50
Desert	Archery	Any	Sept. 1 - Oct. 7	Any buck	GMU 290	15
Desert	Archery	Any	Nov. 25 - Dec. ((8)) 12	Any buck	GMU 290	((37)) 15
Naneum	Archery	Any	Nov. ((20)) 25 - Dec. 8	Any buck	GMU 328	((10)) 8
Quilomene	Archery	Any	Nov. ((20)) 25 - Dec. 8	Any buck	GMU 329	5
Teanaway	Archery	Any	Nov. ((20)) 25 - Dec. 8	Any buck	GMU 335	((7)) 8
((L.T. Murray	Archery	Any	Nov. 20 - Dec. 8	Any buck	GMUs 336, 340	2))
West Klickitat	Archery	Any	Nov. ((21-30)) 26 - Dec. 2	3 pt. min.	GMU 578	75
Kitsap	Archery	Any	Nov. ((1-13)) 1-18	Any buck	GMU 627	10
Skokomish	Archery	Any	Nov. ((1-13)) 1-18	((2 pt. min.)) Any buck	GMU 636	10
Blue Mtns. Foothills	Muzzleloader	Any	Nov. ((24)) 25 - Dec. 8	White-tailed, 3 pt. min.	GMUs 149, 154, 162, 166	70
Alta	Muzzleloader	Any	Nov. 25-30	Any buck	GMU 242	20
Chiwawa	Muzzleloader	Any	Nov. 25-30	Any buck	GMU 245	((3)) 2
Slide Ridge	Muzzleloader	Any	Nov. 25-30	Any buck	GMU 246	1
Mission	Muzzleloader	Any	Nov. 25-30	Any buck	GMU 251	15
Desert	Muzzleloader	Any	Oct. ((11-19)) 10-18	Any buck	GMU 290	2
Teanaway	Muzzleloader	Any	Nov. ((3-10)) 9-15	Any buck	GMU 335	((1)) 2
L. T. Murray	Muzzleloader	Any	Nov. ((3-10)) 9-15	Any buck	GMUs 336, 340	1
Bald Mountain	Muzzleloader	Any	Nov. ((3-19)) 9-24	Any buck	GMUs 342, 346	2
Naneum	Muzzleloader	Any	Nov. ((3-10)) 9-15	Any buck	GMU 328	1
Quilomene	Muzzleloader	Any	((Sept. 27 - Oct. 5)) Oct. 3-11	Any buck	GMU 329	((4)) 2
West Klickitat	Muzzleloader	Any	Dec. ((1-8)) 3-9	3 pt. min.	GMU 578	75
Olympic	Muzzleloader	Any	Nov. ((1-13)) 1-18	Any buck	GMU 621	((5)) 10

Bucks						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Palouse	Modern	Any	Nov. ((8-19)) 7-19	White-tailed, 3 pt. min.	GMUs 127-142	750
Blue Mtns. Foothills West	Modern	Any	Nov. ((7-19)) 9-19	White-tailed, 3 pt. min.	GMUs 149, 154, 162-166	110
Blue Mtns. Foothills East	Modern	Any	Nov. ((7-19)) 9-19	White-tailed, 3 pt. min.	GMUs 145, 172 (except Deer Area 1040)-181	50
Mayview	Any tag	Any	Nov. 16-19	3 pt. min.	GMU 145	25
Watershed	Any tag	Any	Oct. ((4-15)) 3-14	3 pt. min.	GMU 157	5
Ten Forty	Modern	Any	Oct. ((11-20)) 17-25	3 pt. min.	Deer Area 1040	2
East Okanogan	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 204	50
Sinlahekin	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 215	50

Bucks						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Chewuch	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 218	15
Pearrygin	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 224	15
Gardner	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 231	15
Pogue	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 233	15
Chiliwist	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 239	15
Alta	Modern	Any	Nov. 1-20	Any white-tailed buck	GMU 242	15
Ritzville	Modern	Any	Nov. 1-20	Any buck	GMU 284	((40)) 2
<u>Hoko</u>	<u>Modern</u>	<u>Any</u>	<u>Nov. 1-18</u>	<u>Any buck</u>	<u>GMU 601</u>	<u>5</u>
<u>Sol Duc</u>	<u>Modern</u>	<u>Any</u>	<u>Nov. 1-18</u>	<u>Any buck</u>	<u>GMU 607</u>	<u>5</u>
<u>Goodman</u>	<u>Modern</u>	<u>Any</u>	<u>Nov. 1-18</u>	<u>Any buck</u>	<u>GMU 612</u>	<u>5</u>
<u>Clearwater</u>	<u>Modern</u>	<u>Any</u>	<u>Nov. 1-18</u>	<u>Any buck</u>	<u>GMU 615</u>	<u>5</u>
<u>Quinault Ridge</u>	<u>Modern</u>	<u>Any</u>	<u>Nov. 1-18</u>	<u>Any buck</u>	<u>GMU 638</u>	<u>5</u>
<u>Bear River</u>	<u>Modern</u>	<u>Any</u>	<u>Nov. 1-18</u>	<u>Any buck</u>	<u>GMU 681</u>	<u>5</u>
<u>Long Beach</u>	<u>Modern</u>	<u>Any</u>	<u>Nov. 1-18</u>	<u>Any buck</u>	<u>GMU 684</u>	<u>5</u>
Parker Lake	Archery	Any	Sept. 1-((26)) 30 and Nov. 25 - Dec. ((9)) 15	White-tailed, 4 pt. min. <u>or</u> <u>antlerless</u>	Deer Area 1031	5
Ten Forty	Archery	Any	Sept. 1-14	3 pt. min.	Deer Area 1040	2
Big Bend	Archery	Any	Dec. 1-8	Any buck	GMU 248	10
Ritzville	Archery	Any	Dec. 1-8	Any buck	GMU 284	5
Alkali	Archery	Any	Sept. ((1-24)) 1-24	Any buck	GMU 371	3
((Whitecomb	Archery	Any	Sept. 7-12	Any buck	Deer Area 3071	40
Paterson	Archery	Any	Sept. 7-12	Any buck	Deer Area 3072	40))
Parker Lake	Muzzleloader	Any	((Sept. 27 - Oct. 5)) <u>Oct.</u> <u>3-11</u>	White-tailed, 4 pt. min. <u>or</u> <u>antlerless</u>	Deer Area 1031	5
Roosevelt	Muzzleloader	Any	((Sept. 27 - Oct. 10)) <u>Oct. 3-16</u>	ONLY 2 pt. x 2 pt. mule deer bucks	GMU 133	25
Harrington	Muzzleloader	Any	((Sept. 27 - Oct. 10)) <u>Oct. 3-16</u>	ONLY 2 pt. x 2 pt. mule deer bucks	GMU 136	25
Steptoe	Muzzleloader	Any	((Sept. 27 - Oct. 10)) <u>Oct. 3-16</u>	ONLY 2 pt. x 2 pt. mule deer bucks	GMU 139	25
Almota	Muzzleloader	Any	((Sept. 27 - Oct. 10)) <u>Oct. 3-16</u>	ONLY 2 pt. x 2 pt. mule deer bucks	GMU 142	25
Dayton	Muzzleloader	Any	((Sept. 27 - Oct. 5)) <u>Oct. 3-11</u>	3 pt. min.	GMU 162	25
Tucannon	Muzzleloader	Any	((Sept. 27 - Oct. 5)) <u>Oct. 3-11</u>	3 pt. min.	GMU 166	10
Wenaha	Muzzleloader	Any	((Sept. 27 - Oct. 5)) <u>Oct. 3-11</u>	3 pt. min.	GMU 169	15
Mountain View	Muzzleloader	Any	((Sept. 27 - Oct. 5)) <u>Oct. 3-11</u>	3 pt. min.	GMU 172 (except Deer Area 1040)	15
Ten Forty	Muzzleloader	Any	Sept. ((27)) 26 - Oct. ((5)) 4	3 pt. min.	Deer Area 1040	2
Ritzville	Muzzleloader	Any	Nov. 25-30	Any buck	GMU 284	1
Alkali	Muzzleloader	Any	Sept. ((24)) 25 - Oct. ((40)) 11	Any buck	GMU 371	1
Kahlotus	Muzzleloader	Any	((Sept. 27 - Oct. 5)) <u>Oct. 3-11</u>	Any buck	GMU 381	20
<u>Dickey</u>	<u>Muzzleloader</u>	<u>Any</u>	<u>Nov. 1-18</u>	<u>Any buck</u>	<u>GMU 602</u>	<u>5</u>
<u>Matheny</u>	<u>Muzzleloader</u>	<u>Any</u>	<u>Nov. 1-18</u>	<u>Any buck</u>	<u>GMU 618</u>	<u>5</u>
<u>Copalis</u>	<u>Muzzleloader</u>	<u>Any</u>	<u>Nov. 1-18</u>	<u>Any buck</u>	<u>GMU 642</u>	<u>5</u>

Antlerless						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Mayview	Modern	Any	Nov. 1-12	Antlerless	GMU 145	((35)) 65
Prescott	Modern	Any	Nov. 1-12	Antlerless	GMU 149	((50)) 100
Blue Creek	Modern	Any	Nov. ((8-19)) 9-19	White-tailed, antlerless	GMU 154	30
Dayton	Modern	Any	Nov. ((8-19)) 9-19	White-tailed, antlerless	GMU 162	80
Ten Ten	Modern	Any	Nov. 8-19	Antlerless	Deer Area 1010	30
Marengo	Modern	Any	Nov. 1-12	White-tailed, antlerless	GMU 163	50
<u>Marengo</u>	<u>Modern</u>	<u>Any</u>	<u>Nov. 1-12</u>	<u>Antlerless</u>	<u>GMU 163</u>	<u>40</u>
Peola	Modern	Any	Nov. 1-12	Antlerless	GMU 178	50
East Klickitat	Modern	Any	Oct. ((41-24)) 17-27	Antlerless	GMU 382	5
Grayback	Modern	Any	Oct. ((41-24)) 17-27	Antlerless	GMU 388	5
Lincoln	Modern	Any	Oct. ((41-34)) 17-31	Antlerless	GMU 501	15
Stella	Modern	Any	Oct. ((41-34)) 17-31	Antlerless	GMU 504	15
Mossyrock	Modern	Any	Oct. ((41-34)) 17-31	Antlerless	GMU 505	30
South Rainier	Modern	Any	Oct. ((41-34)) 17-31	Antlerless	GMU 513	10
Winston	Modern	Any	Oct. ((41-34)) 17-31	Antlerless	GMU 520	20
Lewis River	Modern	Any	Oct. ((41-34)) 17-31	Antlerless	GMU 560	3
Siouxon	Modern	Any	Oct. ((41-34)) 17-31	Antlerless	GMU 572	3
Wind River	Modern	Any	Oct. ((41-34)) 17-31	Antlerless	GMU 574	3
West Klickitat	Modern	Any	Oct. ((41-34)) 17-31	Antlerless	GMU 578	5
((Pysht	<u>Modern</u>	<u>Any</u>	<u>Oct. 11-31</u>	<u>Antlerless</u>	<u>GMU 603</u>	<u>45))</u>
Olympic	Modern	Any	Oct. ((41-34)) 17-31	Antlerless	GMU 621	35
<u>Mason</u>	<u>Modern</u>	<u>Any</u>	<u>Oct. 17-31</u>	<u>Antlerless</u>	<u>GMU 633</u>	<u>15</u>
Skokomish	Modern	Any	Oct. ((41-34)) 17-31	Antlerless	GMU 636	((20)) 10
Wynoochee	Modern	Any	Oct. ((41-34)) 17-31	Antlerless	GMU 648	((25)) 10
<u>Satsop</u>	<u>Modern</u>	<u>Any</u>	<u>Oct. 17-31</u>	<u>Antlerless</u>	<u>GMU 651</u>	<u>30</u>
Mashel	Modern	Any	Oct. ((41-34)) 17-31	Antlerless	GMU 654	((40)) 30
North River	Modern	Any	Oct. ((41-34)) 17-31	Antlerless	GMU 658	((35)) 20
Minot Peak	Modern	Any	Oct. ((41-34)) 17-31	Antlerless	GMU 660	20
Capitol Peak	Modern	Any	Oct. ((41-34)) 17-31	Antlerless	GMU 663	((5)) 10
Skookumchuck	Modern	Any	Oct. ((41-34)) 17-31	Antlerless	GMU 667	((5)) 30
<u>Williams Creek</u>	<u>Modern</u>	<u>Any</u>	<u>Oct. 17-31</u>	<u>Antlerless</u>	<u>GMU 673</u>	<u>10</u>
Entiat	Archery	Any	Nov. 21-30	Antlerless	GMU 247	40
Swakane	Archery	Any	Nov. 21-30	Antlerless	GMU 250	50
Whitcomb	Archery	Any	Sept. ((1-6)) 14-18	Antlerless	Deer Area 3071	10
<u>Whitcomb</u>	<u>Archery</u>	<u>Any</u>	<u>Sept. 21-28</u>	<u>Antlerless</u>	<u>Deer Area 3071</u>	<u>10</u>
Paterson	Archery	Any	Sept. ((1-6)) 14-18	Antlerless	Deer Area 3072	10
<u>Paterson</u>	<u>Archery</u>	<u>Any</u>	<u>Sept. 21-28</u>	<u>Antlerless</u>	<u>Deer Area 3072</u>	<u>10</u>
Grayback	Archery	Any	Nov. ((26)) 25 - Dec. 8	Antlerless	GMU 388	75
((Sherman	<u>Muzzleloader</u>	<u>Any</u>	<u>Sept. 28 - Oct. 6</u>	<u>White-tailed, antlerless</u>	<u>GMU 101</u>	<u>40))</u>
Selkirk	Muzzleloader	Any	Nov. 25 - Dec. 8	White-tailed, antlerless	GMU 113	15
Prescott	Muzzleloader	Any	((Sept. 27 - Oct. 5)) Oct. 3-11	Antlerless	GMU 149	25
Whitcomb	Muzzleloader	Any	((Sept. 15-19)) Aug. 31 - Sept. 5	Antlerless	Deer Area 3071	10

Antlerless						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Paterson	Muzzleloader	Any	((Sept. 15-19)) Aug. 31 - Sept. 5	Antlerless	Deer Area 3072	10
((Whiteomb	Muzzleloader	Any	Sept. 22-30	Antlerless	Deer Area 3074	40
Paterson	Muzzleloader	Any	Sept. 22-30	Antlerless	Deer Area 3072	40
East Klickitat	Muzzleloader	Any	Sept. 27 - Oct. 5	Antlerless	GMU 382	5))
Mossyrock	Muzzleloader	Any	((Sept. 27 - Oct. 5)) Oct. 3-11	Antlerless	GMU 505	10
Stormking	Muzzleloader	Any	((Sept. 27 - Oct. 5)) Oct. 3-11	Antlerless	GMU 510	5
South Rainier	Muzzleloader	Any	((Sept. 27 - Oct. 5)) Oct. 3-11	Antlerless	GMU 513	5
Packwood	Muzzleloader	Any	((Sept. 27 - Oct. 5)) Oct. 3-11	Antlerless	GMU 516	5
Winston	Muzzleloader	Any	((Sept. 27 - Oct. 5)) Oct. 3-11	Antlerless	GMU 520	5
Coweeman	Muzzleloader	Any	((Sept. 27 - Oct. 5)) Oct. 3-11	Antlerless	GMU 550	((30)) 10
Yale	Muzzleloader	Any	((Sept. 27 - Oct. 5)) Oct. 3-11	Antlerless	GMU 554	2
Toutle	Muzzleloader	Any	((Sept. 27 - Oct. 5)) Oct. 3-11	Antlerless	GMU 556	3
West Klickitat	Muzzleloader	Any	((Sept. 27 - Oct. 5)) Oct. 3-11	Antlerless	GMU 578	5
Olympic	Muzzleloader	Any	((Sept. 27 - Oct. 5)) Oct. 3-11	Antlerless	GMU 621	((20)) 40
<u>Mason</u>	<u>Muzzleloader</u>	<u>Any</u>	<u>Oct. 3-11</u>	<u>Antlerless</u>	<u>GMU 633</u>	<u>20</u>
<u>Skokomish</u>	<u>Muzzleloader</u>	<u>Any</u>	<u>Oct. 3-11</u>	<u>Antlerless</u>	<u>GMU 636</u>	<u>10</u>
<u>Wynoochee</u>	<u>Muzzleloader</u>	<u>Any</u>	<u>Oct. 3-11</u>	<u>Antlerless</u>	<u>GMU 648</u>	<u>10</u>
Satsop	Muzzleloader	Any	((Nov. 24 - Dec. 15)) Oct. 3-11	Antlerless	GMU 651	((100)) 30
Mashel	Muzzleloader	Any	((Nov. 24 - Dec. 15)) Oct. 3-11	Antlerless	GMU 654	((50)) 35
North River	Muzzleloader	Any	((Sept. 27 - Oct. 5)) Oct. 3-11	Antlerless	GMU 658	((5)) 20
<u>Minot Peak</u>	<u>Muzzleloader</u>	<u>Any</u>	<u>Oct. 3-11</u>	<u>Antlerless</u>	<u>GMU 660</u>	<u>5</u>
<u>Capitol Peak</u>	<u>Muzzleloader</u>	<u>Any</u>	<u>Oct. 3-11</u>	<u>Antlerless</u>	<u>GMU 663</u>	<u>20</u>
<u>Williams Creek</u>	<u>Muzzleloader</u>	<u>Any</u>	<u>Oct. 3-11</u>	<u>Antlerless</u>	<u>GMU 673</u>	<u>10</u>

2nd Deer						
Second deer permits are only valid with the purchase of a second deer license. The second deer license must be for the same tag type as the first deer license.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Colville River	Any	Any	Sept. 1 - Dec. 31	White-tailed, antlerless	Deer Area 1035	25
Benge	Any	Any	Dec. 9-31	Antlerless	Deer Area 2010	30
Lakeview	Any	Any	Jan. 1-30, ((2015)) 2016	Antlerless	Deer Area 2011	15
Methow	Any	Any	Sept. 8 - Oct. 9	Antlerless	Deer Area 2012	20
North Okanogan	Any	Any	Sept. 8 - Oct. 9	Antlerless	Deer Area 2013	30
Central Okanogan	Any	Any	Sept. 8 - Oct. 9	Antlerless	Deer Area 2014	30
Omak	Any	Any	Sept. 8 - Oct. 9	Antlerless	Deer Area 2015	25
Conconully	Any	Any	Sept. 8 - Oct. 9	Antlerless	Deer Area 2016	25
((High Prairie	Any	Any	Oct. 11-24	Antlerless	Deer Area 3088	5))
Mt. Spokane	Modern	Any	Oct. ((11-24)) 17-30 and Nov. ((8-19)) 7-19	((White-tailed,)) Antlerless	GMU 124	50
Spokane North	Modern	Any	Oct. ((11-24)) 17-30 and Nov. ((8-19)) 7-19	((White-tailed,)) Antlerless	Deer Area 1050	350

2nd Deer						
Second deer permits are only valid with the purchase of a second deer license. The second deer license must be for the same tag type as the first deer license.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Mica Peak	Modern	Any	Oct. ((41-19)) <u>17-27</u>	((White-tailed;)) Antlerless	GMU 127	25
Spokane South	Modern	Any	Oct. ((41-19)) <u>17-27</u>	((White-tailed;)) Antlerless	Deer Area 1060	((125)) <u>75</u>
Cheney	Modern	Any	Oct. ((41-19)) <u>17-27</u>	Antlerless	GMU 130	100
Spokane West	Modern	Any	Oct. ((41-19)) <u>17-27</u>	Antlerless	Deer Area 1070	((75)) <u>100</u>
Roosevelt	Modern	Any	Oct. ((41-19)) <u>17-27</u>	Antlerless	GMU 133	150
Harrington	Modern	Any	Oct. ((41-19)) <u>17-27</u>	Antlerless	GMU 136	150
Steptoe	Modern	Any	Oct. ((41-19)) <u>17-27</u>	Antlerless	GMU 139	200
Colfax	Modern	Any	Oct. ((41-19)) <u>17-27</u>	Antlerless	Deer Area 1080	((125)) <u>150</u>
Almota	Modern	Any	Oct. ((41-19)) <u>17-27</u>	Antlerless	GMU 142	150
Mayview	Modern	Any	Nov. 1-12	Antlerless	GMU 145	35
Blue Creek	Modern	Any	Nov. ((8-19)) <u>9-19</u>	White-tailed, antlerless	GMU 154	30
Ten Ten	Modern	Any	Nov. ((8-19)) <u>9-19</u>	Antlerless	Deer Area 1010	30
East Okanogan	Modern	Any	Oct. ((41-19)) <u>17-27</u>	White-tailed, antlerless	GMU 204	75
Sinlahekin	Modern	Any	Oct. ((41-19)) <u>17-27</u>	White-tailed, antlerless	GMU 215	40
Chewuch	Modern	Any	Oct. ((41-19)) <u>17-27</u>	White-tailed, antlerless	GMU 218	10
Pearrygin	Modern	Any	Oct. ((41-19)) <u>17-27</u>	White-tailed, antlerless	GMU 224	((40)) <u>40</u>
Gardner	Modern	Any	Oct. ((41-19)) <u>17-27</u>	White-tailed, antlerless	GMU 231	10
Pogue	Modern	Any	Oct. ((41-19)) <u>17-27</u>	White-tailed, antlerless	GMU 233	10
Chiliwist	Modern	Any	Oct. ((41-19)) <u>17-27</u>	White-tailed, antlerless	GMU 239	((40)) <u>40</u>
Alta	Modern	Any	Oct. ((41-19)) <u>17-27</u>	White-tailed, antlerless	GMU 242	((40)) <u>40</u>
Big Bend	Modern	Any	Oct. ((41-19)) <u>17-27</u>	Antlerless	GMU 248	35
Mission	Modern	Any	Oct. ((41-19)) <u>17-27</u>	Antlerless	GMU 251	10
St. Andrews	Modern	Any	Oct. ((41-19)) <u>17-27</u>	Antlerless	GMU 254	20
Foster Creek	Modern	Any	Oct. ((41-19)) <u>17-27</u>	Antlerless	GMU 260	20
Withrow	Modern	Any	Oct. ((41-19)) <u>17-27</u>	Antlerless	GMU 262	20
Badger	Modern	Any	Oct. ((41-19)) <u>17-27</u>	Antlerless	GMU 266	15
Desert	Modern	Any	Dec. 13-28	Antlerless	GMU 290	((50)) <u>25</u>
Kahlotus	Modern	Any	Dec. 1-9	Antlerless	GMU 381	20
<u>Orcas</u>	<u>Modern</u>	<u>Any</u>	Oct. 17-30 and Nov. 12-15	<u>Antlerless</u>	<u>GMU 411</u>	<u>40</u>
Shaw	Modern	Any	Oct. ((41-34)) <u>17-30</u> and Nov. ((43-46)) <u>12-15</u>	Antlerless	GMU 412	20
<u>San Juan</u>	<u>Modern</u>	<u>Any</u>	Oct. 17-30 and Nov. 12-15	<u>Antlerless</u>	<u>GMU 413</u>	<u>40</u>
Lopez	Modern	Any	Oct. ((41-34)) <u>17-30</u> and Nov. ((43-46)) <u>12-15</u>	Antlerless	GMU 414	40
((Orcas	Modern	Any	Oct. 11-31 and Nov. 13-16	Antlerless	GMU 411	40))
<u>Blakely</u>	<u>Modern</u>	<u>Any</u>	Oct. 17-30 and Nov. 12-15	<u>Antlerless</u>	<u>GMU 415</u>	<u>30</u>
Decatur	Modern	Any	Oct. ((41-34)) <u>17-30</u> and Nov. ((43-46)) <u>12-15</u>	Antlerless	GMU 416	30
((Blakely	Modern	Any	Oct. 11-31 and Nov. 13-16	Antlerless	GMU 415	30))

2nd Deer						
Second deer permits are only valid with the purchase of a second deer license. The second deer license must be for the same tag type as the first deer license.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Cypress	Modern	Any	Oct. ((11-31)) 17-30 and Nov. ((13-16)) 12-15	Antlerless	GMU 417	30
((San Juan	Modern	Any	Oct. 11-31 and Nov. 13-16	Antlerless	GMU 413	40))
Guemes	Modern	Any	Oct. 17-30 and Nov. 12-15	Antlerless	GMU 419	30
Whidbey	Modern	Any	Oct. 17-30 and Nov. 12-15	Antlerless	GMU 420	100
Camano	Modern	Any	Oct. ((11-31)) 17-30 and Nov. ((13-16)) 12-15	Antlerless	GMU 421	30
((Whidbey	Modern	Any	Oct. 11-31 and Nov. 13-16	Antlerless	GMU 420	400))
Vashon-Maury	Modern	Any	Oct. ((11-31)) 17-30 and Nov. ((13-16)) 12-15	Antlerless	GMU 422	100
((Guemes	Modern	Any	Oct. 11-31 and Nov. 13-16	Antlerless	GMU 419	30
Randle	Modern	Any	Oct. 11-31	Antlerless	GMU 503	5
Willapa Hills	Modern	Any	Oct. 11-31	Antlerless	GMU 506	10
Stormking	Modern	Any	Oct. 11-31	Antlerless	GMU 510	15
Paekwood	Modern	Any	Oct. 11-31	Antlerless	GMU 516	15
Ryderwood	Modern	Any	Oct. 11-31	Antlerless	GMU 530	10
Coweeman	Modern	Any	Oct. 11-31	Antlerless	GMU 550	10
Yale	Modern	Any	Oct. 11-31	Antlerless	GMU 554	10
Washougal	Modern	Any	Oct. 11-31	Antlerless	GMU 568	10))
Anderson	Modern	Any	Oct. ((11-31)) 17-31 and Nov. ((13-16)) 19-22	Antlerless	GMU 655	40
((Kitsap	Modern	Any	Oct. 11-31	Antlerless	GMU 627	10
Mashel	Modern	Any	Oct. 11-31	Antlerless	GMU 654	10
North River	Modern	Any	Oct. 11-31	Antlerless	GMU 658	15))
Deschutes	Modern	Any	Oct. ((11-31)) 17-31	Antlerless	GMU 666	40
Mt. Spokane	Archery	Any	Sept. ((1-26)) 1-30 and Nov. 25 - Dec. 15	((White-tailed,)) Antlerless	GMU 124	25
Spokane North	Archery	Any	Sept. 1-30 and Nov. 25 - Dec. 15	Antlerless	Deer Area 1050	75
Mica Peak	Archery	Any	Sept. ((1-26)) 1-30 and Nov. 25 - Dec. 15	((White-tailed,)) Antlerless	GMU 127	25
Spokane South	Archery	Any	Sept. 1-30 and Nov. 25 - Dec. 15	Antlerless	Deer Area 1060	75
Clarkston	Archery	Any	Nov. 20 - Dec. 31	Antlerless	Deer Area 1021	30
((Spokane North	Archery	Any	Sept. 1-26 and Nov. 25 - Dec. 15	White-tailed, antlerless-	Deer Area 1050	75
Spokane South	Archery	Any	Sept. 1-26 and Nov. 25 - Dec. 15	White-tailed, antlerless-	Deer Area 1060	25))
Orcas	Archery	Any	Aug. 31 - Sept. 25 and Nov. 25 - Dec. 30	Antlerless	GMU 411	25
Shaw	Archery	Any	((Sept. 1-26 and Nov. 26-Dec. 31)) Aug. 31 - Sept. 25 and Nov. 25 - Dec. 30	Antlerless	GMU 412	20
San Juan	Archery	Any	Aug. 31 - Sept. 25 and Nov. 25 - Dec. 30	Antlerless	GMU 413	20

2nd Deer						
Second deer permits are only valid with the purchase of a second deer license. The second deer license must be for the same tag type as the first deer license.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Lopez	Archery	Any	((Sept. 1-26 and Nov. 26- -Dec. 31)) <u>Aug. 31 - Sept. 25 and</u> <u>Nov. 25 - Dec. 30</u>	Antlerless	GMU 414	20
((Oreas	Archery	Any	Sept. 1-26 and Nov. 26- -Dec. 31	Antlerless	GMU 414	20))
Blakely	Archery	Any	<u>Aug. 31 - Sept. 25 and</u> <u>Nov. 25 - Dec. 30</u>	Antlerless	GMU 415	20
Decatur	Archery	Any	((Sept. 1-26 and Nov. 26- -Dec. 31)) <u>Aug. 31 - Sept. 25 and</u> <u>Nov. 25 - Dec. 30</u>	Antlerless	GMU 416	20
((Blakely	Archery	Any	Sept. 1-26 and Nov. 26- -Dec. 31	Antlerless	GMU 415	20))
Cypress	Archery	Any	((Sept. 1-26 and Nov. 26- -Dec. 31)) <u>Aug. 31 - Sept. 25 and</u> <u>Nov. 25 - Dec. 30</u>	Antlerless	GMU 417	20
((San Juan	Archery	Any	Sept. 1-26 and Nov. 26- -Dec. 31	Antlerless	GMU 413	20))
Guemes	Archery	Any	<u>Aug. 31 - Sept. 25 and</u> <u>Nov. 25 - Dec. 30</u>	Antlerless	GMU 419	20
Whidbey	Archery	Any	<u>Aug. 31 - Sept. 25 and</u> <u>Nov. 25 - Dec. 30</u>	Antlerless	GMU 420	30
Camano	Archery	Any	((Sept. 1-26 and Nov. 26- -Dec. 31)) <u>Aug. 31 - Sept. 25 and</u> <u>Nov. 25 - Dec. 30</u>	Antlerless	GMU 421	((20) 25
((Whidbey	Archery	Any	Sept. 1-26 and Nov. 26- -Dec. 31	Antlerless	GMU 420	20))
Vashon-Maury	Archery	Any	((Sept. 1-26 and Nov. 26- -Dec. 31)) <u>Aug. 31 - Sept. 25 and</u> <u>Nov. 25 - Dec. 30</u>	Antlerless	GMU 422	((20) 30
((Guemes	Archery	Any	Sept. 1-26 and Nov. 26- -Dec. 31	Antlerless	GMU 419	20))
Miller	Archery	Any	Dec. 15-30	Antlerless	Deer Area 6020	40
Anderson	Archery	Any	Sept. ((1-26)) 1-30 and Dec. ((16-31)) 21-31	Antlerless	GMU 655	10
((Miller	Archery	Any	Dec. 15-30	Antlerless	Deer Area 6020	40))
Mt. Spokane	Muzzleloader	Any	((Sept. 27 - Oct. 5)) Oct. 3-11	((White-tailed,)) Antlerless	GMU 124	25
Spokane North	Muzzleloader	Any	((Sept. 27 - Oct. 5)) Oct. 3-11 and Dec. 9-31	((White-tailed,)) Antlerless	Deer Area 1050	100
Cheney	Muzzleloader	Any	((Sept. 27 - Oct. 5)) Oct. 3-11 and Nov. 25 - Dec. 8	Antlerless	GMU 130	25
((Spokane West	Muzzleloader	Any	Sept. 27 - Oct. 5 and Nov. 25 - Dec. 8	Antlerless	Deer Area 1070	25
Colfax	Muzzleloader	Any	Sept. 27 - Oct. 5 and Nov. 25 - Dec. 8	Antlerless	Deer Area 1080	75))
Roosevelt	Muzzleloader	Any	((Sept. 27 - Oct. 5)) Oct. 3-11 and Nov. 25 - Dec. 8	Antlerless	GMU 133	25
Harrington	Muzzleloader	Any	((Sept. 27 - Oct. 5)) Oct. 3-11 and Nov. 25 - Dec. 8	Antlerless	GMU 136	25

2nd Deer						
Second deer permits are only valid with the purchase of a second deer license. The second deer license must be for the same tag type as the first deer license.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Colfax	Muzzleloader	Any	Oct. 3-11 and Nov. 25 - Dec. 8	Antlerless	Deer Area 1080	50
Mayview	Muzzleloader	Any	((Sept. 27 – Oct. 5)) Oct. 3-11	Antlerless	GMU 145	30
Chiwawa	Muzzleloader	Any	((Sept. 27 – Oct. 5)) Oct. 3-11	Antlerless	GMU 245	10
Swakane	Muzzleloader	Any	((Sept. 27 – Oct. 5)) Oct. 3-11	Antlerless	GMU 250	5
Mission	Muzzleloader	Any	((Sept. 27 – Oct. 5)) Oct. 3-11	Antlerless	GMU 251	5
Foster Creek	Muzzleloader	Any	((Sept. 27 – Oct. 5)) Oct. 3-11	Antlerless	GMU 260	10
Moses Coulee	Muzzleloader	Any	((Sept. 27 – Oct. 5)) Oct. 3-11	Antlerless	GMU 269	10
Lakeview	Muzzleloader	Any	Nov. 1-18	Antlerless	Deer Area 2011	5
Orcas	Muzzleloader	Any	Oct. 3-11 and Nov. 26 - Dec. 14	Antlerless	GMU 411	20
Shaw	Muzzleloader	Any	((Sept. 27 – Oct. 5)) Oct. 3-11 and Nov. ((27)) 26 - Dec. ((45)) 14	Antlerless	GMU 412	20
San Juan	Muzzleloader	Any	Oct. 3-11 and Nov. 26 - Dec. 14	Antlerless	GMU 413	20
Lopez	Muzzleloader	Any	((Sept. 27 – Oct. 5)) Oct. 3-11 and Nov. ((27)) 26 - Dec. ((45)) 14	Antlerless	GMU 414	20
((Orcas	Muzzleloader	Any	Sept. 27 – Oct. 5 and Nov. 27 – Dec. 15	Antlerless	GMU 411	20))
Blakely	Muzzleloader	Any	Oct. 3-11 and Nov. 26 - Dec. 14	Antlerless	GMU 415	20
Decatur	Muzzleloader	Any	((Sept. 27 – Oct. 5)) Oct. 3-11 and Nov. ((27)) 26 - Dec. ((45)) 14	Antlerless	GMU 416	20
((Blakely	Muzzleloader	Any	Sept. 27 – Oct. 5 and Nov. 27 – Dec. 15	Antlerless	GMU 415	20))
Cypress	Muzzleloader	Any	((Sept. 27 – Oct. 5)) Oct. 3-11 and Nov. ((27)) 26 - Dec. ((45)) 14	Antlerless	GMU 417	20
((San Juan	Muzzleloader	Any	Sept. 27 – Oct. 5 and Nov. 27 – Dec. 15	Antlerless	GMU 413	20))
Guemes	Muzzleloader	Any	Oct. 3-11 and Nov. 26 - Dec. 14	Antlerless	GMU 419	20
Whidbey	Muzzleloader	Any	Oct. 3-11 and Nov. 26 - Dec. 14	Antlerless	GMU 420	20
Camano	Muzzleloader	Any	((Sept. 27 – Oct. 5)) Oct. 3-11 and Nov. ((27)) 26 - Dec. ((45)) 14	Antlerless	GMU 421	20
((Whidbey	Muzzleloader	Any	Sept. 27 – Oct. 5 and Nov. 27 – Dec. 15	Antlerless	GMU 420	20))
Vashon-Maury	Muzzleloader	Any	((Sept. 27 – Oct. 5)) Oct. 3-11 and Nov. ((27)) 26 - Dec. ((45)) 14	Antlerless	GMU 422	20
((Guemes	Muzzleloader	Any	Sept. 27 – Oct. 5 and Nov. 27 – Dec. 15	Antlerless	GMU 419	20
Yale	Muzzleloader	Any	Sept. 27 – Oct. 5	Antlerless	GMU 554	2
Washougal	Muzzleloader	Any	Sept. 27 – Oct. 5	Antlerless	GMU 568	10))

2nd Deer						
Second deer permits are only valid with the purchase of a second deer license. The second deer license must be for the same tag type as the first deer license.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Anderson	Muzzleloader	Any	((Sept. 27 – Oct. 5)) Oct. 3-11 and Nov. ((27)) 25 - Dec. 15	Antlerless	GMU 655	5

Youth						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
((Ferry	Modern	Youth	Oct. 11-24	Antlerless	GMU 101	25))
Blue Mtns. Foothills West	Modern	Youth	Oct. ((11-19)) 17-27	Antlerless	GMUs 149, 154, 163, Deer Area 1010	((30)) 40
((49 Degrees North	Modern	Youth	Oct. 11-15	White-tailed, antlerless	GMU 117	20
Huckleberry	Modern	Youth	Oct. 11-15	White-tailed, antlerless	GMU 121	20))
Blue Mtns. Foothills East	Modern	Youth	Oct. ((11-19)) 17-27	Antlerless	GMUs 145, 172 (except Deer Area 1040)-181	((20)) 30
Tucannon	Modern	Youth	Oct. ((11-19)) 17-27	White-tailed, antlerless	GMU 166	10
Ten Forty	Modern	Youth	Oct. 10-18	Antlerless	Deer Area 1040	5
East Okanogan	Modern	Youth	Oct. ((11-19)) 17-27	Antlerless	GMU 204	30
Wannacut	Modern	Youth	Oct. ((11-19)) 17-27	Antlerless	GMU 209	10
Sinlahekin	Modern	Youth	Oct. ((11-19)) 17-27	Antlerless	GMU 215	10
Chewuch	Modern	Youth	Oct. ((11-19)) 17-27	Antlerless	GMU 218	10
Pearygin	Modern	Youth	Oct. ((11-19)) 17-27	Antlerless	GMU 224	((40)) 50
Gardner	Modern	Youth	Oct. ((11-19)) 17-27	Antlerless	GMU 231	10
Pogue	Modern	Youth	Oct. ((11-19)) 17-27	Antlerless	GMU 233	10
Chiliwist	Modern	Youth	Oct. ((11-19)) 17-27	Antlerless	GMU 239	((40)) 50
Alta	Modern	Youth	Oct. ((11-19)) 17-27	Antlerless	GMU 242	((40)) 50
Chiwawa	Modern	Youth	Oct. ((11-19)) 17-27	Antlerless	GMU 245	10
Entiat	Modern	Youth	Oct. ((11-19)) 17-27	Antlerless	GMU 247	10
Swakane	Modern	Youth	Oct. ((11-19)) 17-27	Antlerless	GMU 250	5
Mission	Modern	Youth	Oct. ((11-19)) 17-27	Antlerless	GMU 251	15
Bridgeport	Modern	Youth	Oct. ((11-19)) 17-27	Antlerless	GMUs 248, 260	20
Palisades	Modern	Youth	Oct. ((11-19)) 17-27	Antlerless	GMUs 266, 269	20
Beezley	Modern	Youth	Oct. ((11-19)) 17-27	Antlerless	GMU 272	30
Benge	Modern	Youth	Oct. 30 - Nov. 7	Antlerless	Deer Area 2010	30
Desert	Modern	Youth	Dec. 13-28	Antlerless	GMU 290	5
Horse Heaven Hills	Modern	Youth	Oct. ((11-24)) 17-27	Antlerless	GMU 373	10
Ringold	Modern	Youth	Oct. ((11-19)) 17-27	Antlerless	GMU 379	10
Kahlotus	Modern	Youth	Oct. ((11-19)) 17-27	Antlerless	GMU 381	10
East Klickitat	Modern	Youth	Oct. ((11-24)) 17-27	Any buck	GMU 382	5
East Klickitat	Modern	Youth	Oct. ((11-24)) 17-27	Antlerless	GMU 382	((20)) 10
East Klickitat	Modern	Youth	Dec. 21 - Jan. 1, ((2015)) 2016	Antlerless	GMU 382	10
East Klickitat	Modern	Youth	Jan. 16-31, ((2015)) 2016	Antlerless	GMU 382	10
((East Klickitat	Modern	Youth	Feb. 8-18, 2015	Antlerless	GMU 382	40))
Grayback	Modern	Youth	Oct. ((11-24)) 17-27	Any buck	GMU 388	5
Grayback	Modern	Youth	Oct. ((11-24)) 17-27	Antlerless	GMU 388	10
Orcas	Modern	Youth	Oct. 17-30 and Nov. 12-15	Antlerless	GMU 411	5

Youth						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
<u>Shaw</u>	<u>Modern</u>	<u>Youth</u>	<u>Oct. 17-30 and Nov. 12-15</u>	<u>Antlerless</u>	<u>GMU 412</u>	<u>2</u>
<u>San Juan</u>	<u>Modern</u>	<u>Youth</u>	<u>Oct. 17-30 and Nov. 12-15</u>	<u>Antlerless</u>	<u>GMU 413</u>	<u>5</u>
<u>Lopez</u>	<u>Modern</u>	<u>Youth</u>	<u>Oct. 17-30 and Nov. 12-15</u>	<u>Antlerless</u>	<u>GMU 414</u>	<u>3</u>
<u>Blakely</u>	<u>Modern</u>	<u>Youth</u>	<u>Oct. 17-30 and Nov. 12-15</u>	<u>Antlerless</u>	<u>GMU 415</u>	<u>2</u>
<u>Decatur</u>	<u>Modern</u>	<u>Youth</u>	<u>Oct. 17-30 and Nov. 12-15</u>	<u>Antlerless</u>	<u>GMU 416</u>	<u>1</u>
<u>Cypress</u>	<u>Modern</u>	<u>Youth</u>	<u>Oct. 17-30 and Nov. 12-15</u>	<u>Antlerless</u>	<u>GMU 417</u>	<u>1</u>
<u>Guemes</u>	<u>Modern</u>	<u>Youth</u>	<u>Oct. 17-30 and Nov. 12-15</u>	<u>Antlerless</u>	<u>GMU 419</u>	<u>1</u>
<u>Whidbey</u>	<u>Modern</u>	<u>Youth</u>	<u>Oct. 17-30 and Nov. 12-15</u>	<u>Antlerless</u>	<u>GMU 420</u>	<u>10</u>
<u>Camano</u>	<u>Modern</u>	<u>Youth</u>	<u>Oct. 17-30 and Nov. 12-15</u>	<u>Antlerless</u>	<u>GMU 421</u>	<u>3</u>
<u>Vashon-Maury</u>	<u>Modern</u>	<u>Youth</u>	<u>Oct. 17-30 and Nov. 12-15</u>	<u>Antlerless</u>	<u>GMU 422</u>	<u>10</u>
<u>Green River</u>	<u>Modern</u>	<u>Youth</u>	<u>Nov. 7-13</u>	<u>Any buck</u>	<u>GMU 485</u>	<u>5</u>
<u>Lincoln</u>	<u>Modern</u>	<u>Youth</u>	<u>Oct. ((44-34)) 17-31</u>	<u>Antlerless</u>	<u>GMU 501</u>	<u>10</u>
<u>Randle</u>	<u>Modern</u>	<u>Youth</u>	<u>Oct. 17-31</u>	<u>Antlerless</u>	<u>GMU 503</u>	<u>5</u>
<u>Stella</u>	<u>Modern</u>	<u>Youth</u>	<u>Oct. ((44-34)) 17-31</u>	<u>Antlerless</u>	<u>GMU 504</u>	<u>10</u>
<u>Mossyrock</u>	<u>Modern</u>	<u>Youth</u>	<u>Oct. ((44-34)) 17-31</u>	<u>Antlerless</u>	<u>GMU 505</u>	<u>10</u>
<u>Stormking</u>	<u>Modern</u>	<u>Youth</u>	<u>Oct. ((44-34)) 17-31</u>	<u>Antlerless</u>	<u>GMU 510</u>	<u>10</u>
<u>South Rainier</u>	<u>Modern</u>	<u>Youth</u>	<u>Oct. ((44-34)) 17-31</u>	<u>Antlerless</u>	<u>GMU 513</u>	<u>10</u>
<u>Packwood</u>	<u>Modern</u>	<u>Youth</u>	<u>Oct. ((44-34)) 17-31</u>	<u>Antlerless</u>	<u>GMU 516</u>	<u>10</u>
<u>Winston</u>	<u>Modern</u>	<u>Youth</u>	<u>Oct. ((44-34)) 17-31</u>	<u>Antlerless</u>	<u>GMU 520</u>	<u>10</u>
<u>Coweeman</u>	<u>Modern</u>	<u>Youth</u>	<u>Oct. 17-31</u>	<u>Antlerless</u>	<u>GMU 550</u>	<u>10</u>
<u>Yale</u>	<u>Modern</u>	<u>Youth</u>	<u>Oct. ((44-34)) 17-31</u>	<u>Antlerless</u>	<u>GMU 554</u>	<u>10</u>
<u>Toutle</u>	<u>Modern</u>	<u>Youth</u>	<u>Oct. ((44-34)) 17-31</u>	<u>Antlerless</u>	<u>GMU 556</u>	<u>((25)) 10</u>
<u>Lewis River</u>	<u>Modern</u>	<u>Youth</u>	<u>Oct. ((44-34)) 17-31</u>	<u>Antlerless</u>	<u>GMU 560</u>	<u>5</u>
<u>Washougal</u>	<u>Modern</u>	<u>Youth</u>	<u>Oct. ((44-34)) 17-31</u>	<u>Antlerless</u>	<u>GMU 568</u>	<u>10</u>
<u>Siouxon</u>	<u>Modern</u>	<u>Youth</u>	<u>Oct. ((44-34)) 17-31</u>	<u>Antlerless</u>	<u>GMU 572</u>	<u>5</u>
<u>Wind River</u>	<u>Modern</u>	<u>Youth</u>	<u>Oct. ((44-34)) 17-31</u>	<u>Antlerless</u>	<u>GMU 574</u>	<u>10</u>
<u>West Klickitat</u>	<u>Modern</u>	<u>Youth</u>	<u>Oct. ((44-34)) 17-31</u>	<u>Any buck</u>	<u>GMU 578</u>	<u>5</u>
<u>West Klickitat</u>	<u>Modern</u>	<u>Youth</u>	<u>Oct. ((44-34)) 17-31</u>	<u>Antlerless</u>	<u>GMU 578</u>	<u>10</u>
<u>Pysh</u>	<u>Modern</u>	<u>Youth</u>	<u>Nov. 1-18</u>	<u>Any buck</u>	<u>GMU 603</u>	<u>5</u>
<u>Minot Peak</u>	<u>Modern</u>	<u>Youth</u>	<u>Nov. 1-18</u>	<u>Any buck</u>	<u>GMU 660</u>	<u>10</u>
<u>Mason</u>	<u>Modern</u>	<u>Youth</u>	<u>Oct. 10-31</u>	<u>Antlerless</u>	<u>GMU 633</u>	<u>10</u>
<u>Skokomish</u>	<u>Modern</u>	<u>Youth</u>	<u>Oct. ((4-31)) 10-31</u>	<u>Antlerless</u>	<u>GMU 636</u>	<u>5</u>
<u>Satsop</u>	<u>Modern</u>	<u>Youth</u>	<u>Oct. ((4-31)) 10-31</u>	<u>Antlerless</u>	<u>GMU 651</u>	<u>((40)) 15</u>
<u>Mashel</u>	<u>Modern</u>	<u>Youth</u>	<u>Oct. ((4-31)) 10-31</u>	<u>Antlerless</u>	<u>GMU 654</u>	<u>((30)) 15</u>
<u>North River</u>	<u>Modern</u>	<u>Youth</u>	<u>Oct. ((4-31)) 10-31</u>	<u>Antlerless</u>	<u>GMU 658</u>	<u>10</u>
<u>Minot Peak</u>	<u>Modern</u>	<u>Youth</u>	<u>Oct. 10-31</u>	<u>Antlerless</u>	<u>GMU 660</u>	<u>10</u>
<u>Capitol Peak</u>	<u>Modern</u>	<u>Youth</u>	<u>Oct. 10-31</u>	<u>Antlerless</u>	<u>GMU 663</u>	<u>5</u>
<u>Skookumchuck</u>	<u>Modern</u>	<u>Youth</u>	<u>Oct. ((4-40)) 10-31</u>	<u>Antlerless</u>	<u>GMU 667</u>	<u>((35)) 15</u>
<u>Skookumchuck</u>	<u>Modern</u>	<u>Youth</u>	<u>Oct. ((4-31)) 10-31</u>	<u>Any buck</u>	<u>GMU 667</u>	<u>20</u>

Youth						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Olympic	Modern	Youth	Nov. 17-23	Any deer	GMU 621	((40)) 20
Coyle	Modern	Youth	Oct. 10-31	Antlerless	GMU 624	10
Kitsap	Modern	Youth	Nov. 17-23	Any deer	GMU 627	10
Orcas	Archery	Youth	Aug. 31 - Sept. 25 and Nov. 25 - Dec. 30	Antlerless	GMU 411	4
Shaw	Archery	Youth	Aug. 31 - Sept. 25 and Nov. 25 - Dec. 30	Antlerless	GMU 412	2
San Juan	Archery	Youth	Aug. 31 - Sept. 25 and Nov. 25 - Dec. 30	Antlerless	GMU 413	4
Lopez	Archery	Youth	Aug. 31 - Sept. 25 and Nov. 25 - Dec. 30	Antlerless	GMU 414	3
Blakely	Archery	Youth	Aug. 31 - Sept. 25 and Nov. 25 - Dec. 30	Antlerless	GMU 415	2
Decatur	Archery	Youth	Aug. 31 - Sept. 25 and Nov. 25 - Dec. 30	Antlerless	GMU 416	1
Cypress	Archery	Youth	Aug. 31 - Sept. 25 and Nov. 25 - Dec. 30	Antlerless	GMU 417	1
Guemes	Archery	Youth	Aug. 31 - Sept. 25 and Nov. 25 - Dec. 30	Antlerless	GMU 419	1
Camano	Archery	Youth	Aug. 31 - Sept. 25 and Nov. 25 - Dec. 30	Antlerless	GMU 421	3
Whidbey	Archery	Youth	Aug. 31 - Sept. 25 and Nov. 25 - Dec. 30	Antlerless	GMU 420	10
Vashon-Maury	Archery	Youth	Aug. 31 - Sept. 25 and Nov. 25 - Dec. 30	Antlerless	GMU 422	10
East Okanogan	Muzzleloader	Youth	((Sept. 27 - Oct. 5)) Oct. 3-11	Antlerless	GMU 204	5
Wannacut	Muzzleloader	Youth	((Sept. 27 - Oct. 5)) Oct. 3-11	Antlerless	GMU 209	5
Pogue	Muzzleloader	Youth	((Sept. 27 - Oct. 5)) Oct. 3-11	Antlerless	GMU 233	5
Chiliwist	Muzzleloader	Youth	((Sept. 27 - Oct. 5)) Oct. 3-11	Antlerless	GMU 239	((5)) 15
Alta	Muzzleloader	Youth	((Sept. 27 - Oct. 5)) Oct. 3-11	Antlerless	GMU 242	((5)) 15
Mission	Muzzleloader	Youth	((Sept. 27 - Oct. 5)) Oct. 3-11	Antlerless	GMU 251	5

Senior 65+						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
((49 Degrees North	Modern	65+	Oct. 11-15	White-tailed, antlerless	GMU 117	20
Huckleberry	Modern	65+	Oct. 11-15	White-tailed, antlerless	GMU 121	20))
Blue Mtns. Foothills	Modern	65+	Oct. ((11-19)) 17-27	Antlerless	GMUs 145, 149, 154, 163, Deer Area 1010	30
East Okanogan	Modern	65+	Oct. ((11-19)) 17-27	Antlerless	GMU 204	5
Wannacut	Modern	65+	Oct. ((11-19)) 17-27	Antlerless	GMU 209	5
Sinlahekin	Modern	65+	Oct. ((11-19)) 17-27	Antlerless	GMU 215	5
Chewuch	Modern	65+	Oct. ((11-19)) 17-27	Antlerless	GMU 218	5
Pearrygin	Modern	65+	Oct. ((11-19)) 17-27	Antlerless	GMU 224	((5)) 50
Gardner	Modern	65+	Oct. ((11-19)) 17-27	Antlerless	GMU 231	5
Pogue	Modern	65+	Oct. ((11-19)) 17-27	Antlerless	GMU 233	5

Senior 65+						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Chiliwist	Modern	65+	Oct. ((41-19)) 17-27	Antlerless	GMU 239	((5)) 50
Alta	Modern	65+	Oct. ((41-19)) 17-27	Antlerless	GMU 242	((5)) 50
Chiwawa	Modern	65+	Oct. ((41-19)) 17-27	Antlerless	GMU 245	10
Entiat	Modern	65+	Oct. ((41-19)) 17-27	Antlerless	GMU 247	10
Swakane	Modern	65+	Oct. ((41-19)) 17-27	Antlerless	GMU 250	10
Mission	Modern	65+	Oct. ((41-19)) 17-27	Antlerless	GMU 251	10
Bridgeport	Modern	65+	Oct. ((41-19)) 17-27	Antlerless	GMUs 248, 260	10
Palisades	Modern	65+	Oct. ((41-19)) 17-27	Antlerless	GMUs 266, 269	10
Sunnyside	Modern	65+	Oct. ((41-19)) 17-27	Antlerless	GMU 372	10
Horse Heaven Hills	Modern	65+	Oct. ((41-24)) 17-27	Antlerless	GMU 373	10
Kahlotus	Modern	65+	Oct. ((41-19)) 17-27	Antlerless	GMU 381	10
East Klickitat	Modern	65+	Oct. ((41-24)) 17-27	Antlerless	GMU 382	((45)) 5
Grayback	Modern	65+	Oct. ((41-24)) 17-27	Antlerless	GMU 388	5
Orcas	Modern	65+	Oct. 17-30 and Nov. 12-15	Antlerless	GMU 411	4
Shaw	Modern	65+	Oct. 17-30 and Nov. 12-15	Antlerless	GMU 412	2
San Juan	Modern	65+	Oct. 17-30 and Nov. 12-15	Antlerless	GMU 413	4
Lopez	Modern	65+	Oct. 17-30 and Nov. 12-15	Antlerless	GMU 414	3
Blakely	Modern	65+	Oct. 17-30 and Nov. 12-15	Antlerless	GMU 415	2
Decatur	Modern	65+	Oct. 17-30 and Nov. 12-15	Antlerless	GMU 416	1
Cypress	Modern	65+	Oct. 17-30 and Nov. 12-15	Antlerless	GMU 417	1
Guemes	Modern	65+	Oct. 17-30 and Nov. 12-15	Antlerless	GMU 419	1
Whidbey	Modern	65+	Oct. 17-30 and Nov. 12-15	Antlerless	GMU 420	5
Camano	Modern	65+	Oct. 17-30 and Nov. 12-15	Antlerless	GMU 421	3
Vashon-Maury	Modern	65+	Oct. 17-30 and Nov. 12-15	Antlerless	GMU 422	5
Lincoln	Modern	65+	Oct. ((41-31)) 17-31	Antlerless	GMU 501	5
Stella	Modern	65+	Oct. ((41-31)) 17-31	Antlerless	GMU 504	5
Mossyrock	Modern	65+	Oct. ((41-31)) 17-31	Antlerless	GMU 505	15
Stormking	Modern	65+	Oct. ((41-31)) 17-31	Antlerless	GMU 510	5
South Rainier	Modern	65+	Oct. ((41-31)) 17-31	Antlerless	GMU 513	5
Packwood	Modern	65+	Oct. ((41-31)) 17-31	Antlerless	GMU 516	5
Winston	Modern	65+	Oct. ((41-31)) 17-31	Antlerless	GMU 520	5
Yale	Modern	65+	Oct. ((41-31)) 17-31	Antlerless	GMU 554	5
Toutle	Modern	65+	Oct. ((41-31)) 17-31	Antlerless	GMU 556	10
Lewis River	Modern	65+	Oct. ((41-31)) 17-31	Antlerless	GMU 560	5
Washougal	Modern	65+	Oct. ((41-31)) 17-31	Antlerless	GMU 568	((40)) 5
Siouxon	Modern	65+	Oct. ((41-31)) 17-31	Antlerless	GMU 572	5
Wind River	Modern	65+	Oct. ((41-31)) 17-31	Antlerless	GMU 574	5
West Klickitat	Modern	65+	Oct. ((41-31)) 17-31	Antlerless	GMU 578	5

Senior 65+						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
((Copolis	<u>Modern</u>	<u>65+</u>	<u>Oct. 11-31</u>	<u>Antlerless</u>	<u>GMU 642</u>	<u>20</u>)
<u>Olympic</u>	<u>Modern</u>	<u>65+</u>	<u>Oct. 17-31</u>	<u>Antlerless</u>	<u>GMU 621</u>	<u>20</u>
<u>Mason</u>	<u>Modern</u>	<u>65+</u>	<u>Oct. 17-31</u>	<u>Antlerless</u>	<u>GMU 633</u>	<u>10</u>
<u>Skokomish</u>	<u>Modern</u>	<u>65+</u>	<u>Oct. 17-31</u>	<u>Antlerless</u>	<u>GMU 636</u>	<u>5</u>
<u>Wynoochee</u>	<u>Modern</u>	<u>65+</u>	<u>Oct. 17-31</u>	<u>Antlerless</u>	<u>GMU 648</u>	<u>5</u>
<u>Satsop</u>	<u>Modern</u>	<u>65+</u>	<u>Oct. 17-31</u>	<u>Antlerless</u>	<u>GMU 651</u>	<u>15</u>
<u>Mashel</u>	<u>Modern</u>	<u>65+</u>	<u>Oct. 17-31</u>	<u>Antlerless</u>	<u>GMU 654</u>	<u>15</u>
<u>North River</u>	<u>Modern</u>	<u>65+</u>	<u>Oct. ((11-31)) 17-31</u>	<u>Antlerless</u>	<u>GMU 658</u>	<u>10</u>
((Williams Creek	<u>Modern</u>	<u>65+</u>	<u>Oct. 11-31</u>	<u>Antlerless</u>	<u>GMU 673</u>	<u>10</u>)
<u>Minot Peak</u>	<u>Modern</u>	<u>65+</u>	<u>Oct. 17-31</u>	<u>Antlerless</u>	<u>GMU 660</u>	<u>10</u>
<u>Capitol Peak</u>	<u>Modern</u>	<u>65+</u>	<u>Oct. 17-31</u>	<u>Antlerless</u>	<u>GMU 663</u>	<u>5</u>
<u>Orcas</u>	<u>Archery</u>	<u>65+</u>	<u>Aug. 31 - Sept. 25 and Nov. 25 - Dec. 30</u>	<u>Antlerless</u>	<u>GMU 411</u>	<u>4</u>
<u>Shaw</u>	<u>Archery</u>	<u>65+</u>	<u>Aug. 31 - Sept. 25 and Nov. 25 - Dec. 30</u>	<u>Antlerless</u>	<u>GMU 412</u>	<u>2</u>
<u>San Juan</u>	<u>Archery</u>	<u>65+</u>	<u>Aug. 31 - Sept. 25 and Nov. 25 - Dec. 30</u>	<u>Antlerless</u>	<u>GMU 413</u>	<u>4</u>
<u>Lopez</u>	<u>Archery</u>	<u>65+</u>	<u>Aug. 31 - Sept. 25 and Nov. 25 - Dec. 30</u>	<u>Antlerless</u>	<u>GMU 414</u>	<u>3</u>
<u>Blakely</u>	<u>Archery</u>	<u>65+</u>	<u>Aug. 31 - Sept. 25 and Nov. 25 - Dec. 30</u>	<u>Antlerless</u>	<u>GMU 415</u>	<u>2</u>
<u>Decatur</u>	<u>Archery</u>	<u>65+</u>	<u>Aug. 31 - Sept. 25 and Nov. 25 - Dec. 30</u>	<u>Antlerless</u>	<u>GMU 416</u>	<u>1</u>
<u>Cypress</u>	<u>Archery</u>	<u>65+</u>	<u>Aug. 31 - Sept. 25 and Nov. 25 - Dec. 30</u>	<u>Antlerless</u>	<u>GMU 417</u>	<u>1</u>
<u>Guemes</u>	<u>Archery</u>	<u>65+</u>	<u>Aug. 31 - Sept. 25 and Nov. 25 - Dec. 30</u>	<u>Antlerless</u>	<u>GMU 419</u>	<u>1</u>
<u>Whidbey</u>	<u>Archery</u>	<u>65+</u>	<u>Aug. 31 - Sept. 25 and Nov. 25 - Dec. 30</u>	<u>Antlerless</u>	<u>GMU 420</u>	<u>5</u>
<u>Camano</u>	<u>Archery</u>	<u>65+</u>	<u>Aug. 31 - Sept. 25 and Nov. 25 - Dec. 30</u>	<u>Antlerless</u>	<u>GMU 421</u>	<u>3</u>
<u>Vashon-Maury</u>	<u>Archery</u>	<u>65+</u>	<u>Aug. 31 - Sept. 25 and Nov. 25 - Dec. 30</u>	<u>Antlerless</u>	<u>GMU 422</u>	<u>5</u>
<u>Whidbey</u>	<u>Muzzleloader</u>	<u>65+</u>	<u>Oct. 3-11 and Nov. 26 - Dec. 14</u>	<u>Antlerless</u>	<u>GMU 420</u>	<u>2</u>
<u>Vashon-Maury</u>	<u>Muzzleloader</u>	<u>65+</u>	<u>Oct. 3-11 and Nov. 26 - Dec. 14</u>	<u>Antlerless</u>	<u>GMU 422</u>	<u>2</u>

Hunters with Disabilities						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
((49 Degrees North	<u>Modern</u>	<u>Hunter with Disability</u>	<u>Oct. 11-15</u>	<u>White-tailed, antlerless</u>	<u>GMU 117</u>	<u>20</u>)
<u>Huckleberry</u>	<u>Modern</u>	<u>Hunter with Disability</u>	<u>Oct. 11-15</u>	<u>White-tailed, antlerless</u>	<u>GMU 121</u>	<u>20</u>)
<u>Blue Mtns. Foothills</u>	<u>Modern</u>	<u>Hunter with Disability</u>	<u>Oct. 17-27</u>	<u>Antlerless</u>	<u>GMUs 145, 149, 154, 163, Deer Area 1010</u>	<u>20</u>
<u>East Okanogan</u>	<u>Modern</u>	<u>Hunter with Disability</u>	<u>Oct. ((11-19)) 17-27</u>	<u>Antlerless</u>	<u>GMU 204</u>	<u>5</u>
<u>Wannacut</u>	<u>Modern</u>	<u>Hunter with Disability</u>	<u>Oct. ((11-19)) 17-27</u>	<u>Antlerless</u>	<u>GMU 209</u>	<u>5</u>
<u>Sinlahekin</u>	<u>Modern</u>	<u>Hunter with Disability</u>	<u>Oct. ((11-19)) 17-27</u>	<u>Antlerless</u>	<u>GMU 215</u>	<u>5</u>
<u>Chewuch</u>	<u>Modern</u>	<u>Hunter with Disability</u>	<u>Oct. ((11-19)) 17-27</u>	<u>Antlerless</u>	<u>GMU 218</u>	<u>5</u>
<u>Pearygin</u>	<u>Modern</u>	<u>Hunter with Disability</u>	<u>Oct. ((11-19)) 17-27</u>	<u>Antlerless</u>	<u>GMU 224</u>	<u>((5)) 50</u>
<u>Gardner</u>	<u>Modern</u>	<u>Hunter with Disability</u>	<u>Oct. ((11-19)) 17-27</u>	<u>Antlerless</u>	<u>GMU 231</u>	<u>5</u>
<u>Pogue</u>	<u>Modern</u>	<u>Hunter with Disability</u>	<u>Oct. ((11-19)) 17-27</u>	<u>Antlerless</u>	<u>GMU 233</u>	<u>5</u>

Hunters with Disabilities						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Chiliwist	Modern	Hunter with Disability	Oct. ((41-19)) <u>17-27</u>	Antlerless	GMU 239	((5)) <u>50</u>
Alta	Modern	Hunter with Disability	Oct. ((41-19)) <u>17-27</u>	Antlerless	GMU 242	((5)) <u>50</u>
Chiwawa	Modern	Hunter with Disability	Oct. ((41-19)) <u>17-27</u>	Antlerless	GMU 245	5
Entiat	Modern	Hunter with Disability	Oct. ((41-19)) <u>17-27</u>	Antlerless	GMU 247	5
Mission	Modern	Hunter with Disability	Oct. ((41-19)) <u>17-27</u>	Antlerless	GMU 251	5
Saint Andrews	Modern	Hunter with Disability	Oct. ((41-19)) <u>17-27</u>	Antlerless	GMU 254	5
Bridgeport	Modern	Hunter with Disability	Oct. ((41-19)) <u>17-27</u>	Antlerless	GMUs 248, 260	5
Palisades	Modern	Hunter with Disability	Oct. ((41-19)) <u>17-27</u>	Antlerless	GMUs 266, 269	5
Beezley	Modern	Hunter with Disability	Oct. ((41-19)) <u>17-27</u>	Antlerless	GMU 272	5
Horse Heaven Hills	Modern	Hunter with Disability	Oct. ((41-24)) <u>17-27</u>	Antlerless	GMU 373	10
Kahlotus	Modern	Hunter with Disability	Nov. 1-9	Antlerless	GMU 381	10
East Klickitat	Modern	Hunter with Disability	Oct. ((41-24)) <u>17-27</u>	Antlerless	GMU 382	((15)) <u>5</u>
Grayback	Modern	Hunter with Disability	Oct. ((41-24)) <u>17-27</u>	Antlerless	GMU 388	5
((Green River	Modern	Hunter with Disability	Oct. 25-31	Antlerless	GMU 485	5))
Lincoln	Modern	Hunter with Disability	Oct. ((41-34)) <u>17-31</u>	Antlerless	GMU 501	2
Stella	Modern	Hunter with Disability	Oct. ((41-34)) <u>17-31</u>	Antlerless	GMU 504	2
Mossyrock	Modern	Hunter with Disability	Oct. ((41-34)) <u>17-31</u>	Antlerless	GMU 505	3
Stormking	Modern	Hunter with Disability	Oct. ((41-34)) <u>17-31</u>	Antlerless	GMU 510	2
South Rainier	Modern	Hunter with Disability	Oct. ((41-34)) <u>17-31</u>	Antlerless	GMU 513	2
Packwood	Modern	Hunter with Disability	Oct. ((41-34)) <u>17-31</u>	Antlerless	GMU 516	2
Winston	Modern	Hunter with Disability	Oct. ((41-34)) <u>17-31</u>	Antlerless	GMU 520	2
Yale	Modern	Hunter with Disability	Oct. ((41-34)) <u>17-31</u>	Antlerless	GMU 554	2
Toutle	Modern	Hunter with Disability	Oct. ((41-34)) <u>17-31</u>	Antlerless	GMU 556	3
Lewis River	Modern	Hunter with Disability	Oct. ((41-34)) <u>17-31</u>	Antlerless	GMU 560	1
Washougal	Modern	Hunter with Disability	Oct. ((41-34)) <u>17-31</u>	Antlerless	GMU 568	5
Siouxon	Modern	Hunter with Disability	Oct. ((41-34)) <u>17-31</u>	Antlerless	GMU 572	2
Wind River	Modern	Hunter with Disability	Oct. ((41-34)) <u>17-31</u>	Antlerless	GMU 574	1
West Klickitat	Modern	Hunter with Disability	Oct. ((41-34)) <u>17-31</u>	Antlerless	GMU 578	2
((Capitol Peak-	Modern	Hunter with Disability	Oct. 11-31	Antlerless	GMU 663	20))
Olympic	Modern	Hunter with Disability	Oct <u>17-31</u>	Antlerless	GMU <u>621</u>	<u>10</u>
Mason	Modern	Hunter with Disability	Oct <u>17-31</u>	Antlerless	GMU <u>633</u>	<u>5</u>
Satsop	Modern	Hunter with Disability	Oct <u>17-31</u>	Antlerless	GMU <u>651</u>	<u>10</u>
Mashel	Modern	Hunter with Disability	Oct <u>17-31</u>	Antlerless	GMU <u>654</u>	<u>10</u>
North River	Modern	Hunter with Disability	Oct <u>17-31</u>	Antlerless	GMU <u>658</u>	<u>5</u>
Minot Peak	Modern	Hunter with Disability	Oct <u>17-31</u>	Antlerless	GMU <u>660</u>	<u>5</u>
Skookumchuck	Modern	Hunter with Disability	Oct. ((4-34)) <u>17-31</u>	Antlerless	GMU 667	((20)) <u>10</u>
((North River	Modern	Hunter with Disability	Oct. 11-31	Antlerless	GMU 658	5))
Fall River	Modern	Hunter with Disability	Nov. 1-18	Any buck	GMU <u>672</u>	<u>10</u>
Orcas	Archery	Hunter with Disability	Aug. 31 - Sept. 25 and Nov. 25 - Dec. 30	Antlerless	GMU <u>411</u>	4
Shaw	Archery	Hunter with Disability	Aug. 31 - Sept. 25 and Nov. 25 - Dec. 30	Antlerless	GMU <u>412</u>	<u>2</u>
San Juan	Archery	Hunter with Disability	Aug. 31 - Sept. 25 and Nov. 25 - Dec. 30	Antlerless	GMU <u>413</u>	4
Lopez	Archery	Hunter with Disability	Aug. 31 - Sept. 25 and Nov. 25 - Dec. 30	Antlerless	GMU <u>414</u>	<u>3</u>
Blakely	Archery	Hunter with Disability	Aug. 31 - Sept. 25 and Nov. 25 - Dec. 30	Antlerless	GMU <u>415</u>	2

Hunters with Disabilities						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
<u>Decatur</u>	<u>Archery</u>	<u>Hunter with Disability</u>	<u>Aug. 31 - Sept. 25</u> <u>and Nov. 25 - Dec. 30</u>	<u>Antlerless</u>	<u>GMU 416</u>	<u>1</u>
<u>Cypress</u>	<u>Archery</u>	<u>Hunter with Disability</u>	<u>Aug. 31 - Sept. 25</u> <u>and Nov. 25 - Dec. 30</u>	<u>Antlerless</u>	<u>GMU 417</u>	<u>1</u>
<u>Guemes</u>	<u>Archery</u>	<u>Hunter with Disability</u>	<u>Aug. 31 - Sept. 25</u> <u>and Nov. 25 - Dec. 30</u>	<u>Antlerless</u>	<u>GMU 419</u>	<u>1</u>
<u>Whidbey</u>	<u>Archery</u>	<u>Hunter with Disability</u>	<u>Aug. 31 - Sept. 25</u> <u>and Nov. 25 - Dec. 30</u>	<u>Antlerless</u>	<u>GMU 420</u>	<u>5</u>
<u>Camano</u>	<u>Archery</u>	<u>Hunter with Disability</u>	<u>Aug. 31 - Sept. 25</u> <u>and Nov. 25 - Dec. 30</u>	<u>Antlerless</u>	<u>GMU 421</u>	<u>3</u>
<u>Vashon-Maury</u>	<u>Archery</u>	<u>Hunter with Disability</u>	<u>Aug. 31 - Sept. 25</u> <u>and Nov. 25 - Dec. 30</u>	<u>Antlerless</u>	<u>GMU 422</u>	<u>5</u>
<u>Wind River</u>	<u>Archery</u>	<u>Hunter with Disability</u>	<u>Sept. ((1-24)) 1-30</u>	<u>Antlerless</u>	<u>GMU 574</u>	<u>1</u>
<u>West Klickitat</u>	<u>Archery</u>	<u>Hunter with Disability</u>	<u>Sept. ((1-24)) 1-30</u>	<u>Antlerless</u>	<u>GMU 578</u>	<u>1</u>
<u>East Okanogan</u>	<u>Muzzleloader</u>	<u>Hunter with Disability</u>	<u>((Sept. 27 - Oct. 5))</u> <u>Oct. 3-11</u>	<u>Antlerless</u>	<u>GMU 204</u>	<u>5</u>
<u>Sinlahekin</u>	<u>Muzzleloader</u>	<u>Hunter with Disability</u>	<u>((Sept. 27 - Oct. 5))</u> <u>Oct. 3-11</u>	<u>Antlerless</u>	<u>GMU 215</u>	<u>5</u>
<u>Gardner</u>	<u>Muzzleloader</u>	<u>Hunter with Disability</u>	<u>((Sept. 27 - Oct. 5))</u> <u>Oct. 3-11</u>	<u>Antlerless</u>	<u>GMU 231</u>	<u>5</u>
<u>Chiwawa</u>	<u>Muzzleloader</u>	<u>Hunter with Disability</u>	<u>((Sept. 27 - Oct. 5))</u> <u>Oct. 3-11</u>	<u>Antlerless</u>	<u>GMU 245</u>	<u>5</u>
<u>Entiat</u>	<u>Muzzleloader</u>	<u>Hunter with Disability</u>	<u>Oct. 3-11</u>	<u>Antlerless</u>	<u>GMU 247</u>	<u>5</u>
<u>Mission</u>	<u>Muzzleloader</u>	<u>Hunter with Disability</u>	<u>((Sept. 27 - Oct. 5))</u> <u>Oct. 3-11</u>	<u>Antlerless</u>	<u>GMU 251</u>	<u>5</u>
<u>((Entiat</u>	<u>Muzzleloader</u>	<u>Hunter with Disability</u>	<u>Sept. 27 - Oct. 5</u>	<u>Antlerless</u>	<u>GMU 247</u>	<u>5))</u>
<u>Saint Andrews</u>	<u>Muzzleloader</u>	<u>Hunter with Disability</u>	<u>((Sept. 27 - Oct. 5))</u> <u>Oct. 3-11</u>	<u>Antlerless</u>	<u>GMU 254</u>	<u>5</u>
<u>Bridgeport</u>	<u>Muzzleloader</u>	<u>Hunter with Disability</u>	<u>((Sept. 27 - Oct. 5))</u> <u>Oct. 3-11</u>	<u>Antlerless</u>	<u>GMUs 248, 260</u>	<u>5</u>
<u>Palisades</u>	<u>Muzzleloader</u>	<u>Hunter with Disability</u>	<u>((Sept. 27 - Oct. 5))</u> <u>Oct. 3-11</u>	<u>Antlerless</u>	<u>GMUs 266, 269</u>	<u>5</u>
<u>((Capitol Peak</u>	<u>Muzzleloader</u>	<u>Hunter with Disability</u>	<u>Sept. 27 - Oct. 5</u>	<u>Antlerless</u>	<u>GMU 663</u>	<u>5))</u>
<u>Orcas</u>	<u>Muzzleloader</u>	<u>Hunter with Disability</u>	<u>Oct. 3-11 and Nov. 26</u> <u>- Dec. 14</u>	<u>Antlerless</u>	<u>GMU 411</u>	<u>2</u>
<u>Shaw</u>	<u>Muzzleloader</u>	<u>Hunter with Disability</u>	<u>Oct. 3-11 and Nov. 26</u> <u>- Dec. 14</u>	<u>Antlerless</u>	<u>GMU 412</u>	<u>2</u>
<u>San Juan</u>	<u>Muzzleloader</u>	<u>Hunter with Disability</u>	<u>Oct. 3-11 and Nov. 26</u> <u>- Dec. 14</u>	<u>Antlerless</u>	<u>GMU 413</u>	<u>2</u>
<u>Lopez</u>	<u>Muzzleloader</u>	<u>Hunter with Disability</u>	<u>Oct. 3-11 and Nov. 26</u> <u>- Dec. 14</u>	<u>Antlerless</u>	<u>GMU 414</u>	<u>2</u>
<u>Blakely</u>	<u>Muzzleloader</u>	<u>Hunter with Disability</u>	<u>Oct. 3-11 and Nov. 26</u> <u>- Dec. 14</u>	<u>Antlerless</u>	<u>GMU 415</u>	<u>2</u>
<u>Decatur</u>	<u>Muzzleloader</u>	<u>Hunter with Disability</u>	<u>Oct. 3-11 and Nov. 26</u> <u>- Dec. 14</u>	<u>Antlerless</u>	<u>GMU 416</u>	<u>1</u>
<u>Cypress</u>	<u>Muzzleloader</u>	<u>Hunter with Disability</u>	<u>Oct. 3-11 and Nov. 26</u> <u>- Dec. 14</u>	<u>Antlerless</u>	<u>GMU 417</u>	<u>1</u>
<u>Guemes</u>	<u>Muzzleloader</u>	<u>Hunter with Disability</u>	<u>Oct. 3-11 and Nov. 26</u> <u>- Dec. 14</u>	<u>Antlerless</u>	<u>GMU 419</u>	<u>1</u>
<u>Whidbey</u>	<u>Muzzleloader</u>	<u>Hunter with Disability</u>	<u>Oct. 3-11 and Nov. 26</u> <u>- Dec. 14</u>	<u>Antlerless</u>	<u>GMU 420</u>	<u>2</u>
<u>Camano</u>	<u>Muzzleloader</u>	<u>Hunter with Disability</u>	<u>Oct. 3-11 and Nov. 26</u> <u>- Dec. 14</u>	<u>Antlerless</u>	<u>GMU 421</u>	<u>2</u>
<u>Vashon-Maury</u>	<u>Muzzleloader</u>	<u>Hunter with Disability</u>	<u>Oct. 3-11 and Nov. 26</u> <u>- Dec. 14</u>	<u>Antlerless</u>	<u>GMU 422</u>	<u>2</u>
<u>Olympic</u>	<u>Muzzleloader</u>	<u>Hunter with Disability</u>	<u>Oct. 3 - 11</u>	<u>Antlerless</u>	<u>GMU 621</u>	<u>15</u>

Hunters with Disabilities						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Mason	Muzzleloader	Hunter with Disability	Oct. 3 - 11	Antlerless	GMU 633	5
Wynoochee	Muzzleloader	Hunter with Disability	Oct. 3 - 11	Antlerless	GMU 648	5
Satsop	Muzzleloader	Hunter with Disability	Oct. 3 - 11	Antlerless	GMU 651	10
Mashel	Muzzleloader	Hunter with Disability	Oct. 3 - 11	Antlerless	GMU 654	10
North River	Muzzleloader	Hunter with Disability	((Sept. 27 - Oct. 5)) Oct. 3-11	Antlerless	GMU 658	((5)) 10
Capitol Peak	Muzzleloader	Hunter with Disability	Oct. 3 - 11	Antlerless	GMU 663	10
Skookumchuck	Muzzleloader	Hunter with Disability	Oct. 3 - 11	Antlerless	GMU 667	10

Master Hunter - Only master hunters may apply. Weapon must be consistent with weapon/tag restriction noted for hunt. Additional weapon restrictions may be conditioned by the hunt coordinator for each hunt. For those hunts requiring the purchase of a master hunter second tag, one deer may be killed in the unit under the authorization of the special permit.

Hunt Name	Weapon/Tag	Requirements	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Republic	Any/2nd deer tag	Master Hunter deer tag required	Master Hunter	Sept. 1 - Dec. 31	Any deer	Designated properties within Deer Area 1030	25 ^{HC}
Region 1	Any/2nd deer tag	Master Hunter deer tag required	Master Hunter	Aug. 1, ((2014)) 2015 - March 31, ((2015)) 2016	Antlerless	Designated Areas in Region 1	50 ^{HC}
Region 2	Any/2nd deer tag	Master Hunter deer tag required	Master Hunter	Aug. 1, ((2014)) 2015 - March 31, ((2015)) 2016	Antlerless	Designated Areas in Region 2	30 ^{HC}
Region 3	Any/2nd deer tag	Master Hunter deer tag required	Master Hunter	Aug. 1, ((2014)) 2015 - March 31, ((2015)) 2016	Antlerless	Designated Areas in Region 3	((30)) 40 ^{HC}
Region 5	Any/2nd deer tag	Master Hunter deer tag required	Master Hunter	Aug. 1, ((2014)) 2015 - March 31, ((2015)) 2016	Antlerless	Designated Areas in ((Region-5)) Klickitat, Skamania, and Clark counties	10 ^{HC}
Region 6	Any/2nd deer tag	Master Hunter deer tag required	Master Hunter	Aug. 1, ((2014)) 2015 - March 31, ((2015)) 2016	Antlerless	Designated Areas in Region 6	20 ^{HC}

Hunter Education Instructor Incentive Permits

- Special deer permits will be allocated through a random drawing to those hunter education instructors who qualify.
 - Permit hunters must use archery equipment during archery seasons, muzzleloader equipment or archery equipment during muzzleloader seasons, and any legal weapon during modern firearm seasons. Hunter orange is required during modern firearm seasons.
 - Except for online class incentive permits and chief instructor incentive permits, qualifying hunter education instructors must be certified and have been in active status for a minimum of three consecutive years, inclusive of the year prior to the permit drawing.
 - ((- Instructors who are drawn, accept a permit denoted with (*) below, and are able to participate in the hunt, will not be eligible for those specific incentive permits for a period of ten years thereafter.))
 - Permittees may purchase a second license for use with the permit hunt only.
- Qualified hunter education instructors may only receive one incentive permit each year.

Area	Dates	Restrictions	GMUs	Permits
Region 1	All general season and permit seasons established for GMUs included with the permit. Not eligible for seasons and permits for auction hunts; raffle hunts; and hunts for master hunters, youth hunters, hunters with disabilities, or hunters 65 years and older, unless the hunter education instructor legally qualifies for such hunts.	Any white-tailed deer	Any 100 series GMU EXCEPT GMU 157	2((*))
Region 2		Any white-tailed deer	GMUs 204-215	2
Region 2		Any deer	GMUs 215-251	1((*))
Region 2		Any deer	GMU 290	1((*))
Region 3		Any deer	GMUs 335-368, 382, 388	1((*))
Region 4		Any deer	Any 400 series GMU EXCEPT GMUs 485 and 490	2
Region 5		Legal buck for 500 series GMU of choice or antlerless	Any 500 series GMU open for a general deer hunting season or a special deer permit hunting season	6
Region 6		Legal buck for GMU of choice	GMUs 654, 660, 672, 673, 681	1

AMENDATORY SECTION (Amending WSR 14-10-019, filed 4/25/14, effective 5/26/14)

WAC 232-28-360 ((2014)) 2015 Elk special permits. It is unlawful to fail to comply with the bag, possession, and season limits described below. A violation of this section is punishable under RCW 77.15.410, Unlawful hunting of big game—Penalty.

Special Elk Permit Hunting Seasons (Open to Permit Holders Only)

Hunters must purchase an elk hunting license prior to purchasing a permit application. Hunters may only apply for permits consistent with the tag required for the hunt choice; however, Multiple Season Permit holders may apply for Eastern or Western Washington archery, muzzleloader, or modern firearm permit hunts. Applicants must have purchased the proper tag for these hunts. The elk tag prefixes required to apply for each hunt are shown in the following table. Hunters drawn for a special permit hunt must comply with weapon restrictions, dates, and other conditions listed for the hunt. Hunters drawn for a special permit designated "**Any tag**" under the "**Weapon/Tag**" restriction must use equipment consistent with the requirements of their transport tag and license.

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Turnbull	EA, EF, EM	Any	Oct. 20 - Nov. 24	Any bull	Elk Area 1015	1
Prescott	EF	Any	Sept. ((22-26)) 28 - Oct. 2	Any bull	GMU 149	1
Prescott	EF	Any	Oct. ((20)) 26 - Nov. ((2)) 8	Any bull	GMU 149	2
Blue Creek	EF	Any	Sept. ((22-26)) 28 - Oct. 2	Any bull	GMU 154	((+)) 2
Blue Creek	EF	Any	Oct. ((20)) 26 - Nov. ((2)) 8	Any bull	GMU 154	((4)) 6
Watershed	EA, EF, EM	Any	Oct. ((25)) 31 - Nov. ((2)) 8	3 pt. min.	GMU 157	35
Dayton	EF	Any	Oct. ((20)) 26 - Nov. ((2)) 8	Any bull	GMU 162	((+2)) 14
Ten Ten	EF	Any	Sept. ((22-26)) 28 - Oct. 2	Any bull	Elk Area 1010, GMU 163	1
Ten Ten	EF	Any	Oct. ((20)) 26 - Nov. ((2)) 8	Any bull	Elk Area 1010, GMU 163	5
Tucannon	EF	Any	Oct. ((20)) 26 - Nov. ((2)) 8	Any bull	GMU 166	((+0)) 12
Wenaha West	EF	Any	Oct. ((20)) 26 - Nov. ((2)) 8	Any bull	Elk Area 1008	((9)) 10
Wenaha East	EF	Any	Oct. ((20)) 26 - Nov. ((2)) 8	Any bull	Elk Area 1009	((+3)) 12
Mountain View	EF	Any	Oct. ((20)) 26 - Nov. ((2)) 8	Any bull	GMU 172, EXCEPT Elk Area 1040	14
Ten Forty	EF	Any	Oct. ((20)) 26 - Nov. ((2)) 8	Any bull	Elk Area 1040	((+)) 2
Lick Creek	EF	Any	Oct. ((20)) 26 - Nov. ((2)) 8	Any bull	GMU 175	((5)) 7
Peola	EF	Any	Sept. ((22-26)) 28 - Oct. 2	Any bull	GMU 178	1
Peola	EF	Any	Oct. ((20)) 26 - Nov. ((2)) 8	Any bull	GMU 178	1
Couse	EF	Any	Oct. ((20)) 26 - Nov. ((2)) 8	Any bull	GMU 181	((3)) 2
Mission	EF	Any	Sept. 16-20	Any bull	GMU 251	1
Colockum	EF	Any	Sept. 25 - Oct. 2	Any bull	GMUs 328, 329, 335	1
Colockum	EF	Any	Oct. ((20)) 26 - Nov. ((2)) 8	Any bull	GMUs 328, 329, 335	6
((Colockum	EF	Any	Sept. 22-26	Any bull	GMUs 328, 329, 335	+))
Teanaway	EF	Any	Sept. ((22-26)) 25 - Oct. 2	Any bull	GMU 335	3
Peaches Ridge	EF	Any	Sept. ((22-26)) 25 - Oct. 2	Any bull	GMUs 336, 346	3
Observatory	EF	Any	Sept. ((22-26)) 25 - Oct. 2	Any bull	GMUs 340, 342	((3)) 5
Little Naches	EF	Any	Oct. ((+10)) 3-11	Any bull	GMU 346	((+0)) 15
Goose Prairie	EF	Any	Sept. ((22-26)) 25 - Oct. 2	Any bull	GMUs 352, 356	((3)) 5
Bethel	EF	Any	Sept. ((22-26)) 25 - Oct. 2	Any bull	GMU 360	3
Rimrock	EF	Any	Sept. ((22-26)) 25 - Oct. 2	Any bull	GMU 364	3

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Cowiche	EF	Any	Sept. ((22-26)) 25 - Oct. 2	Any bull	GMU 368	3
Nooksack	WF	Any	Oct. ((11-Nov-16)) 10 - Nov. 15	Any bull	GMU 418 and Elk Area 4941	5
Green River	WF	Any	((Oct. 25-31)) Nov. 7-13	Any bull	GMU 485	6
Wahkiakum	WF	Any	Sept. ((16-30)) 28 - Oct. 2	Any bull	GMUs 506, 530	1
((Packwood	WF	Any	Sept. 16-30	Any bull	GMU 516	4))
South Rainier	WF	Any	Sept. 28 - Oct. 2	Any bull	GMUs 510, 513	1
Packwood	WF	Any	Sept. 28 - Oct. 2	Any bull	GMU 516	1
Winston	WF	Any	Sept. 28 - Oct. 2	Any bull	GMU 520	1
Coweeman	WF	Any	Sept. 28 - Oct. 2	Any bull	GMU 550	1
Toutle	WF	Any	Sept. ((22-26)) 28 - Oct. 2 and Nov. ((1-12)) 7-18	Any bull	GMU 556	((4)) 3
Toutle	WF	Any	Nov. ((1-12)) 7-18	Any bull	GMU 556	((73)) 66
Lewis River	WF	Any	Sept. ((16-30)) 28 - Oct. 2	Any bull	GMU 560	2
Siouxon	WF	Any	Sept. ((16-30)) 28 - Oct. 2	Any bull	GMU 572	2
Carlton	WF	Any	Sept. ((16-30)) 28 - Oct. 2	Any bull	Elk Area 5057	5
West Goat Rocks	WF	Any	Sept. ((16-30)) 28 - Oct. 2	Any bull	Elk Area 5058	5
Mt. Adams	WF	Any	Sept. ((16-30)) 28 - Oct. 2	Any bull	Elk Area 5059	5
Mudflow	WF	Any	Nov. ((1-7)) 7-18	Any bull	Elk Area 5099	5
Peninsula	WF	Any	Sept. ((22-26)) 28 - Oct. 2	3 pt. min.	GMUs 602, 607, 612	1
Clearwater	WF	Any	((Oct. 6-10)) Sept. 28 - Oct. 2	3 pt. min.	GMU 615	2
Matheny	WF	Any	Sept. 28 - Oct. ((1-10)) 2	3 pt. min.	GMU 618	3
Quinalt	WF	Any	Sept. ((22-26)) 28 - Oct. 2	3 pt. min.	GMU 638	5
Wynoochee	WF	Any	Sept. 28 - Oct. ((6-10)) 2	3 pt. min.	GMU 648	1
((Satsop	WF	Any	Oct. 6-10	3 pt. min.	GMU 651	4))
White River	WF	Any	Sept. ((22-26)) 28 - Oct. 2	Any bull	GMU 653	((1)) 2
Prescott	EA	Any	Sept. ((1-19)) 5-24	Any bull	GMU 149	1
Blue Creek	EA	Any	Sept. ((1-19)) 5-24	Any bull	GMU 154	((2)) 4
Dayton	EA	Any	Sept. ((1-19)) 5-24	Any bull	GMU 162	7
Ten Ten	EA	Any	Sept. ((1-19)) 5-24	Any bull	Elk Area 1010, GMU 163	3
Tucannon	EA	Any	Sept. ((1-19)) 5-24	Any bull	GMU 166	((8)) 7
Wenaha West	EA	Any	Sept. ((1-19)) 5-24	Any bull	Elk Area 1008	3
Wenaha East	EA	Any	Sept. ((1-19)) 5-24	Any bull	Elk Area 1009	((5)) 6
Mountain View	EA	Any	Sept. ((1-19)) 5-24	Any bull	GMU 172, EXCEPT Elk Area 1040	((12)) 10
Ten Forty	EA	Any	Sept. ((13-26)) 12-25	Any bull	Elk Area 1040	1
Lick Creek	EA	Any	Sept. ((1-19)) 5-24	Any bull	GMU 175	((16)) 12
Peola	EA	Any	Sept. ((1-19)) 5-24	Any bull	GMU 178	3
Couse	EA	Any	Sept. ((1-19)) 5-24	Any bull	GMU 181	((2)) 1
Colockum	EA	Any	Sept. ((2-14)) 12-24	Any bull	GMUs 328, 329, 335	((5)) 8
Peaches Ridge	EA	Any	Sept. ((2-14)) 12-24	Any bull	GMUs 336, 346	((134)) 126
Observatory	EA	Any	Sept. ((2-14)) 12-24	Any bull	GMUs 340, 342	((131)) 133

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Goose Prairie	EA	Any	Sept. ((2-44)) <u>12-24</u>	Any bull	GMUs 352, 356	((69)) <u>68</u>
Bethel	EA	Any	Sept. ((2-44)) <u>12-24</u>	Any bull	GMU 360	((37)) <u>38</u>
Rimrock	EA	Any	Sept. ((2-44)) <u>12-24</u>	Any bull	GMU 364	((96)) <u>105</u>
Cowiche	EA	Any	Sept. ((2-44)) <u>12-24</u>	Any bull	GMU 368	((32)) <u>31</u>
Nooksack	WA	Any	((Sept. 1-24)) <u>Aug. 31 - Sept. 20</u> and Dec. 1-31	Any bull	GMU 418 and Elk Area 4941	3
Toutle	WA	Any	Sept. ((6-24)) <u>12-24</u> and Dec. 1-15	Any bull	GMU 556	((49)) <u>41</u>
Mudflow	WA	Any	Sept. ((2-8)) <u>12-18</u>	Any bull	Elk Area 5099	5
White River	WA	Any	Sept. ((3-15)) <u>12-24</u>	Any bull	GMU 653	((43)) <u>31</u>
Prescott	EM	Any	Oct. ((1-10)) <u>3-11</u>	Any bull	GMU 149	1
Blue Creek	EM	Any	Oct. ((1-10)) <u>3-11</u>	Any bull	GMU 154	((1)) <u>2</u>
Dayton	EM	Any	Oct. ((1-10)) <u>3-11</u>	Any bull	GMU 162	((3)) <u>4</u>
Ten Ten	EM	Any	Oct. ((1-10)) <u>3-11</u>	Any bull	Elk Area 1010, GMU 163	((2)) <u>1</u>
Tucannon	EM	Any	Oct. ((1-10)) <u>3-11</u>	Any bull	GMU 166	((2)) <u>3</u>
Wenaha West	EM	Any	Oct. ((1-10)) <u>3-11</u>	Any bull	Elk Area 1008	2
Wenaha East	EM	Any	Oct. ((1-10)) <u>3-11</u>	Any bull	Elk Area 1009	((2)) <u>3</u>
Mountain View	EM	Any	Oct. ((1-10)) <u>3-11</u>	Any bull	GMU 172, EXCEPT Elk Area 1040	((4)) <u>5</u>
Ten Forty	EM	Any	<u>Sept. 30 - Oct. ((1-10)) 2</u>	Any bull	Elk Area 1040	1
Lick Creek	EM	Any	Oct. ((1-10)) <u>3-11</u>	Any bull	GMU 175	((1)) <u>2</u>
Peola	EM	Any	Oct. ((1-10)) <u>3-11</u>	Any bull	GMU 178	1
Couse	EM	Any	Oct. ((1-10)) <u>3-11</u>	Any bull	GMU 181	1
Mission	EM	Any	Sept. 30 - Oct. 9	Any bull	GMU 251	1
Colockum	EM	Any	Oct. ((1-10)) <u>3-11</u>	Any bull	GMUs 328, 329, 335	2
Peaches Ridge	EM	Any	Oct. ((1-10)) <u>3-11</u>	Any bull	GMUs 336, 346	((27)) <u>29</u>
Observatory	EM	Any	Oct. ((1-10)) <u>3-11</u>	Any bull	GMUs 340, 342	((22)) <u>25</u>
Goose Prairie	EM	Any	Oct. ((1-10)) <u>3-11</u>	Any bull	GMUs 352, 356	((43)) <u>12</u>
Bethel	EM	Any	Oct. ((1-10)) <u>3-11</u>	Any bull	GMU 360	((44)) <u>13</u>
Rimrock	EM	Any	Oct. ((1-10)) <u>3-11</u>	Any bull	GMU 364	((42)) <u>13</u>
Cowiche	EM	Any	Oct. ((1-10)) <u>3-11</u>	Any bull	GMU 368	((9)) <u>10</u>
Nooksack	WM	Any	Sept. ((24)) <u>23</u> - Oct. ((5)) <u>4</u> and Nov. ((22-30)) <u>21-29</u>	Any bull	GMU 418	3
Toutle	WM	Any	Oct. ((4-10)) <u>3-9</u>	Any bull	GMU 556	((15)) <u>14</u>
Mudflow	WM	Any	Oct. ((4-10)) <u>3-9</u>	Any bull	Elk Area 5099	5

Bulls						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Prescott	EF, EM	Any	Nov. ((3-16)) <u>9-18</u>	Any bull	GMU 149	2
Prescott	EF, EM	Any	Nov. ((17-30)) <u>19-30</u>	Any bull	GMU 149	2
Prescott	EF	Any	Dec. 1-15	Any bull	GMU 149	2
Prescott	EF	Any	Dec. 16-31	Any bull	GMU 149	2
Ten Forty	EF	Any	Oct. ((25)) <u>31</u> - Nov. ((2)) <u>8</u>	Spike bull only	Elk Area 1040	2
Grande Ronde	EF	Any	Oct. ((20)) <u>26</u> - Nov. ((2)) <u>8</u>	Any bull	GMU 186	1
Mission	EF	Any	Oct. 20 - Nov. 2	Any bull	GMU 251	1
Teanaway	EF	Any	Dec. 17-31	Any bull	GMU 335	((11)) <u>12</u>
Peaches Ridge	EF	Any	Oct. ((20)) <u>26</u> - Nov. ((2)) <u>8</u>	Any bull	GMUs 336, 346	((125)) <u>120</u>
Observatory	EF	Any	Oct. ((20)) <u>26</u> - Nov. ((2)) <u>8</u>	Any bull	GMUs 340, 342	((72)) <u>88</u>
Goose Prairie	EF	Any	Oct. ((20)) <u>26</u> - Nov. ((2)) <u>8</u>	Any bull	GMUs 352, 356	((73)) <u>77</u>
Bethel	EF	Any	Oct. ((20)) <u>26</u> - Nov. ((2)) <u>8</u>	Any bull	GMU 360	((59)) <u>60</u>
Rimrock	EF	Any	Oct. ((20)) <u>26</u> - Nov. ((2)) <u>8</u>	Any bull	GMU 364	((130)) <u>124</u>
Cowiche	EF	Any	Oct. ((20)) <u>26</u> - Nov. ((2)) <u>8</u>	Any bull	GMU 368	((24)) <u>26</u>
Alkali	EF	Any	Oct. ((11-31)) <u>12-31</u>	Any bull	GMU 371	15
Nooksack	WF	Any	Oct. ((11)) <u>10</u> - Nov. ((18)) <u>17</u>	Spike bull only	GMU 418 and Elk Area 4941	6
((Margaret	WF	Any	Sept. 22-30 and Nov. 1-12	Any bull	GMU 524	4
Margaret	WF	Any	Nov. 1-12	Any bull	GMU 524	72))
Upper Smith Creek	WF	Any	Oct. ((18-24)) <u>17-23</u>	Any bull	Elk Area 5064	2
Mount Whittier	WF	Any	Oct. ((11-17)) <u>17-23</u>	Any bull	Elk Area 5065	1
Norway Pass	WF	Any	Oct. 17-23	Any bull	Elk Area 5066	3
Olympic	WF	Any	Nov. ((1-10)) <u>7-18</u>	3 pt. min.	GMU 621, EXCEPT for Elk Area 6071	((16)) <u>17</u>
Skokomish	WF	Any	Nov. ((1-10)) <u>7-18</u>	3 pt. min.	GMU 636	3
White River	WF	Any	Nov. ((1-10)) <u>7-18</u>	Any bull	GMU 653	((21)) <u>33</u>
Ten Forty	EA	Any	Sept. ((4-14)) <u>5-13</u>	Spike bull only	Elk Area 1040	2
Grande Ronde	EA	Any	Sept. ((1-19)) <u>5-24</u>	Any bull	GMU 186	1
Teanaway	EA	Any	Nov. ((21)) <u>25</u> - Dec. 8	Any bull	GMU 335	((10)) <u>11</u>
Alkali	EA	Any	Sept. ((1-20)) <u>1-24</u>	Any bull	GMU 371	10
Nooksack	WA	Any	((Sept. 1-21)) <u>Aug. 31 - Sept. 20</u> and Dec. 1-31	Spike bull only	GMU 418 and Elk Area 4941	3
((Margaret	WA	Any	Sept. 6-21 and Dec. 1-15	Any bull	GMU 524	46))
Upper Smith Creek	WA	WA	Oct. ((4-10)) <u>1-7</u>	Any bull	Elk Area 5064	2
Mount Whittier	WA	Any	Oct. 1-7	Any bull	Elk Area 5065	<u>1</u>
Norway Pass	WA	Any	Oct. 1-7	Any bull	Elk Area 5066	3
Lewis River	WA	Any	Nov. ((26)) <u>25</u> - Dec. 8	3 pt. min.	GMU 560	5
Siouxon	WA	Any	Nov. ((26)) <u>25</u> - Dec. 8	3 pt. min.	GMU 572	5
Olympic	WA	Any	Sept. ((3-15)) <u>12-24</u>	3 pt. min.	GMU 621, EXCEPT Elk Area 6071	((9)) <u>8</u>
Skokomish	WA	Any	Sept. ((3-15)) <u>12-24</u>	3 pt. min.	GMU 636	((2)) <u>5</u>

Bulls						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Ten Forty	EM	Any	<u>Sept. 30 - Oct. ((1-10)) 9</u>	Spike bull only	Elk Area 1040	1
Grande Ronde	EM	Any	Oct. ((1-10)) <u>3-11</u>	Any bull	GMU 186	1
Teanaway	EM	Any	Dec. 9-16	Any bull	GMU 335	((13)) <u>11</u>
Alkali	EM	Any	Sept. ((24)) <u>25</u> - Oct. ((10)) <u>11</u>	Any bull	GMU 371	15
Nooksack	WM	Any	Sept. ((24)) <u>23</u> - Oct. ((5)) <u>4</u> and Nov. ((22-30)) <u>21-29</u>	Spike bull only	GMU 418 and Elk Area 4941	3
((Margaret	WM	Any	<u>Oct. 4-10</u>	Any bull	GMU 524	28))
Upper Smith Creek	WM	Any	Oct. ((11-17)) <u>9-15</u>	Any bull	Elk Area 5064	2
Mount Whittier	WM	Any	Oct. ((4-10)) <u>9-15</u>	Any bull	Elk Area 5065	1
<u>Norway Pass</u>	<u>WM</u>	<u>Any</u>	<u>Oct. 9-15</u>	<u>Any bull</u>	<u>Elk Area 5066</u>	<u>3</u>
Yale	WM	Any	Nov. ((26)) <u>25</u> - Dec. 15	3 pt. min.	GMU 554	15
Olympic	WM	Any	Oct. ((4-10)) <u>3-9</u>	3 pt. min.	GMU 621, EXCEPT for Elk Area 6071	4
Skokomish	WM	Any	Oct. ((4-10)) <u>3-9</u>	3 pt. min.	GMU 636	((2)) <u>3</u>
White River	WM	Any	Oct. ((4-10)) <u>3-9</u>	Any bull	GMU 653	((6)) <u>8</u>

Antlerless Elk						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
North Half	EF	Any	Oct. ((20)) <u>31</u> - Nov. ((2)) <u>8</u>	Antlerless	GMUs 101, 105, 204	10
Stevens	EF	Any	Oct. ((20)) <u>31</u> - Nov. ((2)) <u>8</u>	Antlerless	GMUs 108, 121	10
Aladdin	EF	Any	Oct. ((20)) <u>31</u> - Nov. ((2)) <u>8</u>	Antlerless	GMU 111	((15)) <u>10</u>
Selkirk	EF	Any	Oct. ((20)) <u>31</u> - Nov. ((2)) <u>8</u>	Antlerless	GMU 113	((20)) <u>10</u>
49 Degrees North	EF	Any	Oct. ((20)) <u>31</u> - Nov. ((2)) <u>8</u> and Dec. 16-31	Antlerless	GMU 117	((20)) <u>10</u>
((Turnbull	EF	Any	<u>Oct. 21-26</u>	Antlerless	Elk Area 1015	6))
Turnbull	EF	Any	Oct. ((28)) <u>27</u> - Nov. ((2)) <u>1</u>	Antlerless	Elk Area 1015	6
Turnbull	EF	Any	Nov. ((4-9)) <u>3-8</u>	Antlerless	Elk Area 1015	6
Mayview-Peola	EF	Any	Oct. ((11-19)) <u>17-25</u>	Antlerless	GMUs 145, 178	10
Mayview-Peola	EF	Any	Oct. ((25)) <u>31</u> - Nov. ((2)) <u>8</u>	Antlerless	GMUs 145, 178	((40)) <u>35</u>
<u>Prescott</u>	<u>EF</u>	<u>Any</u>	<u>Oct. 31 - Nov. 8</u>	<u>Antlerless</u>	<u>GMU 149</u>	<u>20</u>
Blue Creek	EF	Any	Oct. ((11-19)) <u>17-25</u>	Antlerless	GMU 154	10
((Preseott	EF	Any	<u>Oct. 25 - Nov. 2</u>	Antlerless	GMU 149	20))
Blue Creek	EF	Any	Oct. ((25)) <u>31</u> - Nov. ((2)) <u>8</u>	Antlerless	GMU 154	10
Marengo-Dayton	EF	Any	Oct. ((25)) <u>31</u> - Nov. ((2)) <u>8</u>	Antlerless	GMU 163 and Elk Area 1010	((75)) <u>100</u>
Mountain View	EF	Any	Oct. ((25)) <u>31</u> - Nov. ((2)) <u>8</u>	Antlerless	Elk Area 1013	((25)) <u>40</u>
Dayton	EF	Any	Oct. ((25)) <u>31</u> - Nov. ((2)) <u>8</u>	Antlerless	Elk Area 1016	25
Lick Creek	EF	Any	Oct. ((25)) <u>31</u> - Nov. ((2)) <u>8</u>	Antlerless	GMU 175	15
Couse	EF	Any	Aug. ((23 - Sept. 1)) <u>22-30</u>	Antlerless	GMU 181	30

Antlerless Elk						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Couse	EF	Any	Oct. 1-10	Antlerless	GMU 181	((30)) <u>35</u>
Malaga	EF	Any	Sept. 11-21	Antlerless	Elk Area 2032	10
Malaga	EF	Any	Nov. 4 - Dec. 31	Antlerless	Elk Area 2032	30
Colockum	EF	Any	((Oct. 29-)) Nov. ((2)) <u>4-8</u>	Antlerless	GMUs 328, 329	((425)) <u>590</u>
West Bar	EF	Any	Oct. ((25-29)) <u>31</u> - Nov. <u>3</u>	Antlerless	GMU 330	5
West Bar	EF	Any	((Oct. 30-)) Nov. ((2)) <u>4-8</u>	Antlerless	GMU 330	5
Teanaway	EF	Any	((Dec. 17-31)) <u>Aug. 1 - Sept. 11</u>	Antlerless	GMU 335	30
Taneum	EF	Any	((Oct. 29-)) Nov. ((2)) <u>4-8</u>	Antlerless	GMU 336	((400)) <u>340</u>
Manastash	EF	Any	((Oct. 29-)) Nov. ((2)) <u>4-8</u>	Antlerless	GMU 340	((400)) <u>340</u>
Umtanum	EF	Any	((Oct. 29-)) Nov. ((2)) <u>4-8</u>	Antlerless	GMU 342	((350)) <u>300</u>
Little Naches	EF	Any	((Oct. 29-)) Nov. ((2)) <u>4-8</u>	Antlerless	GMU 346	((500)) <u>425</u>
Nile	EF	Any	((Oct. 29-)) Nov. ((2)) <u>4-8</u>	Antlerless	GMU 352	40
Bumping	EF	Any	((Oct. 29-)) Nov. ((2)) <u>4-8</u>	Antlerless	GMU 356	60
Bethel	EF	Any	((Oct. 29-)) Nov. ((2)) <u>4-8</u>	Antlerless	GMU 360	25
Rimrock	EF	Any	((Oct. 29-)) Nov. ((2)) <u>4-8</u>	Antlerless	GMU 364	((250)) <u>210</u>
Cowiche	EF	Any	((Oct. 29-)) Nov. ((2)) <u>4-8</u>	Antlerless	GMU 368	((250)) <u>210</u>
Alkali	EF	Any	Oct. ((11-31)) <u>12-31</u>	Antlerless	GMU 371	20
North Bend	WF	Any	Nov. 1-12	Antlerless	Elk Area 4601	5
Green River	WF	Any	Nov. 7-13	Antlerless	GMU 485	2
Mossyrook	WF	Any	Nov. ((1-12)) <u>7-18</u>	Antlerless	GMU 505	50
Willapa Hills	WF	Any	Nov. ((1-12)) <u>7-18</u>	Antlerless	GMU 506	((35)) <u>25</u>
Winston	WF	Any	Nov. ((1-12)) <u>7-18</u>	Antlerless	GMU 520	40
Margaret	WF	Any	Nov. ((18-26)) <u>7-18</u>	Antlerless	GMU 524 (except for Elk Area 5066)	((70)) <u>40</u>
Ryderwood	WF	Any	Nov. ((1-12)) <u>7-18</u>	Antlerless	GMU 530	((50)) <u>35</u>
Coweeman	WF	Any	Nov. ((1-12)) <u>7-18</u>	Antlerless	GMU 550	((120)) <u>75</u>
Toutle	WF	Any	Nov. ((18-26)) <u>23-30</u>	Antlerless	GMU 556	((120)) <u>35</u>
Lewis River	WF	Any	Nov. ((1-12)) <u>7-18</u>	Antlerless	GMU 560	((75)) <u>60</u>
Washougal	WF	Any	Nov. ((1-12)) <u>7-18</u>	Antlerless	GMU 568	((50)) <u>35</u>
Siouxon	WF	Any	Nov. ((1-12)) <u>7-18</u>	Antlerless	GMU 572	20
Wind River	WF	Any	Nov. ((1-12)) <u>7-18</u>	Antlerless	GMU 574	((50)) <u>40</u>
West Klickitat	WF	Any	Nov. ((1-12)) <u>7-18</u>	Antlerless	GMU 578	((100)) <u>75</u>
(Toledo-	WF	Any	Nov. 1-12	Antlerless	Elk Area 5029	30
Green Mt.	WF	Any	Nov. 1-12	Antlerless	Elk Area 5051	10

Antlerless Elk						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Boistfort	WF	Any	Nov. 1-12	Antlerless	Elk Area 5054	75
Wildwood	WF	Any	Jan. 16-30, 2015	Antlerless	Elk Area 5064	20))
Grays River	WF	Any	Nov. ((1-12)) 7-18	Antlerless	Elk Area 5056	10
Upper Smith Creek	WF	Any	Oct. ((18-24)) 17-23	Antlerless	Elk Area 5064	4
Mount Whittier	WF	Any	Oct. ((11-17)) 17-23	Antlerless	Elk Area 5065	2
Norway Pass	WF	Any	Oct. 17-23	Antlerless	Elk Area 5066	5
Mudflow	WF	Any	Nov. ((4-7)) 7-18	Antlerless	Elk Area 5099	10
((Raymond)) Mallis	WF	Any	Dec. 16-31	Antlerless	Elk Area 6010	10
((Raymond)) Mallis	WF	Any	Jan. 1-20, ((2015)) 2016	Antlerless	Elk Area 6010	((5)) 20
((Raymond	WF	Any	Feb. 1-28, 2015	Antlerless	Elk Area 6010	5))
Puyallup	WF ((WA-WM))	Any	Jan. 1-20, ((2015)) 2016	Antlerless	Elk Area ((6013)) 6014	10
((North Minot	WF	Any	Oct. 20-31	Antlerless	Elk Area 6067	5))
Puyallup	WF	Any	Jan. 21 - Feb. 10	Antlerless	Elk Area 6014	10
Puyallup	WF	Any	Feb. 11-28	Antlerless	Elk Area 6014	10
Hanaford	WF	Any	Nov. ((3-14)) 7-18	Antlerless	Elk Area 6069	5
((North River	WF	Any	Nov. 5-10	Antlerless	GMU 658	40))
Deschutes	WF	Any	Jan. 10-20, ((2015)) 2016	Antlerless	GMU 666	10
Williams Creek	WF	Any	Nov. ((5-12)) 7-18	Antlerless	GMU 673	((50)) 45
Long Beach	WF	Any	Nov. 7-18	Antlerless	GMU 684	20
Turnbull	EA	Any	Sept. ((2-14)) 12-24	Antlerless	Elk Area 1015	14
Dayton	EA	Any	Sept. ((4-16)) 12-24	Antlerless	Elk Area 1016	15
Malaga	EA	Any	Aug. 31 - Sept. 6	Antlerless	Elk Area 2032	15
((Coloekum	EA	Any	Sept. 2-14	Antlerless	GMUs 328, 329	475))
Alkali	EA	Any	Sept. ((1-20)) 1-24	Antlerless	GMU 371	5
Margaret	WA	Any	Sept. ((6-21)) 12-24 and Dec. 1-15	Antlerless	GMU 524 (except for Elk Area 5066)	((35)) 30
Toutle	WA	Any	Sept. ((6-21)) 12-24 and Dec. 1-15	Antlerless	GMU 556	50
Upper Smith Creek	WA	Any	Oct. ((4-10)) 1-7	Antlerless	Elk Area 5064	4
Norway Pass	WA	Any	Oct. 1-7	Antlerless	Elk Area 5066	3
Mudflow	WA	Any	Sept. ((2-8)) 19-24	Antlerless	Elk Area 5099	10
Lewis River	WA	Any	Nov. ((26)) 25 - Dec. 8	Antlerless	GMU 560	10
Siouxon	WA	Any	Nov. ((26)) 25 - Dec. 8	Antlerless	GMU 572	5
Wynoochee	WA	Any	Nov. ((21)) 25 - Dec. 15	Antlerless	GMU 648	((150)) 135
Willapa NWR	WA	Any	Sept. 2-8	Antlerless	Designated areas on Wil- lapa Natl. Wildlife Refuge	3
Willapa NWR	WA	Any	Sept. 9-15	Antlerless	Designated areas on Wil- lapa Natl. Wildlife Refuge	3
North Half	EM	Any	Oct. ((4-10)) 3-9	Antlerless	GMUs 101, 105, 204	10
Stevens	EM	Any	Oct. ((4-10)) 3-9	Antlerless	GMUs 108, 121	10
Aladdin	EM	Any	Oct. ((4-10)) 3-9	Antlerless	GMU 111	10
Selkirk	EM	Any	Oct. ((4-10)) 3-9	Antlerless	GMU 113	10
49 Degrees North	EM	Any	Oct. ((4-10)) 3-9 and Dec. 16-31	Antlerless	GMU 117	20
Turnbull	EM	Any	Oct. ((4-10)) 3-9	Antlerless	Elk Area 1015	9
Turnbull	EM	Any	Nov. ((25)) 21 - Dec. ((8)) 4	Antlerless	Elk Area 1015	9
Dayton	EM	Any	Oct. ((4-10)) 3-9	Antlerless	Elk Area 1016	25

Antlerless Elk						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Blue Creek	EM	Any	Dec. 9 - Jan. 20, ((2015)) <u>2016</u>	Antlerless	GMU 154	25
Mountain View	EM	Any	Oct. ((4-10)) <u>3-9</u>	Antlerless	Elk Area 1013	5
Lick Creek	EM	Any	Oct. ((4-10)) <u>3-9</u>	Antlerless	GMU 175	10
Mayview-Peola	EM	Any	Oct. ((4-10)) <u>3-9</u>	Antlerless	GMUs 145, 178	20
Couse	EM	Any	Dec. 1-31	Antlerless	GMU 181	30
Malaga	EM	Any	Oct. 12-25	Antlerless	Elk Area 2032	35
Colockum	EM	Any	Oct. ((4-10)) <u>3-9</u>	Antlerless	GMUs 328, 329	((90)) <u>130</u>
West Bar	EM	Any	Oct. ((4-10)) <u>3-9</u>	Antlerless	GMU 330	5
Teanaway	EM	Any	Oct. 3-9	Antlerless	GMU 335	10
Taneum	EM	Any	Oct. ((4-10)) <u>3-9</u>	Antlerless	GMU 336	((400)) <u>340</u>
Manastash	EM	Any	Oct. ((4-10)) <u>3-9</u>	Antlerless	GMU 340	((400)) <u>340</u>
Umtanum	EM	Any	Oct. ((4-10)) <u>3-9</u>	Antlerless	GMU 342	((400)) <u>340</u>
Nile	EM	Any	Oct. ((4-10)) <u>3-9</u>	Antlerless	GMU 352	((20)) <u>15</u>
Bumping	EM	Any	Oct. ((4-10)) <u>3-9</u>	Antlerless	GMU 356	((30)) <u>25</u>
Bethel	EM	Any	Oct. ((4-10)) <u>3-9</u>	Antlerless	GMU 360	((25)) <u>20</u>
Cowiche	EM	Any	Oct. ((4-10)) <u>3-9</u>	Antlerless	GMU 368	((200)) <u>100</u>
Alkali	EM	Any	Sept. ((21)) <u>25</u> - Oct. ((10)) <u>11</u>	Antlerless	GMU 371	10
((Teanaway	EM	Any	Dec. 9-16	Antlerless	GMU 335	10))
Stella	WM	Any	Jan. 1-15, ((2015)) <u>2016</u>	Antlerless	GMU 504	75
((Toledo-	WM	Any	Dec. 8-20	Antlerless	Elk Area 5029	25
Mossyrook-	WM	Any	Jan. 1-15, 2015	Antlerless	Elk Area 5052	8
Boistfort-	WM	Any	Jan. 1-15, 2015	Antlerless	Elk Area 5054	75))
Willapa Hills	WM	Any	Oct. ((4-10)) <u>3-9</u>	Antlerless	GMU 506	15
((Green Mt.-	WM	Any	Jan. 1-15, 2015	Antlerless	Elk Area 5051	5
Wildwood-	WM	Any	Jan. 1-15, 2015	Antlerless	Elk Area 5061	20))
Mudflow	WM	Any	Oct. ((4-10)) <u>10-16</u>	Antlerless	Elk Area 5099	10
Winston	WM	Any	Oct. ((4-10)) <u>3-9</u>	Antlerless	GMU 520	((40)) <u>20</u>
Margaret	WM	Any	Oct. ((4-10)) <u>3-9</u>	Antlerless	GMU 524 <u>(except for Elk Area 5066)</u>	((35)) <u>20</u>
Ryderwood	WM	Any	Oct. ((4-10)) <u>3-9</u>	Antlerless	GMU 530	30
Coweeman	WM	Any	((Nov. 26 - Dec. 8)) <u>Oct. 3-9</u>	Antlerless	GMU 550	((45)) <u>40</u>
Yale	WM	Any	Oct. ((4-10)) <u>3-9</u>	Antlerless	GMU 554	40
Yale	WM	Any	Nov. ((26)) <u>25</u> - Dec. 15	Antlerless	GMU 554	35
Toutle	WM	Any	Oct. ((4-10)) <u>3-9</u>	Antlerless	GMU 556	((50)) <u>40</u>
Lewis River	WM	Any	Oct. ((4-10)) <u>3-9</u>	Antlerless	GMU 560	((35)) <u>20</u>
Washougal	WM	Any	Nov. ((26)) <u>25</u> - Dec. 8	Antlerless	GMU 568	35
Siouxon	WM	Any	Oct. ((4-10)) <u>3-9</u>	Antlerless	GMU 572	10
Wind River	WM	Any	Nov. ((26)) <u>25</u> - Dec. 8	Antlerless	GMU 574	50
West Klickitat	WM	Any	Nov. ((26)) <u>25</u> - Dec. 8	Antlerless	GMU 578	75
Upper Smith Creek	WM	Any	Oct. ((11-17)) <u>9-15</u>	Antlerless	Elk Area 5064	4

Antlerless Elk						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Mount Whittier	WM	Any	Oct. ((4-10)) 9-15	Antlerless	Elk Area 5065	2
Norway Pass	WM	Any	Oct. 9-15	Antlerless	Elk Area 5066	2
Mallis	WM	Any	Oct. 3-9	Antlerless	Elk Area 6010	20
Mashel	WM	Any	Jan. 1-15, ((2015)) 2016	Antlerless	Elk Area 6054	25
((Willapa NWR	WA	Any	Sept. 2-8	Antlerless	Designated areas on Willapa Natl. Wildlife Refuge	3
Willapa NWR	WA	Any	Sept. 9-15	Antlerless	Designated areas on Willapa Natl. Wildlife Refuge	3))
Willapa NWR	WM	Any	Sept. 20-25	Antlerless	Designated areas on Willapa Natl. Wildlife Refuge	2
Willapa NWR	WM	Any	Oct. 23-28	Antlerless	Designated areas on Willapa Natl. Wildlife Refuge	2
North River	WM	Any	Nov. ((20)) 25 - Dec. 15	Antlerless	GMU 658	20

Youth - Only youth hunters may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Turnbull	EF	Youth	Oct. 20-25	Antlerless	Elk Area 1015	6
Aladdin	EF	Youth	Oct. 31 - Nov. 8	Antlerless	GMU 111	5
Selkirk	EF	Youth	Oct. 31 - Nov. 8	Antlerless	GMU 113	5
49 Degrees North	EF	Youth	Oct. 31 - Nov. 8 and Dec. 16-31	Antlerless	GMU 117	5
Mayview-Peola	EF	Youth	Oct. 31 - Nov. 8	Antlerless	GMUs 145, 178	5
Blue Creek	EF	Youth	Oct. 31 - Nov. 8	Antlerless	GMU 154	2
Dayton	EF	Youth	Oct. ((25)) 31 - Nov. ((2)) 8	Antlerless	GMU 162	((5)) 10
Ten Forty	EF	Youth	Oct. 10-18	Antlerless	Elk Area 1040	5
Lick Creek	EF	Youth	Oct. ((25)) 31 - Nov. ((2)) 8	Antlerless	GMU 175	5
Couse	EF	Youth	Aug. 22-30	Antlerless	GMU 181	5
Couse	EF	Youth	Oct. 1-10	Antlerless	GMU 181	5
Colockum	EF	Youth	Nov. 4-15	Antlerless	GMUs 328, 329, 335	70
Yakima North	EF	Youth	Nov. 4-15	Antlerless	GMUs 336, 340, 342, 346	165
Yakima Central	EF	Youth	Nov. 4-15	Antlerless	GMUs 352, 356, 360	15
Yakima South	EF	Youth	Nov. 4-15	Antlerless	GMUs 364, 368	50
Colockum	EM	Youth	Oct. 3-11	Antlerless	GMUs 328, 329, 335	20
Yakima North	EM	Youth	Oct. 3-11	Antlerless	GMUs 336, 340, 342, 346	90
Yakima South	EM	Youth	Oct. 3-11	Antlerless	GMUs 364, 368	20
North Bend	WF, WM, WA	Youth	Nov. 1-12	Antlerless	Elk Area 4601	5
((Toledo-	WF, WM, WA	Youth	Aug. 1-7	Antlerless	Elk Area 5029	7))
Nooksack	WF, WM, WA	Youth	Sept. 21-23, Oct. 5-9, and Oct. 18-31	Any elk	Elk Area 4941	5
Grays River	WF((, WM, WA))	Youth	Dec. 16-31	Antlerless	Elk Area 5056	5
((Grays River	WF, WM, WA	Youth	Jan. 1-15, 2015	Antlerless	Elk Area 5056	5
Grays River	WF, WM, WA	Youth	Feb. 15-28, 2015	Antlerless	Elk Area 5056	5))
Mudflow	WF((, WM, WA))	Youth	Nov. ((26 - Dec. 2)) 24-30	Any bull	Elk Area 5099	3
Mudflow	WF((, WM, WA))	Youth	((Nov. 26 - Dec. 2)) Oct. 28 - Nov. 3	Antlerless	Elk Area 5099	4
Coweeman	WF	Youth	Nov. 7-18	Antlerless	GMU 550	25
Toutle	WF	Youth	Nov. 23-30	Antlerless	GMU 556	40
Lewis River	WF	Youth	Nov. 7-18	Antlerless	GMU 560	15
Wind River	WF	Youth	Nov. 7-18	Antlerless	GMU 574	10
West Klickitat	WF	Youth	Nov. 7-18	Antlerless	GMU 578	25

Youth - Only youth hunters may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Region 5	WF	Youth with mentor	Aug. 1, 2015 - Mar. 31, 2016	Antlerless	Designated Areas in Region 5	5 ^{HC}
Clearwater	WF	Youth	Nov. 7-18	Antlerless	GMU 615	5
Matheny	WF	Youth	Nov. 7-18	Antlerless	GMU 618	5
Wynoochee	WF	Youth	Nov. 7-18	Antlerless	GMU 648	10
North River	WF	Youth	Nov. 7-18	Antlerless	GMU 658	5
Williams Creek	WF	Youth	Nov. 7-18	Antlerless	GMU 673	10
Mallis	WF	Youth	Dec. 16-31	Antlerless	Elk Area 6010	10

65+ Senior - Only hunters 65 and older may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
((Aladdin	EF	65+	Oct. 25 - Nov. 2	Antlerless	GMU 111	5))
Northeast	EF	65+	Oct. ((25)) 31 - Nov. ((2)) 8 and Dec. 16-31	Antlerless	GMUs 113, 117	10
Prescott	EF	65+	Oct. ((25)) 31 - Nov. ((2)) 8	Antlerless	GMU 149	((5)) 3
Blue Creek	EF	65+	Oct. ((25)) 31 - Nov. ((2)) 8	Antlerless	GMU 154	((5)) 3
Dayton	EF	65+	Oct. ((25)) 31 - Nov. ((2)) 8	Antlerless	GMUs 162, 163	((5)) 3
Peola	EF	65+	Oct. ((25)) 31 - Nov. ((2)) 8	Antlerless	GMU 178	((5)) 3
((Taneum	EF	65+	Oct. 29 - Nov. 9	Antlerless	GMU 336	40
Manastash	EF	65+	Oct. 29 - Nov. 9	Antlerless	GMU 340	40
Umtanum	EF	65+	Oct. 29 - Nov. 9	Antlerless	GMU 342	40
Cowiche	EF	65+	Oct. 29 - Nov. 9	Antlerless	GMU 368	40))
Colockum	EF	65+	Nov. 4-15	Antlerless	GMUs 328, 329, 335	20
Yakima North	EF	65+	Nov. 4-15	Antlerless	GMUs 336, 340, 342, 346	40
Yakima Central	EF	65+	Nov. 4-15	Antlerless	GMUs 352, 356, 360	5
Yakima South	EF	65+	Nov. 4-15	Antlerless	GMUs 364, 368	15
Alkali	EF	65+	Oct. 11-31	Antlerless	GMU 371	10
North Bend	WF, WM, WA	65+	Nov. 1-12	Antlerless	Elk Area 4601	5
((Margaret	WF, WM, WA	65+	Nov. 18-26	Antlerless	GMU 524	10
Toledo	WF, WM, WA	65+	Aug. 15-21	Antlerless	Elk Area 5029	7
Grays River	WF, WM, WA	65+	Nov. 14-30	Antlerless	Elk Area 5056	5))
Colockum	EM	65+	Oct. 3-11	Antlerless	GMUs 328, 329, 335	5
Yakima North	EM	65+	Oct. 3-11	Antlerless	GMUs 336, 340, 342, 346	25
Yakima South	EM	65+	Oct. 3-11	Antlerless	GMUs 364, 368	5
Ryderwood	WF	65+	Nov. 7-18	Antlerless	GMU 530	15
West Klickitat	WM	65+	Nov. 25-Dec. 8	Antlerless	GMU 578	15
Nooksack	WF, WM, WA	65+	Sept. 21-23, Oct. 5-9, and Oct 18-31	Any elk	Elk Area 4941	5
Grays River	WF, WM, WA	65+	Jan. 16-31, ((2015)) 2016	Antlerless	Elk Area 5056	5
Centralia Mine	WF	65+	Jan. ((3-4, 2015)) 2-3, 2016	Antlerless	Elk Area 6011	5
Centralia Mine	WF	65+	Jan. ((10-11, 2015)) 9-10, 2016	Antlerless	Elk Area 6011	5
Hanaford	WF, WM, WA	65+	Jan. 1-15, ((2015)) 2016	Antlerless	Elk Area 6069	5
Hanaford	WF, WM, WA	65+	Jan. 16-30, ((2015)) 2016	Antlerless	Elk Area 6069	5

Hunters with Disabilities - Only hunters with disabilities may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Northeast	EF	Hunters w/ Disabilities	Oct. 31 - Nov. 8 and Dec. 16-31	Antlerless	GMUs 113, 117	4
Turnbull	EF, EM, EA	Hunters w/ Disabilities	Oct. 11-18	Antlerless	Elk Area 1015	6
Prescott	EF	Hunters w/ Disabilities	Oct. 31- Nov. 8	Antlerless	GMU 149	3
Blue Creek	EF	Hunters w/ Disabilities	Oct. 31- Nov. 8	Antlerless	GMU 154	3
Dayton	EF	Hunters w/ Disabilities	Oct. 31- Nov. 8	Antlerless	GMUs 162, 163	3
Peola	EF	Hunters w/ Disabilities	Oct. 31- Nov. 8	Antlerless	GMU 178	3
Observatory	EF, EM	Hunters w/ Disabilities	Oct. 20 - Nov. 2	Any bull	GMUs 340, 342	5
Little Naches	EF, EM, EA	Hunters w/ Disabilities	Oct. ((1-10)) 3-11	Any bull	GMU 346	5
((Little Naches-	EF, EM, EA	Hunters w/ Disabilities	Oct. 29 - Nov. 9	Antlerless	GMU 346	15))
Colockum	EF, EM, EA	Hunters w/ Disabilities	Nov. 4-15	Antlerless	GMUs 328, 329, 335	20
Yakima North	EF, EM, EA	Hunters w/ Disabilities	Nov. 4-15	Antlerless	GMUs 336, 340, 342, 346	65
Yakima Central	EF, EM, EA	Hunters w/ Disabilities	Nov. 4-15	Antlerless	GMUs 352, 356, 360	5
Yakima South	EF, EM, EA	Hunters w/ Disabilities	Nov. 4-15	Antlerless	GMUs 364, 368	20
Alkali	EF	Hunters w/ Disabilities	Oct. ((11-31)) 12-31	Any bull	GMU 371	5
Corral Canyon	EF, EM, EA	Hunters w/ Disabilities	Sept. 22-29	Any bull	Elk Area 3721	2
North Bend	WF, WM, WA	Hunters w/ Disabilities	Nov. 1-12	Antlerless	Elk Area 4601	5
((Toledo-	WF, WM, WA	Hunters w/ Disabilities	Aug. 8-14	Antlerless	Elk Area 5029	7))
Nooksack	WF, WM, WA	Hunters w/ Disabilities	Sept. 21-23, Oct. 5-9, and Oct. 18-31	Any elk	Elk Area 4941	5
Grays River	WF, WM, WA	Hunters w/ Disabilities	((Dec. 1-15)) Feb. 15-28, 2016	Antlerless	Elk Area 5056	5
((Grays River	WF, WM, WA	Hunters w/ Disabilities	Feb. 1-14, 2015	Antlerless	Elk Area 5056	5))
Mudflow	WF, WM, WA	Hunters w/ Disabilities	Oct. ((20-26)) 18-24	Antlerless	Elk Area 5099	4
Mudflow	WF, WM, WA	Hunters w/ Disabilities	Sept. ((15-21)) 25 - Oct. 1	Any bull	Elk Area 5099	4
Washougal	WF	Hunters w/ Disabilities	Nov. 7-18	Antlerless	GMU 568	15
Centralia Mine	WF	Hunters w/ Disabilities	Oct. ((4-5)) 3-4	Antlerless	Designated Areas in Elk Area 6011	5
Centralia Mine	WF	Hunters w/ Disabilities	Oct. ((11-12)) 10-11	Antlerless	Designated Areas in Elk Area 6011	5
Region 5	WF	Hunters w/ Disabilities	Aug. 1, 2015 - Mar. 31, 2016	Antlerless	Designated Areas in Region 5	5 ^{HC}

Master Hunter - Only master hunters may apply. Weapon must be consistent with weapon/tag restriction noted for hunt. Additional weapon restrictions may be conditioned by the hunt coordinator for each hunt. For those hunts requiring the purchase of a master hunter second tag, one elk may be killed in the unit under the authorization of the special permit.							
Hunt Name	Weapon/Tag	Requirements	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Turnbull	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Dec. 10-31	Antlerless	Elk Area 1015	6
Region 1	EF, EA, EM/2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, ((2014)) 2015 - Mar. 31, ((2015)) 2016	Antlerless	Region 1	20 ^{HC}
Region 2	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, ((2014)) 2015 - Mar. 31, ((2015)) 2016	Antlerless	Designated Areas in Region 2	50 ^{HC}
Fairview	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Nov. 1, ((2014--Feb-28, 2015)) 2015 - Mar. 31, 2016	Antlerless	Designated Areas in GMUs 328-368	40 ^{HC}
Region 3	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, ((2014)) 2015 - Mar. 31, ((2015)) 2016	Antlerless	Designated Areas in Region 3	25 ^{HC}
Rattlesnake Hills	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, ((2014)) 2015 - Feb. 28, ((2015)) 2016	Antlerless	Designated Areas in GMU 372	20 ^{HC}
North Bend	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, ((2014)) 2015 - Mar. 31, ((2015)) 2016	Antlerless	Designated Areas in Elk Area 4601	((35)) 15 ^{HC}
((Skagit River	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, 2014 - Mar. 31, 2015	Antlerless	Elk Area 4941	30))
Region 4 North	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, ((2014)) 2015 - Mar. 31, ((2015)) 2016	Antlerless	Designated Areas in Whatcom and Skagit counties	((25)) 10 ^{HC}
Region 4 South	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, ((2014)) 2015 - Mar. 31, ((2015)) 2016	Antlerless	Designated Areas in King and Snohomish counties	10 ^{HC}
((Green Mt.	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Jan. 16-30, 2015	Antlerless	Elk Area 5051	5
Mossyrock	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Jan. 16-30, 2015	Antlerless	Elk Area 5052	40))
Pumice Plains	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Oct. ((11-17)) 9-15	Antlerless	Elk Area 5063	2
Pumice Plains	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Oct. ((18-24)) 17-23	Antlerless	Elk Area 5063	5
((Toledo	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Dec. 21-31	Antlerless	Elk Area 5029	25))
Trout Lake**	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Dec. 15-31	Antlerless	Elk Area 5062	((3)) 5
((Grays River	WF, WM, WA/2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1-15	Antlerless	Elk Area 5056	5))
Grays River	WF, WM, WA/2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 16-30	Antlerless	Elk Area 5056	5
Trout Lake**	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Jan. 1-15, ((2015)) 2016	Antlerless	Elk Area 5062	((3)) 5
Trout Lake**	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Jan. 16-30, ((2015)) 2016	Antlerless	Elk Area 5062	((3)) 5
Region 5	Any western elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, ((2014)) 2015 - Mar. 31, ((2015)) 2016	Antlerless	Designated Areas in Region 5	40 ^{HC}
((North River	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Dec. 16, 2014 - Feb. 28, 2015	Antlerless	Designated Areas in GMU 658	10 ^{HC}))

Master Hunter - Only master hunters may apply. Weapon must be consistent with weapon/tag restriction noted for hunt. Additional weapon restrictions may be conditioned by the hunt coordinator for each hunt. For those hunts requiring the purchase of a master hunter second tag, one elk may be killed in the unit under the authorization of the special permit.

Hunt Name	Weapon/Tag	Requirements	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Region 6	WF, WA, WM/2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, ((2014)) 2015 - Mar. 31, ((2015)) 2016	Antlerless	Designated Areas in Region 6	60 ^{HC}

** May only hunt on privately owned lands. Must use only archery or legal shotgun (10 or 12 gauge; slugs only).

HC This is a damage hunt administered by a WDFW designated hunt coordinator. Successful applicants will be contacted on an as-needed basis to help with specific sites of elk damage on designated landowner's property. Not all successful applicants will be contacted in any given year, depending on elk damage activity for that year.

Hunter Education Instructor Incentive Permits				
<ul style="list-style-type: none"> - Special elk permits will be allocated through a random drawing to those hunter education instructors who qualify. - Permit hunters must use archery equipment during archery seasons, muzzleloader equipment or archery equipment during muzzleloader seasons, and any legal weapon during modern firearm seasons. Hunter orange is required during modern firearm seasons. - Except for online class incentive permits and chief instructor incentive permits, qualifying hunter education instructors must be certified and have been in active status for a minimum of three consecutive years, inclusive of the year prior to the permit drawing. ((- Instructors who are drawn, accept a permit denoted with (*) below, and are able to participate in the hunt, will not be eligible for those specific incentive permits for a period of ten years thereafter.)) - Permittees may purchase a second license for use with the permit hunt only. - Qualified hunter education instructors may only receive one incentive permit each year. 				
Area	Dates	Restrictions	GMUs	Permits
((Region-3))	All general season and permit seasons established for GMUs included with the permit. Not eligible for seasons and permits for auction hunts; raffle hunts; and hunts for master hunters, youth hunters, hunters with disabilities, or hunters 65 years and older, unless the hunter education instructor legally qualifies for such hunts.	((Any elk	GMUs 336-368	1*)
Region 3		Any elk	GMUs 336-368	((+) 2
((Region-5))		((Any elk	All 500-series GMUs EXCEPT GMU 522	3*)
Region 5		Any elk	All 500 series GMUs EXCEPT GMU 522	((+) 4
Region 6		((3-pt-min-)) Any elk	GMUs 654, 660, 672, 673, 681	1((*)

AMENDATORY SECTION (Amending WSR 14-10-019, filed 4/25/14, effective 5/26/14)

WAC 232-28-624 Deer area descriptions. The following areas are defined as deer areas:

Deer Area No. 1008 West Wenaha (Columbia County): That part of GMU 169 west of USFS trail 3112 from Tepee Camp (east fork of Butte Creek) to Butte Creek, and west of Butte Creek to the Washington-Oregon state line.

Deer Area No. 1009 East Wenaha (Columbia, Garfield, Asotin counties): That portion of GMU 169 east of USFS trail 3112 from Tepee Camp (east fork Butte Creek) to Butte Creek, and east of Butte Creek to the Washington-Oregon state line.

Deer Area No. 1010 (Columbia County): GMU 162 excluding National Forest land and the Rainwater Wildlife Area.

Deer Area No. 1021 Clarkston (Asotin County): That portion of GMU 178 beginning at the junction of the Highway 12 bridge and Alpowa Creek; east on Highway 12 to Silcott Road; south and east on Silcott Road to Highway 128; southwest on Highway 128 to McGuire Gulch Road; southeast

along the bottom of McGuire Gulch to Asotin Creek; east on Asotin Creek to the Snake River; north and west on the Snake River to Alpowa Creek; southwest of Alpowa Creek to the Highway 12 bridge and the point of beginning.

Deer Area No. 1030 Republic (Ferry County): That area within 1/2 mile surrounding the incorporated town of Republic.

Deer Area No. 1031 Parker Lake (Pend Oreille County): That area within GMU 117 south of Ruby Creek Rd (USFS Road 2489), north of Tacoma Creek Rd (USFS Road 2389), and west of Bonneville Power Administration power lines. The Parker Lake Deer Area is a protected area for the U.S. Air Force Military Survival Training Program that allows some limited access for special permit hunting.

Deer Area No. 1035 Highway 395 Corridor (Stevens County): That portion of GMU 121 beginning at the intersection of US Highway (Hwy) 395 (State Route 20) and State Route (SR) 25: S on SR 25 to Old Kettle Rd; E on Old Kettle Rd to Mingo Mountain Rd; S on Mingo Mountain Rd to Greenwood Loop Rd; E on Greenwood Loop Rd to the bridge over the Colville River; S on the Colville River to the bridge over Gold Creek Loop/Valley Westside Rd; W and S on Val-

ley Westside Rd to the Orin-Rice Rd; E on Orin-Rice Rd to Haller Creek Rd; S on Haller Creek Rd to Skidmore Rd; E and S on Skidmore Rd to Arden Hill Rd; E on Arden Hill Rd to Townsend-Sackman Rd; S on Townsend-Sackman Rd to Twelve Mile Rd; S on Twelve Mile Rd to Marble Valley Basin Rd; S on Marble Valley Basin Rd to Zimmer Rd; S on Zimmer Rd to Blue Creek West Rd; E on Blue Creek West Rd to Dry Creek Rd; S on Dry Creek Rd to Duncan Rd; E on Duncan Rd to Tetro Rd; S on Tetro Rd to Heine Rd; E and S on Heine Rd to Farm-to-Market Rd; S on Farm-to-Market Rd to Newton Rd (also known as Rickers Lane); E on Newton Rd to US Hwy 395; N on US Hwy 395 to McLean Rd and Twelve Mile Rd (also known as Old Arden Hwy); N on McLean Rd and Twelve Mile Rd to US Hwy 395; N on US Hwy 395 to Old Arden Hwy (again); N on Old Arden Hwy to US Hwy 395; N on US Hwy 395, through the town of Colville, then W on US Hwy 395 (SR 20) to SR 25 and the point of beginning.

Deer Area No. 1040 (Asotin County): That area within GMU 172 designated as the WDFW owned lands (~~associated with~~) managed as the 4-O Ranch Wildlife Area. (~~Also includes those portions of Section 1, Township 6N, Range 43E, east of Wenatchee (a.k.a. Menatchee) Creek. Excludes those portions of Section 35, Township 7N, Range 43E, west of Wenatchee (a.k.a. Menatchee) Creek.~~)

Deer Area No. 1050 Spokane North (Spokane County): From the intersection of the Spokane River and the Idaho-Washington state line, N to Hauser Lake Rd, W to Starr Rd, S to Newman Lake Dr, W and N to Foothills Rd, W to Forker Rd, N and W to Hwy 206 (Mt Spokane Park Rd), N to Feehan Rd, N to Randall Rd, W to Day Mt Spokane Rd, N to Big Meadows Rd, W to Madison Rd, N to Tallman Rd, W to Elk-Chattaroy Rd, N to Laurel Rd, E to Conklin Rd, N to Nelson Rd, E to Jackson Rd, N to Oregon Rd, E to Jefferson Rd, N to Frideger Rd, W to Elk-Camden Rd, S to Boundary Rd, N and W to Dunn Rd, S to Oregon Rd, W to Hwy 2, S on US Hwy 2 to the Deer Park-Milan Rd, W on the Deer Park-Milan Rd to US Hwy 395 at the town of Deer Park, NW on US Hwy 395 and W onto Williams Valley Rd, W and S to Hattery Rd (Owens Rd), S and E to Swenson Rd, S to Hwy 291, west to Stone Lodge Rd, west to the Spokane River, E on the Spokane River to the Idaho state border and the point of beginning.

Deer Area No. 1060 Spokane South (Spokane County): That part of GMU 127 beginning at the intersection of Spokane River and Barker Rd Bridge, Barker Rd S to 24 Ave, 24 Ave W to Barker Rd, Barker Rd S to 32 Ave, 32 Ave W to Linke Rd, Linke Rd S and E to Chapman Rd, Chapman Rd S to Linke Rd, Linke Rd S to Belmont Rd, Belmont Rd W to Jackson Rd, Jackson Rd S to Hwy 27 S to Elder Rd, Elder Rd W to Valley Chapel Rd, Valley Chapel Rd S to Spangle Creek Rd, Spangle Creek Rd SW to Hwy 195, Hwy 195 N to I-90, I-90 E to Latah Creek at I-90-Latah Creek Bridge, Latah Creek NE to Spokane River, Spokane River E to the Barker Rd Bridge and the point of beginning.

Deer Area No. 1070 Spokane West (Spokane County): That part of GMU 130 beginning at the intersection of I-90 and Latah Creek at I-90-Latah Creek Bridge, NE to Hwy 195

S on Hwy 195 S to Paradise Rd, Paradise Rd W to Smythe Road, Smythe Road NW to Anderson Rd, Anderson Rd W to Cheney Spokane Rd, Cheney Spokane Rd SW to Hwy 904/1st St in the town of Cheney, 1st SW to Salnave Rd/Hwy 902, Salnave Rd NW to Malloy Prairie Rd, Malloy Prairie Rd W to Medical Lake Tyler Rd, Medical Lake Tyler Rd N to Gray Rd, Gray Rd W then N to Fancher Rd, Fancher Rd NW to Ladd Rd, Ladd Rd N to Chase Rd, Chase Rd E to Espanola Rd, Espanola Rd N turns into Wood Rd, Wood Rd N to Coulee Hite Rd, Coulee Hite Rd E to Seven Mile Rd, Seven Mile Rd E to Spokane River, Spokane River S to Latah Creek, Latah Creek S to I-90 at the Latah Creek Bridge and the point of beginning.

Deer Area No. 1080 Colfax (Whitman County): That part of GMUs 139 and 142 beginning at the intersection of Hwy 195 and Crumbaker Rd, NE on Crumbaker Rd to Brose Rd, E on Brose Rd to Glenwood Rd, S on Glenwood Rd to Hwy 272, SE on Hwy 272 to Clear Creek Rd, SE on Clear Creek Rd to Stueckle Rd, S on Stueckle Rd to Palouse River Rd, E to Kenoyer Rd SE to Abbott Rd, S on Abbott Rd to Parvin Rd, S on Parvin Rd to McIntosh Rd, S on McIntosh Rd to 4 mile Rd/Shawnee Rd, W on Shawnee Rd to Hwy 195, N on Hwy 195 to Prune Orchard Rd, W on Prune Orchard Rd to Almota Rd, S on Almota Rd to Duncan Springs Rd, W and NW on Duncan Springs Rd to Airport Rd, NW on Airport Rd to Fairgrounds Rd, N on Fairgrounds Rd to Endicott Rd, NNW on Endicott Rd to Morley Rd, E and S and E on Morley Rd to Hwy 295 (26), NE on Hwy 295 to West River Dr then follow Railroad Tracks NW to Manning Rd, E on Manning Rd to Green Hollow Rd, E and S on Green Hollow Rd to Bill Wilson Rd, E on Bill Wilson Rd to Hwy 195, S on Hwy 195 to Crumbaker Rd and the point of beginning.

Deer Area No. 2010 Benge (Adams and Whitman counties): That part of GMU 284 beginning at the town of Wash-tucna; north on SR 261 to Weber Road; east on Weber Road to Benzel Road; north on Benzel Road to Wellsandt Road; east on Wellsandt Road to Hills Road; south on Hills Road to Urquhart Road; east on Urquhart Road to Harder Road, East on Harder Road to McCall Road; east on McCall Road to Gering Road; east on Gering Road to Lakin Road; east on Lakin Road to Revere Road; south on Revere Road to George Knott Road; south on George Knott Road to Rock Creek; south along Rock Creek to the Palouse River; south and west along the Palouse River to SR 26; west on SR 26 to Wash-tucna and the point of beginning.

Deer Area No. 2011 Lakeview (Grant County): That part of GMU 272 beginning at the junction of SR 28 and First Avenue in Ephrata; west on First Avenue to Sagebrush Flats Road; west on Sagebrush Flats Road to Norton Canyon Road; north on Norton Canyon Road to E Road NW; north on E Road NW to the Grant-Douglas county line; east along the county line to the point where the county line turns north; from this point continue due east to SR 17; south on SR 17 to SR 28 at Soap Lake; south on SR 28 to the junction with First Avenue in Ephrata and the point of beginning.

Deer Area No. 2012 Methow Valley (Okanogan County): All private land in the Methow Watershed located outside the external boundary of the Okanogan National Forest and north

of the following boundary: Starting where the Libby Creek Road (County road 1049) intersects the Okanogan National Forest boundary; east on road 1049 to State Hwy 153; north on Hwy 153 to the Old Carlton Road; east on the Old Carlton Road to the Texas Creek Road (County road 1543); east on the Texas Creek Road to the Vintin Road (County road 1552); northeast on the Vintin Road to the Okanogan National Forest boundary.

Deer Area No. 2013 North Okanogan (Okanogan County): Restricted to private land only located within the following boundary: Beginning in Tonasket at the junction of Havillah Rd and Hwy 97; NE on Havillah Rd to Dry Gulch Extension Rd; N to Dry Gulch Rd; N on Dry Gulch Rd to Oroville-Chesaw Rd; W on Oroville-Chesaw Rd to Molson Rd; N on Molson Rd to Nine Mile Rd; N and W on Nine Mile Rd to the Canadian border at the old Sidley Town Site; W along the border to the east shore of Lake Osoyoos; S around Lake Osoyoos to the Okanogan River; S along the east bank of the Okanogan River to the Tonasket Fourth Street Bridge; E on Fourth Street to Hwy 97; N on Hwy 97 to point of beginning.

Deer Area No. 2014 Central Okanogan (Okanogan County): Restricted to private land only located within the following boundary: Beginning in Tonasket on the Okanogan River at the Fourth Street Bridge; S along Hwy 7 to Pine Creek Rd; W along Pine Creek Rd to Horse Spring Coulee Rd; W and N on Horse Spring Coulee Rd to Beeman Rd; W on Beeman Rd to North Lemanasky Rd; S along North Lemanasky Rd to Pine Creek Rd; S on Pine Creek Rd to Hagood Cut-off Rd; S on Hagood Cut-off Rd to South Pine Creek Rd; E on South Pine Creek Rd to Hwy 97; S on Hwy 97 to Town of Riverside North Main Street junction; SE on North Main Street to Tunk Valley Rd and the Okanogan River Bridge; E on Tunk Valley Rd to Chewiliken Valley Rd; NE along Chewiliken Valley Rd to Talkire Lake Rd; N on Talkire Lake Rd to Hwy 20; W on Hwy 20 to the junction of Hwy 20 and Hwy 97; N on Hwy 97 to Fourth Street; W on Fourth Street to point of beginning.

Deer Area No. 2015 Omak (Okanogan County): Restricted to private land only located within the following boundary: Beginning at Hwy 97 and Riverside Cut-off road; west on Riverside Cut-off Rd to Conconully Road; south on Conconully Rd to Danker Cut-off road; west on Danker Cut-off road to Salmon Creek Rd; north on Salmon Creek Rd to Spring Coulee Rd; south on Spring Coulee Rd to B&O Road North Rd; southwest on B&O North Rd to Hwy 20; east on Hwy 20 to B&O Rd; south on B&O Rd to the Town of Malott and the bridge over the Okanogan River; north along the west bank of the Okanogan River to the Town of Riverside and the Tunk Valley road bridge; west on Tunk Valley road to State Street in Riverside; south on State Street to 2nd Street; west on 2nd Street to Hwy 97 and the point of beginning.

Deer Area No. 2016 Conconully (Okanogan County): Restricted to private land only located within the following boundary: Beginning at the Conconully town limit at the south edge of Town and the east shore of Conconully Reservoir; south along the east shore of the reservoir to Salmon Creek; south along the east bank of Salmon Creek to Salmon

Creek road at the old Ruby Town site; south on Salmon Creek road to Green Lake road; northeast on Green Lake road to Conconully road; north on Conconully road to the south limit of the Town of Conconully and the point of beginning.

Deer Area No. 3071 Whitcomb (Benton County): That part of GMU 373 made up by the Whitcomb Unit of the Umatilla National Wildlife Refuge.

Deer Area No. 3072 Paterson (Benton County): That part of GMU 373 made up by the Paterson Unit of the Umatilla National Wildlife Refuge.

Deer Area No. 3088 High Prairie (Klickitat County): That portion of GMU 388 (Grayback) that is south of SR 142.

Deer Area No. 3682 Ahtanum (Yakima County): That part of GMU 368 beginning at the power line crossing on Ahtanum Creek in T12N, R16E, Section 15; west up Ahtanum Creek to South Fork Ahtanum Creek; southwest up South Fork Ahtanum Creek to its junction with Reservation Creek; southwest up Reservation Creek and the Yakama Indian Reservation boundary to the main divide between the Diamond Fork drainage and Ahtanum Creek drainage; north along the crest of the main divide between the Diamond Fork drainage and the Ahtanum Creek drainage to Darland Mountain; northeast on US Forest Service Trail 615 to US Forest Service Road 1020; northeast on US Forest Service Road 1020 to US Forest Service Road 613; northeast on US Forest Service Road 613 to US Forest Service Trail 1127; northeast on US Forest Service Trail 1127 to US Forest Service Road 1302 (Jump Off Road), southeast of the Jump Off Lookout Station; northeast on US Forest Service Road 1302 (Jump Off Road) to Hwy 12. Northeast on Hwy 12 to the Naches River. Southeast down the Naches River to Cowiche Creek. West up Cowiche Creek and the South Fork Cowiche Creek to Summitview Ave. Northwest on Summitview Ave to Cowiche Mill Road. West on Cowiche Mill Road to the power line in the northeast corner of T13N, R15E, SEC 13. Southeast along the power line to Ahtanum Creek and the point of beginning.

Deer Area No. 5064: That part of GMU 564 in the Columbia River near the mouth of the Cowlitz River made up of Cottonwood Island and Howard Island.

Deer Area No. 6020 (Clallam and Jefferson counties): Dungeness-Miller Peninsula: That part of GMU 624 west of Discovery Bay and Salmon Creek.

WSR 15-11-005

PERMANENT RULES

DEPARTMENT OF HEALTH

(Dental Quality Assurance Commission)

[Filed May 7, 2015, 1:42 p.m., effective June 7, 2015]

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

Purpose: WAC 246-817-187 Temporary practice permit—Military spouse eligibility and issuance, adding a new section to provide for temporary practice permits to be issued to military spouses or state-registered domestic partners who

hold out-of-state credentials as dentists, expanded function dental auxiliaries, dental assistants, or dental anesthesia assistants.

Statutory Authority for Adoption: RCW 18.32.0365 and 18.340.020.

Other Authority: Chapter 18.340 RCW.

Adopted under notice filed as WSR 15-03-085 on January 21, 2015.

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 1, Amended 0, Repealed 0.

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

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

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

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

Date Adopted: March 6, 2015.

Robert R. Shaw, DMD
Commission Chair

NEW SECTION

WAC 246-817-187 Temporary practice permit—Military spouse eligibility and issuance. A military spouse or state registered domestic partner of a military person may receive a temporary practice permit while completing any specific additional requirements that are not related to training or practice standards for the profession. This section applies to dentists licensed in chapter 18.32 RCW, expanded function dental auxiliaries licensed and dental assistants registered in chapter 18.260 RCW, and dental anesthesia assistants certified in chapter 18.350 RCW.

(1) A temporary practice permit may be issued to an applicant who is a military spouse or state registered domestic partner of a military person and:

(a) Is moving to Washington as a result of the military person's transfer to Washington;

(b) Left employment in another state to accompany the military person to Washington;

(c) Holds an unrestricted, active credential in another state that has substantially equivalent credentialing standards for the same profession to those in Washington; and

(d) Is not subject to any pending investigation, charges, or disciplinary action by the regulatory body of the other state or states.

(2) A temporary practice permit grants the individual the full scope of practice for the profession.

(3) A temporary practice permit expires when any one of the following occurs:

(a) The credential is granted;

(b) A notice of decision on the application is mailed to the applicant, unless the notice of decision on the application

specifically extends the duration of the temporary practice permit; or

(c) One hundred eighty days after the temporary practice permit is issued.

(4) To receive a temporary practice permit, the applicant must:

(a) Submit the necessary application, fee(s), fingerprint card if required, and documentation for the credential;

(b) Attest on the application that the applicant left employment in another state to accompany the military person;

(c) Meet all requirements and qualifications for the credential that are specific to the training, education, and practice standards for the profession;

(d) Provide verification of having an active unrestricted credential in the same profession from another state that has substantially equivalent credentialing standards for the profession in Washington;

(e) Submit a copy of the military person's orders and a copy of:

(i) The military-issued identification card showing the military person's information and the applicant's relationship to the military person;

(ii) A marriage license; or

(iii) A state registered domestic partnership; and

(f) Submit a written request for a temporary practice permit.

(5) For the purposes of this section:

(a) "Military person" means a person serving in the United States armed forces, the United States public health service commissioned corps, or the merchant marine of the United States.

(b) "Military spouse" means the husband, wife, or registered domestic partner of a military person.

WSR 15-11-008

PERMANENT RULES

HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed May 7, 2015, 3:19 p.m., effective June 7, 2015]

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

Purpose: The agency amended these rules to replace outdated references to DSHS, and to update invalid references to Title 388 WAC.

Citation of Existing Rules Affected by this Order: Amending 10.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 15-08-057 on March 27, 2015 [2015].

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 Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 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 10, Repealed 0.

Date Adopted: May 7, 2015.

Jason R. P. Crabbe
Rules Coordinator

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-548-1000 Federally qualified health centers—Purpose. This chapter establishes the ~~((department's))~~ medicaid agency's:

(1) Requirements for enrollment as a federally qualified health center (FQHC) provider; and

(2) Reimbursement methodology for services provided by an FQHC~~((s))~~ to a Washington apple health client~~((s or medical assistance))~~.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-548-1100 Federally qualified health centers—Definitions. This section contains definitions of words or phrases that apply to this chapter. Unless defined in this chapter or chapter 182-500 WAC ~~((388-500-0005))~~, the definitions found in the Webster's New World Dictionary apply.

"APM index" - The alternative payment methodology (APM) is used to update APM encounter payment rates on an annual basis. The APM index is a measure of input price changes experienced by Washington's federally qualified health center (FQHC) and rural health clinic (RHC) providers. The index is derived from the federal medicare economic index (MEI) and Washington-specific variable measures.

"Base year" - The year that is used as the benchmark in measuring a center's total reasonable costs for establishing base encounter rates.

"Cost report" - A statement of costs and provider utilization that occurred during the time period covered by the cost report. FQHCs must complete a cost report when there is a change in scope, rebasing of the encounter rate, or when the ~~((department))~~ medicaid agency sets a base rate.

"Encounter" - A face-to-face visit between a client and a FQHC provider (e.g., a physician, physician's assistant, or advanced registered nurse practitioner) who exercises independent judgment when providing services that qualify for an encounter rate.

"Encounter rate" - A cost-based, facility-specific rate for covered FQHC services, paid to an FQHC for each valid encounter it bills.

"Enhancements (also called managed care enhancements)" - A monthly amount paid by the ~~((department))~~ agency to FQHCs for each client enrolled with a managed care organization (MCO). MCOs may contract with FQHCs

to provide services under managed care programs. FQHCs receive enhancements from the ~~((department))~~ agency in addition to the negotiated payments they receive from the MCOs for services provided to enrollees.

"Federally qualified health center (FQHC)" - An entity that has entered into an agreement with the Centers for Medicare and Medicaid Services (CMS) to meet medicare program requirements under 42 C.F.R. 405.2434 and:

(1) Is receiving a grant under section 329, 330, or 340 of the Public Health Service (PHS) Act, or is receiving funding from such a grant under a contract with the recipient of such a grant and meets the requirements to receive a grant under section 330 of the Public Health Service Act;

(2) Based on the recommendation of the PHS, is determined by CMS to meet the requirements for receiving such a grant;

(3) Was treated by CMS, for purposes of part B, as a comprehensive federally funded health center (FFHC) as of January 1, 1990; or

(4) Is an outpatient health program or facility operated by a tribe or tribal organization~~((s))~~ under the Indian Self-Determination Act or by an Urban Indian organization receiving funding under Title V of the Indian Health Care Improvement Act.

"Fee-for-service" - A payment method the ~~((department))~~ agency uses to pay providers for covered medical services provided to ~~((medical assistance))~~ Washington apple health clients, except those services provided under the ~~((department's))~~ agency's prepaid managed care organization or those services that qualify for an encounter rate.

"Interim rate" - The rate established by the ~~((department))~~ agency to pay an FQHC for covered FQHC services prior to the establishment of a permanent rate for that facility.

~~((Medical assistance - The various health care programs administered by the department that provide federal and/or state-funded health care benefits to eligible clients.))~~

"Rebasing" - The process of recalculating encounter rates using actual cost report data.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-548-1200 Federally qualified health centers—Enrollment. (1) To enroll as a ~~((medical assistance))~~ Washington apple health provider and receive payment for services, a federally qualified health center (FQHC) must:

(a) Receive FQHC certification for participation in the Title XVIII (medicare) program according to 42 C.F.R. 491;

(b) Sign a core provider agreement; and

(c) Operate in accordance with applicable federal, state, and local laws.

(2) The ~~((department))~~ medicaid agency uses one of two timeliness standards for determining the effective date of a medicaid-certified FQHC.

(a) The ~~((department))~~ agency uses medicare's effective date if the FQHC returns a properly completed core provider agreement and FQHC enrollment packet within sixty calendar days from the date of medicare's letter notifying the center of the medicare certification.

(b) The ~~((department))~~ agency uses the date the signed core provider agreement is received if the FQHC returns the properly completed core provider agreement and FQHC enrollment packet sixty-one or more calendar days after the date of medicare's letter notifying the clinic of the medicare certification.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-548-1300 Federally qualified health centers—Services. (1) The following outpatient services qualify for FQHC reimbursement:

- (a) Physician services specified in 42 C.F.R. 405.2412.
- (b) Nurse practitioner or physician assistant services specified in 42 C.F.R. 405.2414.
- (c) Clinical psychologist and clinical social worker services specified in 42 C.F.R. 405.2450.
- (d) Visiting nurse services specified in 42 C.F.R. 405.2416.
- (e) Nurse-midwife services specified in 42 C.F.R. 405.2401.
- (f) Preventive primary services specified in 42 C.F.R. 405.2448.

(2) The ~~((department))~~ medicaid agency pays for FQHC services when they are:

(a) Within the scope of an eligible client's ~~((medical assistance))~~ Washington apple health program. Refer to WAC ~~((388-501-0060))~~ 182-501-0060 scope of services; and

(b) Medically necessary as defined in WAC ~~((388-500-0005))~~ 182-500-0070.

(3) FQHC services may be provided by any of the following individuals in accordance with 42 C.F.R. 405.2446:

- (a) Physicians;
- (b) Physician assistants (PA);
- (c) Nurse practitioners (NP);
- (d) Nurse midwives or other specialized nurse practitioners;
- (e) Certified nurse midwives;
- (f) Registered nurses or licensed practical nurses; and
- (g) Psychologists or clinical social workers.

$$\text{Specific FQHC Base Encounter Rate} = \frac{(\text{Year 1999 Rate} \times \text{Year 1999 Encounters}) + (\text{Year 2000 Rate} \times \text{Year 2000 Encounters})}{(\text{Year 1999 Encounters} + \text{Year 2000 Encounters}) \text{ for each FQHC}}$$

(c) Beginning in calendar year 2002 and any year thereafter, encounter rates are increased by the MEI for primary care services, and adjusted for any increase or decrease in the FQHC's scope of services.

(5) The agency calculates the FQHC's APM encounter rate for services provided during the period beginning January 1, 2009, and ending April 6, 2011, as follows:

(a) The APM utilizes the FQHC base encounter rates, as described in subsection (4)(b) of this section.

AMENDATORY SECTION (Amending WSR 14-14-056, filed 6/26/14, effective 8/1/14)

WAC 182-548-1400 Federally qualified health centers—Reimbursement and limitations. (1) For services provided during the period beginning January 1, 2001, and ending December 31, 2008, the medicaid agency's payment methodology for federally qualified health centers (FQHC) was a prospective payment system (PPS) as authorized by 42 U.S.C. 1396a (bb)(2) and (3).

(2) For services provided beginning January 1, 2009, FQHCs have the choice to be reimbursed under the PPS or to be reimbursed under an alternative payment methodology (APM), as authorized by 42 U.S.C. 1396a (bb)(6). As required by 42 U.S.C. 1396a (bb)(6), payments made under the APM will be at least as much as payments that would have been made under the PPS.

(3) The agency calculates FQHC PPS encounter rates as follows:

(a) Until an FQHC's first audited medicaid cost report is available, the agency pays an average encounter rate of other similar FQHCs within the state, otherwise known as an interim rate;

(b) Upon availability of the FQHC's first audited medicaid cost report, the agency sets FQHC encounter rates at one hundred percent of its total reasonable costs as defined in the cost report. FQHCs receive this rate for the remainder of the calendar year during which the audited cost report became available. The encounter rate is then increased each January 1st by the percent change in the medicare economic index (MEI).

(4) For FQHCs in existence during calendar years 1999 and 2000, the agency sets encounter rates prospectively using a weighted average of one hundred percent of the FQHC's total reasonable costs for calendar years 1999 and 2000 and adjusted for any increase or decrease in the scope of services furnished during the calendar year 2001 to establish a base encounter rate.

(a) The agency adjusts PPS base encounter rates to account for an increase or decrease in the scope of services provided during calendar year 2001 in accordance with WAC 182-548-1500.

(b) PPS base encounter rates are determined using audited cost reports, and each year's rate is weighted by the total reported encounters. The agency does not apply a capped amount to these base encounter rates. The formula used to calculate base encounter rates is as follows:

(b) Base rates are adjusted to reflect any approved changes in scope of service in calendar years 2002 through 2009.

(c) The adjusted base rates are then increased by each annual percentage, from calendar years 2002 through 2009, of the IHS Global Insight index, also called the APM index. The result is the year 2009 APM rate for each FQHC that chooses to be reimbursed under the APM.

(6) This subsection describes the encounter rates that the agency pays FQHCs for services provided during the period beginning April 7, 2011, and ending June 30, 2011. On January 12, 2012, the federal Centers for Medicare and Medicaid Services (CMS) approved a state plan amendment (SPA) containing the methodology outlined in this section.

(a) During the period that CMS approval of the SPA was pending, the agency continued to pay FQHCs at the encounter rates described in subsection (5) of this section.

(b) Each FQHC has the choice of receiving either its PPS rate, as determined under the method described in subsection (3) of this section, or a rate determined under a revised APM, as described in (c) of this subsection.

(c) The revised APM uses each FQHC's PPS rate for the current calendar year, increased by five percent.

(d) For all payments made for services provided during the period beginning April 7, 2011, and ending June 30, 2011, the agency will recoup from FQHCs any amount in excess of the encounter rate established in this section. This process is specified in emergency rules that took effect on October 29, 2011, (WSR 11-22-047) and February 25, 2012 (WSR 12-06-002).

(7) This subsection describes the encounter rates that the agency pays FQHCs for services provided on and after July 1, 2011. On January 12, 2012, CMS approved a SPA containing the methodology outlined in this section.

(a) Each FQHC has the choice of receiving either its PPS rate as determined under the method described in subsection (3) of this section, or a rate determined under a revised APM, as described in (b) of this subsection.

(b) The revised APM is as follows:

(i) For FQHCs that rebased their rate effective January 1, 2010, the revised APM is their allowed cost per visit during the cost report year increased by the cumulative percentage increase in the MEI between the cost report year and January 1, 2011.

(ii) For FQHCs that did not rebase their rate effective January 1, 2010, the revised APM is based on their PPS base rate from 2001 (or subsequent year for FQHCs receiving their initial FQHC designation after 2002) increased by the cumulative percentage increase in the IHS Global Insight index from the base year through calendar year 2008 and by the cumulative percentage increase in the MEI from calendar years 2009 through 2011. The rates were increased by the MEI effective January 1, 2012, and will be increased by the MEI each January 1st thereafter.

(c) For all payments made for services provided during the period beginning July 1, 2011, and ending January 11, 2012, the agency will recoup from FQHCs any amount paid in excess of the encounter rate established in this section. This process is specified in emergency rules that took effect on October 29, 2011, (WSR 11-22-047) and February 25, 2012 (WSR 12-06-022).

(d) For FQHCs that choose to be paid under the revised APM, the agency will periodically rebase the encounter rates using the FQHC cost reports and other relevant data. Rebas-ing will be done only for FQHCs that are reimbursed under the APM.

(e) The agency will ensure that the payments made under the APM are at least equal to the payments that would be made under the PPS.

(8) The agency limits encounters to one per client, per day except in the following circumstances:

(a) The visits occur with different health care professionals with different specialties; or

(b) There are separate visits with unrelated diagnoses.

(9) FQHC services and supplies incidental to the provider's services are included in the encounter rate payment.

(10) Fluoride treatment and sealants must be provided on the same day as an encounter-eligible service. If provided on another day, the rules for non-FQHC services in subsection (11) of this section apply.

(11) Payments for non-FQHC services provided in an FQHC are made on a fee-for-service basis using the agency's published fee schedules. Non-FQHC services are subject to the coverage guidelines and limitations listed in chapters 182-500 through 182-557 WAC.

(12) For clients enrolled with a managed care organization (MCO), covered FQHC services are paid for by that plan.

(13) For clients enrolled with an MCO, the agency pays each FQHC a supplemental payment in addition to the amounts paid by the MCO. The supplemental payments, called enhancements, are paid in amounts necessary to ensure compliance with 42 U.S.C. 1396a (bb)(5)(A).

(a) The FQHCs receive an enhancement payment each month for each managed care client assigned to them by an MCO.

(b) To ensure that the appropriate amounts are paid to each FQHC, the agency performs an annual reconciliation of the enhancement payments. For each FQHC, the agency will compare the amount actually paid to the amount determined by the following formula: (Managed care encounters times encounter rate) less fee-for-service equivalent of MCO services. If the FQHC has been overpaid, the agency will recoup the appropriate amount. If the FQHC has been underpaid, the agency will pay the difference.

(14) Only clients enrolled in Title XIX (medicaid) or Title XXI (CHIP) are eligible for encounter or enhancement payments. The agency does not pay the encounter rate or the enhancement rate for clients in state-only medical programs. Services provided to clients in state-only medical programs are considered fee-for-service regardless of the type of service performed.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-549-1000 Rural health clinics—Purpose. This chapter establishes the (~~department's~~) medicaid agency's reimbursement methodology for rural health clinic (RHC) services. RHC conditions for certification are found in 42 C.F.R. Part 491.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-549-1100 Rural health clinics—Definitions. This section contains definitions of words and phrases

that apply to this chapter. Unless defined in this chapter or chapter 182-500 WAC ((388-500-0005)), the definitions found in the Webster's New World Dictionary apply.

"APM index" - The alternative payment methodology (APM) is used to update APM encounter payment rates on an annual basis. The APM index is a measure of input price changes experienced by Washington's federally qualified health center (FQHC) and rural health clinic (RHC) providers.

"Base year" - The year that is used as the benchmark in measuring a clinic's total reasonable costs for establishing base encounter rates.

"Encounter" - A face-to-face visit between a client and a qualified rural health clinic (RHC) provider (e.g., a physician, physician's assistant, or advanced registered nurse practitioner) who exercises independent judgment when providing services that qualify for an encounter rate.

"Encounter rate" - A cost-based, facility-specific rate for covered RHC services, paid to a rural health clinic for each valid encounter it bills.

"Enhancements((~~2~~)) (also called managed care enhancements)" - A monthly amount paid to RHCs for each client enrolled with a managed care organization (MCO). MCOs may contract with RHCs to provide services under managed care programs. RHCs receive enhancements from the ((~~department~~)) medicaid agency in addition to the negotiated payments they receive from the MCOs for services provided to enrollees.

"Fee-for-service" - A payment method the ((~~department~~)) agency uses to pay providers for covered medical services provided to ((~~medical assistance~~)) clients enrolled in the Title XIX (medicaid) program or the Title XXI (CHIP) program, except those services provided under the ((~~department's~~)) agency's prepaid managed care organizations or those services that qualify for an encounter payment.

"Interim rate" - The rate established by the ((~~department~~)) agency to pay a rural health clinic for covered RHC services prior to the establishment of a permanent rate for that facility.

~~("Medical assistance" - The various health care programs administered by the department that provide federal and/or state-funded benefits to eligible clients.)~~

"Medicare cost report" - The cost report is a statement of costs and provider utilization that occurred during the time period covered by the cost report. RHCs must complete and submit a report annually to medicare.

"Mobile unit" - The objects, equipment, and supplies necessary for provision of the services furnished directly by the RHC are housed in a mobile structure.

"Permanent unit" - The objects, equipment, and supplies necessary for the provision of the services furnished directly by the ((~~clinic~~)) RHC are housed in a permanent structure.

"Rebasing" - The process of recalculating encounter rates using actual cost report data.

"Rural area" - An area that is not delineated as an urbanized area by the Bureau of the Consensus.

"Rural health clinic (RHC)" - A clinic, as defined in 42 C.F.R. 405.2401(b), that is primarily engaged in providing RHC services and is:

- Located in a rural area designated as a shortage area as defined under 42 C.F.R. 491.2;
- Certified by medicare as ((~~(a)~~) an) RHC in accordance with applicable federal requirements; and
- Not a rehabilitation agency or a facility primarily for the care and treatment of mental diseases.

"Rural health clinic (RHC) services" - Outpatient or ambulatory care of the nature typically provided in a physician's office or outpatient clinic or similar setting, including specified types of diagnostic examination, laboratory services, and emergency treatments. The specific list of services which must be made available by the clinic can be found under 42 C.F.R. Part 491.9.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-549-1200 Rural health clinics—Enrollment. (1) To participate in the Title XIX (medicaid) program or the Title XXI (CHIP) program and receive payment for services, a rural health clinic (RHC) must:

- (a) Receive RHC certification for participation in the Title XVIII (medicare) program according to 42 C.F.R. 491;
- (b) Sign a core provider agreement;
- (c) Comply with the clinical laboratory improvement amendments (CLIA) of 1988 testing for all laboratory sites per 42 C.F.R. Part 493; and
- (d) Operate in accordance with applicable federal, state, and local laws.

(2) An RHC may be a permanent or mobile unit. If an entity owns clinics in multiple locations, each individual site must be certified by the ((~~department~~)) medicaid agency in order to receive reimbursement from the ((~~department~~)) agency as an RHC.

(3) The ((~~department~~)) agency uses one of two timeliness standards for determining the effective date of a medicaid-certified RHC.

(a) The ((~~department~~)) agency uses medicare's effective date if the RHC returns a properly completed core provider agreement and RHC enrollment packet within sixty days from the date of medicare's letter notifying the clinic of the medicare certification.

(b) The ((~~department~~)) agency uses the date the signed core provider agreement is received if the RHC returns the properly completed core provider agreement and RHC enrollment packet after sixty days of the date of medicare's letter notifying the clinic of the medicare certification.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-549-1300 Rural health clinics—Services. (1) Rural health clinic (RHC) services are defined under 42 C.F.R. 440.20(b).

(2) The ((~~department~~)) medicaid agency pays for RHC services when they are:

(a) Within the scope of ((~~an eligible~~)) a client's ((~~medical assistance program~~)) benefit package. Refer to WAC ((~~388-501-0060~~)) 182-501-0060; and

(b) Medically necessary as defined in WAC ((~~388-500-0005~~)) 182-500-0070.

(3) RHC services may be provided by any of the following individuals in accordance with 42 C.F.R. 405.2401, 491.7, and 491.8:

- (a) Physicians;
- (b) Physician assistants (PA);
- (c) Nurse practitioners (NP);
- (d) Nurse midwives or other specialized nurse practitioners;
- (e) Certified nurse midwives;
- (f) Registered nurses or licensed practical nurses; and
- (g) Psychologists or clinical social workers.

AMENDATORY SECTION (Amending WSR 12-16-060, filed 7/30/12, effective 8/30/12)

WAC 182-549-1400 Rural health clinics—Reimbursement and limitations. (1) For services provided during the period beginning January 1, 2001, and ending December 31, 2008, the medicaid agency's payment methodology for rural health clinics (RHC) was a prospective payment system (PPS) as authorized by 42 U.S.C. 1396a (bb)(2) and (3).

(2) For services provided beginning January 1, 2009, RHCs have the choice to be reimbursed under the PPS or be reimbursed under an alternative payment methodology (APM), as authorized by 42 U.S.C. 1396a (bb)(6). As required by 42 U.S.C. 1396a (bb)(6), payments made under the APM will be at least as much as payments that would have been made under the PPS.

(3) The agency calculates RHC PPS encounter rates for RHC core services as follows:

$$\text{Specific RHC Base Encounter Rate} = \frac{(\text{Year 1999 Rate} \times \text{Year 1999 Encounters}) + (\text{Year 2000 Rate} \times \text{Year 2000 Encounters})}{(\text{Year 1999 Encounters} + \text{Year 2000 Encounters}) \text{ for each RHC}}$$

(c) Beginning in calendar year 2002 and any year thereafter, encounter rates are increased by the MEI and adjusted for any increase or decrease in the RHC's scope of services.

(5) The agency calculates RHC's APM encounter rates for services provided during the period beginning January 1, 2009, and ending April 6, 2011, as follows:

(a) The APM utilizes the RHC base encounter rates as described in subsection (4)(b) of this section.

(b) Base rates are increased by each annual percentage, from calendar years 2002 through 2009, of the IHS Global Insight index, also called the APM index.

(c) The result is the year 2009 APM rates for each RHC that chooses to be reimbursed under the APM.

(6) This subsection describes the encounter rates that the agency pays RHCs for services provided during the period beginning April 7, 2011, and ending June 30, 2011. On January 12, 2012, the federal Centers for Medicare and Medicaid Services (CMS) approved a state plan amendment (SPA) containing the methodology outlined in this section.

(a) During the period that CMS approval of the SPA was pending, the agency continued to pay RHCs at the encounter rate described in subsection (5) of this section.

(b) Each RHC has the choice of receiving either its PPS rate, as determined under the method described in subsection (3) of this section, or a rate determined under a revised APM, as described in (c) of this subsection.

(a) Until an RHC's first audited medicare cost report is available, the agency pays an average encounter rate of other similar RHCs (whether the RHC is classified as hospital-based or free-standing) within the state, otherwise known as an interim rate.

(b) Upon availability of the RHC's first audited medicare cost report, the agency sets RHC's encounter rates at one hundred percent of its costs as defined in the cost report divided by the total number of encounters the RHC has provided during the time period covered in the audited cost report. RHCs receive this rate for the remainder of the calendar year during which the audited cost report became available. The encounter rate is then increased each January 1st by the percent change in the medicare economic index (MEI).

(4) For RHCs in existence during calendar years 1999 and 2000, the agency sets the encounter rates prospectively using a weighted average of one hundred percent of the RHC's total reasonable costs for calendar years 1999 and 2000 and adjusted for any increase or decrease in the scope of services furnished during the calendar year 2001 to establish a base encounter rate.

(a) The agency adjusts PPS base encounter rates to account for an increase or decrease in the scope of services provided during calendar year 2001 in accordance with WAC 182-549-1500.

(b) PPS base encounter rates are determined using medicare's audited cost reports, and each year's rate is weighted by the total reported encounters. The agency does not apply a capped amount to these base encounter rates. The formula used to calculate base encounter rates is as follows:

(c) The revised APM uses each RHC's PPS rate for the current calendar year, increased by five percent.

(d) For all payments made for services provided during the period beginning April 7, 2011, and ending June 30, 2011, the agency will recoup from RHCs any amount paid in excess of the encounter rate established in this section. This process is specified in emergency rules that took effect on October 29, 2011, (WSR 11-22-047) and February 25, 2012 (WSR 12-06-002).

(7) This subsection describes the encounter rate that the agency pays RHCs for services provided on and after July 1, 2011. On January 12, 2012, CMS approved a SPA containing the methodology outlined in this section.

(a) Each RHC has the choice of receiving either its PPS rate, as determined under the method described in subsection (3) of this section, or a rate determined under a revised APM, as described in (b) of this subsection.

(b) The revised APM is as follows:

(i) For RHCs that rebased their rate effective January 1, 2010, the revised APM is their allowed cost per visit during the cost report year increased by the cumulative percentage increase in the MEI between the cost report year and January 1, 2011.

(ii) For RHCs that did not rebase their rate effective January 1, 2010, the revised APM is based on their PPS base rate from 2001 (or subsequent year for RHCs receiving their ini-

tial RHC designation after 2002) increased by the cumulative percentage increase in the IHS Global Insight index from the base year through calendar year 2008 and the cumulative increase in the MEI from calendar years 2009 through 2011. The rates will be increased by the MEI effective January 1, 2012, and each January 1st thereafter.

(c) For all payments made for services provided during the period beginning July 1, 2011, and ending January 11, 2012, the agency will recoup from RHCs any amount paid in excess of the encounter rate established in this section. This process is specified in emergency rules that took effect on October 29, 2011, (WSR 11-22-047) and February 25, 2012 (WSR 12-06-002).

(d) For RHCs that choose to be paid under the revised APM, the agency will periodically rebase the encounter rates using the RHC cost reports and other relevant data. Rebasing will be done only for RHCs that are reimbursed under the APM.

(e) The agency will ensure that the payments made under the APM are at least equal to the payments that would be made under the PPS.

(8) The agency pays for one encounter, per client, per day except in the following circumstances:

(a) The visits occur with different health care professionals with different specialties; or

(b) There are separate visits with unrelated diagnoses.

(9) RHC services and supplies incidental to the provider's services are included in the encounter rate payment.

(10) Payments for non-RHC services provided in an RHC are made on a fee-for-service basis using the agency's published fee schedules. Non-RHC services are subject to the coverage guidelines and limitations listed in chapters 182-500 through 182-557 WAC.

(11) For clients enrolled with a managed care organization (MCO), covered RHC services are paid for by that plan.

(12) For clients enrolled with an MCO, the agency pays each RHC a supplemental payment in addition to the amounts paid by the MCO. The supplemental payments, called enhancements, are paid in amounts necessary to ensure compliance with 42 U.S.C. 1396a (bb)(5)(A).

(a) The RHCs receive an enhancement payment each month for each managed care client assigned to them by an MCO.

(b) To ensure that the appropriate amounts are paid to each RHC, the agency performs an annual reconciliation of the enhancement payments. For each RHC, the agency will compare the amount actually paid to the amount determined by the following formula: (Managed care encounters times encounter rate) less fee-for-service equivalent of MCO services. If the RHC has been overpaid, the agency will recoup the appropriate amount. If the RHC has been underpaid, the agency will pay the difference.

(13) Only clients enrolled in the Title XIX (medicaid) program or the Title XXI (CHIP) program are eligible for encounter or enhancement payments. The agency does not pay the encounter rate or the enhancement rate for clients in state-only medical programs. Services provided to clients in state-only medical programs are considered fee-for-service, regardless of the type of service performed.

WSR 15-11-009
PERMANENT RULES
HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed May 7, 2015, 3:24 p.m., effective June 7, 2015]

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

Purpose: Revisions to these sections are necessary to align with recent changes to RCW 74.09.5225(3) and to allow certain public hospitals to opt-out of the agency's certified public expenditure payment program.

Citation of Existing Rules Affected by this Order: Amending WAC 182-550-4650, 182-550-4670, and 182-550-5400.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160, 74.09.5225(3).

Adopted under notice filed as WSR 15-08-055 on March 27, 2015.

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 Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 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: May 7, 2015.

Jason R. P. Crabbe
Rules Coordinator

AMENDATORY SECTION (Amending WSR 12-04-022, filed 1/25/12, effective 2/25/12)

WAC 182-550-4650 "Full cost" public hospital certified public expenditure (CPE) payment program. (1) The medicaid agency's "full cost" public hospital certified public expenditure (CPE) inpatient payment program provides payments to participating government-operated hospitals based on the "full cost" of covered medically necessary services and requires the expenditure of local funds in lieu of state funds to qualify for federal matching funds. The agency's inpatient payments to participating hospitals equal the federal matching amount for allowable costs. The agency uses the ratio of costs-to-charges (RCC) method described in WAC 182-550-4500 to determine "full cost."

(2) (~~Only the following facilities are reimbursed through~~) To be eligible for the "full cost" public hospital CPE payment program, the hospital must be:

(a) (~~Public hospitals located in the state of Washington that are:~~

(i)) Operated by a public hospital district(~~s; and~~

~~(ii)~~ in the state of Washington, not certified by the department of health (DOH) as a critical access hospital, and has not chosen to opt-out of the CPE payment program as allowed in subsection (6) of this section;

(b) Harborview Medical Center; ~~(and)~~ or

(c) University of Washington Medical Center.

(3) Payments made under the inpatient CPE payment program are limited to medically necessary services provided to medical assistance clients eligible for inpatient hospital services.

(4) Each hospital described in subsection (2) of this section is responsible to provide certified public expenditures as the required state match for claiming federal medicaid funds.

(5) The agency determines the ~~((actual))~~ initial payment for inpatient hospital services under the CPE payment program by:

(a) Multiplying the hospital's medicaid RCC by the covered charges (to determine allowable costs), then;

(b) Subtracting the client's responsibility and any third party liability (TPL) from the amount derived in (a) of this subsection, then;

(c) Multiplying the state's federal medical assistance percentage (FMAP) by the amount derived in (b) of this subsection.

(6) A hospital may opt-out of the inpatient CPE payment program if the hospital:

(a) Meets the criteria for the inpatient rate enhancement under WAC 182-550-3830(6); or

(b) Is not eligible for public hospital disproportionate share hospital (PHDSH) payments under WAC 182-550-5400.

(7) To opt-out of the inpatient CPE payment program, the hospital must submit a written request to opt-out to the agency's chief financial officer by July 1st in order to be effective for January 1st of the following year.

(8) Hospitals participating in the inpatient CPE payment program must complete the applicable CPE medicaid cost reports as described in WAC 182-550-5410 for the inpatient fee-for-service cost settlements.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-4670 CPE payment program—"Hold harmless" provision. To meet legislative requirements, the ~~((department))~~ medicaid agency includes a "hold harmless" provision for eligible hospitals ~~((providers eligible for the))~~ participating in certified public expenditure (CPE) payment programs under WAC 182-550-4650 and 182-550-5400. Under the provision and subject to legislative directives and appropriations, hospitals eligible for payments under ~~((the))~~ CPE payment programs will receive no less in combined state and federal payments than they would have received under the methodologies otherwise in effect as described in this section. All hospital submissions pertaining to ~~((the))~~ CPE payment programs, including but not limited to cost report schedules, are subject to audit at any time by the ~~((department))~~ agency or its designee.

(1) The ~~((department))~~ agency:

(a) Uses historical cost and payment data trended forward to calculate prospective hold harmless grant payment amounts for the current state fiscal year (SFY); and

(b) Reconciles these hold harmless grant payment amounts when the actual claims data are available for the current fiscal year.

(2) For SFYs 2006 through 2009, the ~~((department))~~ agency calculates what the hospital would have been paid under the methodologies otherwise in effect for the SFY as the sum of:

(a) The total payments for inpatient claims for patients admitted during the fiscal year, calculated by repricing the claims using:

(i) For SFYs 2006 and 2007, the inpatient payment method in effect during SFY 2005; or

(ii) For SFYs 2008 and 2009, the payment method that would otherwise be in effect during the CPE payment program year if the CPE payment program had not been enacted.

(b) The total net disproportionate share hospital and state grant payments paid for SFY 2005.

(3) For SFY 2010 and beyond, the ~~((department))~~ agency calculates what the hospital would have been paid under the methodologies otherwise in effect for the SFY as the sum of:

(a) The total of the inpatient claim payment amounts that would have been paid during the SFY had the hospital not been in the CPE payment program;

(b) One-half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during SFY 2005; and

(c) All of the other disproportionate share hospital payment amounts paid to and retained by each hospital during SFY 2005 to the extent the same disproportionate share hospital programs exist in the 2009-2011 biennium.

(4) For each SFY, the ~~((department))~~ agency determines total state and federal payments made under the programs, including:

(a) Inpatient claim payments;

(b) Disproportionate share hospital (DSH) payments; and

(c) Supplemental upper payment limit payments, as applicable.

(5) A hospital may receive a hold harmless grant, subject to legislative directives and appropriations, when the following calculation results in a positive number:

(a) For SFY 2006 through SFY 2009, the amount derived in subsection (4) of this section is subtracted from the amount derived in subsection (2) of this section; or

(b) For SFY 2010 and beyond, the amount derived in subsection (4) of this section is subtracted from the amount derived in subsection (3) of this section.

(6) The ~~((department))~~ agency calculates interim hold harmless and final hold harmless grant amounts as follows:

(a) An interim hold harmless grant amount is calculated approximately ten months after the end of the SFY to include the paid claims for the same SFY admissions. Claims are subject to utilization review prior to the interim hold harmless calculation. Prospective grant payments made under subsection (1) of this section are deducted from the calculated

interim hold harmless grant amount to determine the net grant payment amount due to or due from the hospital.

(b) The final hold harmless grant amount is calculated at such time as the final allowable federal portions of program payments are determined. The procedure is the same as the interim grant calculation but it includes all additional claims that have been paid or adjusted since the interim hold harmless calculation. Claims are subject to utilization review and audit prior to the final calculation of the hold harmless amount. Interim grant payments determined under (a) of this subsection are deducted from this final calculation to determine the net final hold harmless amount due to or due from the hospital.

AMENDATORY SECTION (Amending WSR 12-04-022, filed 1/25/12, effective 2/25/12)

WAC 182-550-5400 Payment method—Public hospital disproportionate share hospital (PHDSH). (1) The medicaid agency's public hospital disproportionate share hospital (PHDSH) program is a certified public expenditure program for government-operated hospitals. To be eligible for PHDSH, a hospital must qualify for disproportionate share hospital (DSH) payments under WAC 182-550-4900 and be:

(a) ~~((Public hospitals located in the state of Washington that are:~~

(i) Operated by a public hospital district ~~((; and~~

(ii) ~~Not certified by the department of health (DOH) as a critical access hospital))~~ in the state of Washington and participating in the "full cost" public hospital certified public expenditure (CPE) payment program described in WAC 182-550-4650;

(b) Harborview Medical Center; ~~((and))~~ or

(c) University of Washington Medical Center.

(2) The PHDSH payments to a hospital eligible under this program may not exceed the hospital's disproportionate share hospital (DSH) cap calculated according to WAC 182-550-4900(10). The hospital receives only the federal medical assistance percentage of the total computable payment amount.

(3) Hospitals receiving payment under the PHDSH program must provide the local match for the federal funds through certified public expenditures (CPE). Payments are limited to costs incurred by the participating hospitals.

(4) A hospital receiving payment under the PHDSH program must submit to the agency federally required medicaid cost report schedules apportioning inpatient and outpatient costs, beginning with the services provided during state fiscal year 2006. See WAC 182-550-5410.

(5) PHDSH payments are subject to the availability of DSH funds under the statewide DSH cap. If the statewide DSH cap is exceeded, the agency will recoup PHDSH payments first, but only from hospitals that received total inpatient and DSH payments above the hold harmless level, and only to the extent of the excess amount above the hold harmless level. See WAC 182-550-4900 (13) and (14), and 182-550-4670.

WSR 15-11-013

PERMANENT RULES

RENTON TECHNICAL COLLEGE

[Filed May 8, 2015, 12:54 p.m., effective June 8, 2015]

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

Purpose: Replace existing student conduct code with updated student conduct code and hearings procedures. The updates enhance compliance with federal law, including Title IX and Violence Against Women Reauthorization Act. The updates reflect model language developed by community and technical college student services officers and the attorney general's office.

Citation of Existing Rules Affected by this Order: Repealing chapter 495E-120 WAC.

Statutory Authority for Adoption: RCW 28B.50.140 (13).

Other Authority: Violence Against Women Act of 1994 (VAWA) and Title IX of Education Amendments of 1972.

Adopted under notice filed as WSR 15-03-096 on January 21, 2015.

Number of Sections Adopted in Order to Comply with Federal Statute: New 5, Amended 0, Repealed 0; Federal Rules or Standards: New 5, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

Number of Sections Adopted on the Agency's Own Initiative: New 20, Amended 0, Repealed 20.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 20, Amended 0, Repealed 20.

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: April 21, 2015.

Melinda Merrell
Vice-President of
Administration and Finance

Chapter 495E-110 WAC

STUDENT CONDUCT CODE AND HEARING PROCEDURES

STUDENT CONDUCT CODE

NEW SECTION

WAC 495E-110-010 Authority. The board of trustees, acting pursuant to RCW 28B.50.140(14), delegates to the president of the college the authority to administer disciplinary action. Administration of the disciplinary procedures is the responsibility of the vice-president of student affairs or designee. The student conduct officer shall serve as the principal investigator and administrator for alleged violations of this code.

NEW SECTION

WAC 495E-110-020 Statement of student rights. As members of the academic community, students are encouraged to develop the capacity for critical judgment and to engage in an independent search for truth. Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students should exercise their freedom with responsibility. The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the college community.

The following enumerated rights are guaranteed to each student within the limitations of statutory law and college policy which are deemed necessary to achieve the educational goals of the college:

(1) Academic freedom.

(a) Students are guaranteed the rights of free inquiry, expression, and assembly upon and within college facilities that are generally open and available to the public.

(b) Students are free to pursue appropriate educational objectives from among the college's curricula, programs, and services, subject to the limitations of RCW 28B.50.090 (3)(b).

(c) Students shall be protected from academic evaluation which is arbitrary, prejudiced, or capricious, but are responsible for meeting the standards of academic performance established by each of their instructors.

(d) Students have the right to a learning environment which is free from unlawful discrimination, inappropriate and disrespectful conduct, and any and all harassment, including sexual harassment.

(2) Due process.

(a) The rights of students to be secure in their persons, quarters, papers, and effects against unreasonable searches and seizures is guaranteed.

(b) No disciplinary sanction may be imposed on any student without notice to the accused of the nature of the charges.

(c) A student accused of violating this code of student conduct is entitled, upon request, to procedural due process as set forth in this chapter.

NEW SECTION

WAC 495E-110-030 Prohibited student conduct. The college may impose disciplinary sanctions against a student who commits (or attempts to commit), or aids, abets, incites, encourages or assists another person to commit, an act(s) of misconduct, which include, but are not limited to, the following:

(1) Academic dishonesty. Any act of academic dishonesty including, but not limited to, cheating, plagiarism, and fabrication.

(a) Cheating includes any attempt to give or obtain unauthorized assistance relating to the completion of an academic assignment.

(b) Plagiarism includes taking and using as one's own, without proper attribution, the ideas, writings, or work of another person in completing an academic assignment. Pro-

hibited conduct may also include the unauthorized submission for credit of academic work that has been submitted for credit in another course.

(c) Fabrication includes falsifying data, information, or citations in completing an academic assignment and also includes providing false or deceptive information to an instructor concerning the completion of an assignment.

(2) Other dishonesty. Any other acts of dishonesty. Such acts include, but are not limited to:

(a) Forgery, alteration, submission of falsified documents, or misuse of any college document, record, or instrument of identification;

(b) Tampering with an election conducted by or for college students; or

(c) Furnishing false information or failing to furnish correct information, in response to the request or requirement of a college officer or employee.

(3) Obstruction or disruption. Obstruction or disruption of:

(a) Any instruction, research, administration, disciplinary proceeding, or other college activity, including the obstruction of the free flow of pedestrian or vehicular movement on college property or at a college activity; or

(b) Any activity that is authorized to occur on college property, whether or not actually conducted or sponsored by the college.

(4) Assault. Assault, physical abuse, verbal abuse, threat(s), intimidation, harassment, bullying, stalking or other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person or another person's property. For purposes of this subsection:

(a) Bullying is physical or verbal abuse, repeated over time, and involving a power imbalance between the aggressor and victim.

(b) Stalking is intentional and repeated 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.

(5) Cyber misconduct. Cyberstalking, cyberbullying or online harassment. Use of electronic communications including, but not limited to, electronic mail, instant messaging, electronic bulletin boards, and social media sites, to harass, abuse, bully, or engage in other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person. Prohibited activities include, but are not limited to, unauthorized monitoring of another's e-mail communications directly or through spyware, sending threatening e-mails, disrupting electronic communications with spam or by sending a computer virus, sending false messages to third parties using another's e-mail identity, nonconsensual recording of sexual activity, and nonconsensual distribution of a recording of sexual activity.

(6) Property violation. Damage to, or theft or misuse of, real or personal property or money of:

(a) The college or state; or

(b) Any student or college officer, employee, or organization; or

(c) Any other member of the college community or organization; or

(d) Possession of such property or money after it has been stolen.

(7) **Failure to comply with directive.** Failure to comply with the direction of a college officer or employee who is acting in the legitimate performance of his or her duties, including failure to properly identify oneself to such a person when requested to do so.

(8) **Weapons.** Possession, holding, wearing, transporting, storage or presence of any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, explosive device, or any other weapon apparently capable of producing bodily harm is prohibited on the college campus, subject to the following exceptions:

(a) Commissioned law enforcement personnel or legally authorized military personnel while in performance of their duties;

(b) A student with a valid concealed weapons permit may store a pistol in his or her vehicle parked on campus in accordance with RCW 9.41.050 (2) or (3), provided the vehicle is locked and the weapon is concealed from view; or

(c) The president may grant permission to bring a weapon on campus upon a determination that the weapon is reasonably related to a legitimate pedagogical purpose. Such permission shall be in writing and shall be subject to such terms or conditions incorporated in the written permission.

This policy does not apply to the possession or use of disabling chemical sprays when used for self-defense.

(9) **Hazing.** Hazing includes, but is not limited to, any initiation into a student organization or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student.

(10) **Alcohol, drug, and tobacco violations.**

(a) **Alcohol.** The use, possession, delivery, or sale, or being observably under the influence of any alcoholic beverage, except as permitted by law and applicable college policies.

(b) **Marijuana.** The use, possession, delivery, or sale, or being observably under the influence of marijuana or the psychoactive compounds found in marijuana and intended for human consumption, regardless of form. While state law permits the recreational use of marijuana, federal law prohibits such use on college premises or in connection with college activities.

(c) **Drugs.** The use, possession, delivery, sale, or being observably under the influence of any legend drug including, anabolic steroids, androgens, or human growth hormones as defined in chapter 69.41 RCW, or any other controlled substance under chapter 69.50 RCW, except as prescribed for a student's use by a licensed practitioner.

(d) **Tobacco, electronic cigarettes, and related products.** The use of tobacco, electronic cigarettes, and related products in any building owned, leased, or operated by the college or in any location where such use is prohibited, including twenty-five feet from entrances, exits, windows that open, and ventilation intakes of any building owned, leased, or operated by the college. "Related products" include, but are not limited to, cigarettes, pipes, bidi, clove

cigarettes, waterpipes, hookahs, chewing tobacco, and snuff. There are designated smoking areas on campus.

(11) **Lewd conduct.** Conduct which is lewd or obscene.

(12) **Discriminatory conduct.** Discriminatory conduct which harms or adversely affects any member of the college community because of her/his person's race; color; national origin; sensory, mental or physical disability; use of a service animal; age; religion; genetic information; sexual orientation; gender identity; veteran's status; or any other legally protected classification.

(13) **Sexual misconduct.** The term "sexual misconduct" includes sexual harassment, sexual intimidation, and sexual violence.

(a) **Sexual harassment.** The term "sexual harassment" means unwelcome conduct of a sexual nature including, unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature that is sufficiently serious as to deny or limit, and that does deny or limit, based on sex, the ability of a student to participate in or benefit from the college's educational program or that creates an intimidating, hostile, or offensive environment for other campus community members.

(b) **Sexual intimidation.** The term "sexual intimidation" incorporates the definition of "sexual harassment" and means threatening or emotionally distressing conduct based on sex including, but not limited to, nonconsensual recording of sexual activity or the distribution of such recording.

(c) **Sexual violence.** "Sexual violence" is a type of sexual discrimination and harassment. Nonconsensual sexual intercourse, nonconsensual sexual contact, domestic violence, dating violence, and stalking are all types of sexual violence.

(i) Nonconsensual sexual intercourse is 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.

(ii) Nonconsensual sexual contact is 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.

(iii) Domestic violence includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

(iv) Dating violence means 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.

(v) Stalking means 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.

(vi) **Consent:** Knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Each party has the responsibility to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be at the time of the act of sexual intercourse or sexual contact actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.

A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has engaged in nonconsensual conduct.

Intoxication is not a defense against allegations that an individual has engaged in nonconsensual sexual conduct.

(14) **Harassment.** Unwelcome and offensive conduct, including verbal, nonverbal, or physical conduct, that is directed at a person because of such person's protected status and that is sufficiently serious as to deny or limit, and that does deny or limit, the ability of a student to participate in or benefit from the college's educational program or that creates an intimidating, hostile, or offensive environment for other campus community members. Protected status includes a person's race; color; national origin; sensory, mental or physical disability; use of a service animal; age; religion; genetic information; sexual orientation; gender identity; veteran's status; or any other legally protected classification. See "Sexual misconduct" for the definition of "sexual harassment." Harassing conduct may include, but is not limited to, physical conduct, verbal, written, social media and electronic communications.

(15) **Retaliation.** Retaliation against any individual for reporting, providing information, exercising one's rights or responsibilities, or otherwise being involved in the process of responding to, investigating, or addressing allegations or violations of federal, state or local law, or college policies including, but not limited to, student conduct code provisions prohibiting discrimination and harassment.

(16) **Misuse of electronic resources.** Theft or other misuse of computer time or other electronic information resources of the college. Such misuse includes, but is not limited to:

- (a) Unauthorized use of such resources or opening of a file, message, or other item;
- (b) Unauthorized duplication, transfer, or distribution of a computer program, file, message, or other item;
- (c) Unauthorized use or distribution of someone else's password or other identification;
- (d) Use of such time or resources to interfere with someone else's work;
- (e) Use of such time or resources to send, display, or print an obscene or abusive message, text, or image;
- (f) Use of such time or resources to interfere with normal operation of the college's computing system or other electronic information resources;

(g) Use of such time or resources in violation of applicable copyright or other law;

(h) Adding to or otherwise altering the infrastructure of the college's electronic information resources without authorization; or

(i) Failure to comply with the college's electronic use policy.

(17) **Unauthorized access.** Unauthorized possession, duplication, or other use of a key, keycard, or other restricted means of access to college property, or unauthorized entry onto or into college property.

(18) **Safety violations.** Safety violation includes any nonaccidental conduct that interferes with or otherwise compromises any college policy, equipment, or procedure relating to the safety and security of the campus community, including tampering with fire safety equipment and triggering false alarms or other emergency response systems.

(19) **Violation of other laws or policies.** Violation of any federal, state, or local law, rule, or regulation or other college rules or policies, including college traffic and parking rules.

(20) **Ethical violation.** The breach of any generally recognized and published code of ethics or standards of professional practice that governs the conduct of a particular profession for which the student is taking a course or is pursuing an educational goal or major.

In addition to initiating discipline proceedings for violation of the student conduct code, the college may refer any violations of federal, state, or local laws to civil and criminal authorities for disposition. The college shall proceed with student disciplinary proceedings regardless of whether the underlying conduct is subject to civil or criminal prosecution.

NEW SECTION

WAC 495E-110-040 Disciplinary sanctions and terms and conditions. (1) The following disciplinary sanctions may be imposed upon students found to have violated the student conduct code.

(a) **Disciplinary warning:** A verbal statement to a student that there is a violation and that continued violation may be cause for further disciplinary action.

(b) **Written reprimand:** Notice in writing that the student has violated one or more terms of this code of conduct and that continuation of the same or similar behavior may result in more severe disciplinary action.

(c) **Disciplinary probation:** Formal action placing specific conditions and restrictions upon the student's continued attendance depending upon the seriousness of the violation and which may include a deferred disciplinary sanction. If the student subject to a deferred disciplinary sanction is found in violation of any college rule during the time of disciplinary probation, the deferred disciplinary sanction which may include, but is not limited to, a suspension or a dismissal from the college, shall take effect immediately without further review. Any such sanction shall be in addition to any sanction or conditions arising from the new violation. Probation may be for a limited period of time or may be for the duration of the student's attendance at the college.

(d) Disciplinary suspension: Dismissal from the college and from the student status for a stated period of time. There will be no refund of tuition or fees for the quarter in which the action is taken.

(e) Dismissal: The revocation of all rights and privileges of membership in the college community and exclusion from the campus and college-owned or controlled facilities without any possibility of return. There will be no refund of tuition or fees for the quarter in which the action is taken.

(2) Disciplinary terms and conditions that may be imposed in conjunction with the imposition of a disciplinary sanction include, but are not limited to:

(a) Restitution: Reimbursement for damage to or misappropriation of property, or for injury to persons, or for reasonable costs incurred by the college in pursuing an investigation or disciplinary proceeding. This may take the form of monetary reimbursement, appropriate service, or other compensation.

(b) 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. The student will sign all necessary releases to allow the college access to any such 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 rules of conduct.

(c) Not in good standing: A student may be deemed "not in good standing" with the college. If so the student shall be subject to the following restrictions:

(i) Ineligible to hold an office in any student organization recognized by the college or to hold any elected or appointed office of the college;

(ii) Ineligible to represent the college to anyone outside the college community in any way, including representing the college at any official function, or any forms of intercollegiate competition or representation.

(d) No contact order: A student may be directed to have no physical, verbal, and/or written contact with another individual.

HEARING PROCEDURES

NEW SECTION

WAC 495E-110-050 Statement of jurisdiction. The student conduct code shall apply to student conduct that occurs on college premises, to conduct that occurs at or in connection with college sponsored activities, or to off-campus conduct that in the judgment of the college adversely affects the college community or the pursuit of its objectives. Jurisdiction extends to, but is not limited to, locations in which students are engaged in official college activities including, but not limited to, foreign or domestic travel, activities funded by the associated students, athletic events,

training internships, cooperative and distance education, online education, practicums, supervised work experiences or any other college-sanctioned social or club activities. Students are responsible for their conduct from the time of application for admission through the actual receipt of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. These standards shall apply to a student's conduct even if the student withdraws from college while a disciplinary matter is pending. The college has sole discretion, on a case-by-case basis, to determine whether the student conduct code will be applied to conduct that occurs off-campus.

NEW SECTION

WAC 495E-110-060 Definitions. The following definitions shall apply for purpose of this student conduct code:

(1) "Business day" means a weekday, excluding weekends and college holidays.

(2) "College premises" includes all campuses of the college, wherever located, and includes all land, buildings, facilities, vehicles, equipment, and other property owned, used, or controlled by the college.

(3) "Conduct review officer" is the vice-president of student services or other college administrator designated by the president to be responsible for receiving and for reviewing or referring appeals of student disciplinary actions in accordance with the procedures of this code. The president is authorized to reassign any and all of the conduct review officer's duties or responsibilities as set forth in this chapter as may be reasonably necessary.

(4) "Disciplinary action" is the process by which the student conduct officer imposes discipline against a student for a violation of the student conduct code.

(5) "Disciplinary appeal" is the process by which an aggrieved student can appeal the discipline imposed by the student conduct officer. Disciplinary appeals from a suspension in excess of ten instructional days or an expulsion are heard by the student conduct appeals board. Appeals of all other appealable disciplinary action shall be reviewed through brief adjudicative proceedings.

(6) "Filing" is the process by which a document is officially delivered to a college official responsible for facilitating a disciplinary review. Unless otherwise provided, filing shall be accomplished by:

(a) Hand delivery of the document to the specified college official or college official's assistant; or

(b) By sending the document by e-mail and first class mail to the specified college official's office and college e-mail address.

Papers required to be filed shall be deemed filed upon actual receipt during office hours at the office of the specified college official.

(7) "Respondent" is the student against whom disciplinary action is initiated.

(8) "Service" is the process by which a document is officially delivered to a party. Unless otherwise provided, service upon a party shall be accomplished by:

(a) Hand delivery of the document to the party; or

(b) Sending the document by e-mail and by certified mail or first class mail to the party's last known address.

Service is deemed complete upon hand delivery of the document or upon the date the document is e-mailed and deposited in the mail.

(9) "Student" includes all persons taking courses at or through the college, whether on a full-time or part-time basis, and whether such courses are credit courses, noncredit courses, online courses, or otherwise. Persons who withdraw after allegedly violating the code, who are not officially enrolled for a particular term but who have a continuing relationship with the college, or who have been notified of their acceptance for admission are considered "students."

(10) "Student conduct officer" is a college administrator designated by the president or vice-president of student services to be responsible for implementing and enforcing the student conduct code. The president or vice-president of student services is authorized to reassign any and all of the student conduct officer's duties or responsibilities as set forth in this chapter as may be reasonably necessary.

(11) "The president" is the president of the college. The president is authorized to delegate any and all of his or her responsibilities as set forth in this chapter as may be reasonably necessary.

NEW SECTION

WAC 495E-110-070 Initiation of disciplinary actions. (1) All disciplinary actions will be initiated by the student conduct officer. If that officer is the subject of a complaint initiated by the respondent, the president shall, upon request and when feasible, designate another person to fulfill any such disciplinary responsibilities relative to the complainant.

(2) The student conduct officer shall initiate disciplinary action by serving the respondent with written notice directing him or her to attend a disciplinary meeting. The notice shall briefly describe the factual allegations, the provision(s) of the conduct code the respondent is alleged to have violated, the range of possible sanctions for the alleged violation(s), and specify the time and location of the meeting. At the meeting, the student conduct officer will present the allegations to the respondent and the respondent shall be afforded an opportunity to explain what took place. If the respondent fails to attend the meeting, the student conduct officer may take disciplinary action based upon the available information.

(3) Within ten days of the initial disciplinary meeting, and after considering the evidence in the case, including any facts or argument presented by the respondent, the student conduct officer shall serve the respondent with a written decision setting forth the facts and conclusions supporting his or her decision, the specific student conduct code provisions found to have been violated, the discipline imposed, if any, and a notice of any appeal rights with an explanation of the consequences of failing to file a timely appeal.

(4) The student conduct officer may take any of the following disciplinary actions:

(a) Exonerate the respondent and terminate the proceedings.

(b) Impose a disciplinary sanction(s), as described in WAC 495E-110-040.

(c) Refer the matter directly to the student conduct committee for such disciplinary action as the committee deems appropriate. Such referral shall be in writing, to the attention of the chair of the student conduct committee, with a copy served on the respondent.

NEW SECTION

WAC 495E-110-080 Appeal from disciplinary action. (1) The respondent may appeal a disciplinary action by filing a written notice of appeal with the conduct review officer within twenty-one days of service of the student conduct officer's decision. Failure to timely file a notice of appeal constitutes a waiver of the right to appeal and the student conduct officer's decision shall be deemed final.

(2) The notice of appeal must include a brief statement explaining why the respondent is seeking review.

(3) The parties to an appeal shall be the respondent and the conduct review officer.

(4) A respondent, who timely appeals a disciplinary action or whose case is referred to the student conduct committee, has a right to a prompt, fair, and impartial hearing as provided for in these procedures.

(5) On appeal, the college bears the burden of establishing the evidentiary facts underlying the imposition of a disciplinary sanction by a preponderance of the evidence.

(6) Imposition of disciplinary action for violation of the student conduct code shall be stayed pending appeal, unless respondent has been summarily suspended.

(7) The student conduct committee shall hear appeals from:

(a) The imposition of disciplinary suspensions in excess of ten instructional days;

(b) Dismissals; and

(c) Discipline cases referred to the committee by the student conduct officer, the conduct review officer, or the president.

(8) Student conduct appeals from the imposition of the following disciplinary sanctions shall be reviewed through a brief adjudicative proceeding:

(a) Suspensions of ten instructional days or less;

(b) Disciplinary probation;

(c) Written reprimands; and

(d) Any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions.

(9) Except as provided elsewhere in these rules, disciplinary warnings and dismissals of disciplinary actions are final action and are not subject to appeal.

NEW SECTION

WAC 495E-110-090 Brief adjudicative proceedings—Initial hearing. (1) Brief adjudicative proceedings shall be conducted by a conduct review officer. The conduct review officer shall not participate in any case in which he or she is a complainant or witness, or in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity.

(2) Before taking action, the conduct review officer shall conduct an informal hearing and provide each party:

(a) An opportunity to be informed of the agency's view of the matter; and

(b) An opportunity to explain the party's view of the matter.

(3) The conduct review officer shall serve an initial decision upon both the parties within ten days of consideration of the appeal. The initial decision shall contain a brief written statement of the reasons for the decision and information about how to seek administrative review of the initial decision. If no request for review is filed within twenty-one days of service of the initial decision, the initial decision shall be deemed the final decision.

(4) If the conduct review officer upon review determines that the respondent's conduct may warrant imposition of a disciplinary suspension of more than ten instructional days or expulsion, the matter shall be referred to the student conduct committee for a disciplinary hearing.

NEW SECTION

WAC 495E-110-100 Brief adjudicative proceedings—Review of an initial decision. (1) An initial decision is subject to review by the president, provided the respondent files a written request for review with the conduct review officer within twenty-one days of service of the initial decision.

(2) The president shall not participate in any case in which he or she is a complainant or witness, or in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity.

(3) During the review, the president shall give each party an opportunity to file written responses explaining their view of the matter and shall make any inquiries necessary to ascertain whether the sanctions should be modified or whether the proceedings should be referred to the student conduct committee for a formal adjudicative hearing.

(4) The decision on review must be in writing and must include a brief statement of the reasons for the decision and must be served on the parties within twenty days of the initial decision or of the request for review, whichever is later. The decision on review will contain a notice that judicial review may be available. A request for review may be deemed to have been denied if the president does not make a disposition of the matter within twenty days after the request is submitted.

(5) If the president upon review determines that the respondent's conduct may warrant imposition of a disciplinary suspension of more than ten instructional days or expulsion, the matter shall be referred to the student conduct committee for a disciplinary hearing.

NEW SECTION

WAC 495E-110-110 Student conduct committee. (1) The student conduct committee shall consist of five members:

(a) Two full-time students appointed by the student government;

(b) Two faculty members appointed by the president; and

(c) One administrator (other than an administrator serving as a student conduct or conduct review officer) appointed by the president at the beginning of the academic year.

(2) The faculty member or administrator shall serve as the chair of the committee and may take action on preliminary hearing matters prior to convening the committee. The chair shall receive annual training on protecting victims and promoting accountability in cases involving allegations of sexual misconduct.

(3) Hearings may be heard by a quorum of three members of the committee so long as one faculty member and one student are included on the hearing panel. Committee action may be taken upon a majority vote of all committee members attending the hearing.

(4) Members of the student conduct committee shall not participate in any case in which they are a party, complainant, or witness, in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity. Any party may petition for disqualification of a committee member pursuant to RCW 34.05.425(4).

NEW SECTION

WAC 495E-110-120 Appeal—Student conduct committee. (1) Proceedings of the student conduct committee shall be governed by the Administrative Procedure Act, chapter 34.05 RCW, and by the Model Rules of Procedure, chapter 10-08 WAC. To the extent there is a conflict between these rules and chapter 10-08 WAC, these rules shall control.

(2) The student conduct committee chair shall serve all parties with written notice of the hearing not less than seven days in advance of the hearing date, as further specified in RCW 34.05.434 and WAC 10-08-040 and 10-08-045. The chair may shorten this notice period if both parties agree, and also may continue the hearing to a later time for good cause shown.

(3) The committee chair is authorized to conduct prehearing conferences and/or to make prehearing decisions concerning the extent and form of any discovery, issuance of protective decisions, and similar procedural matters.

(4) Upon request filed at least five days before the hearing by any party or at the direction of the committee chair, the parties shall exchange, no later than the third day prior to the hearing, lists of potential witnesses and copies of potential exhibits that they reasonably expect to present to the committee. Failure to participate in good faith in such a requested exchange may be cause for exclusion from the hearing of any witness or exhibit not disclosed, absent a showing of good cause for such failure.

(5) The committee chair may provide to the committee members in advance of the hearing copies of (a) the conduct officer's notification of imposition of discipline (or referral to the committee), and (b) the notice of appeal (or any response to referral) by the respondent. If doing so, however, the chair should remind the members that these "pleadings" are not evidence of any facts they may allege.

(6) The parties may agree before the hearing to designate specific exhibits as admissible without objection and, if they

do so, whether the committee chair may provide copies of these admissible exhibits to the committee members before the hearing.

(7) The student conduct officer, upon request, shall provide reasonable assistance to the respondent in obtaining relevant and admissible evidence that is within the college's control.

(8) Communications between committee members and other hearing participants regarding any issue in the proceeding, other than procedural communications that are necessary to maintain an orderly process, are generally prohibited without notice and opportunity for all parties to participate, and any improper "ex parte" communication shall be placed on the record, as further provided in RCW 34.05.455.

(9) Each party may be accompanied at the hearing by a nonattorney assistant of his/her choice. A respondent may elect to be represented by an attorney at his or her own cost, but will be deemed to have waived that right unless, at least four business days before the hearing, written notice of the attorney's identity and participation is filed with the committee chair with a copy to the student conduct officer. The committee will ordinarily be advised by an assistant attorney general. If the respondent is represented by an attorney, the student conduct officer may also be represented by a second, appropriately screened assistant attorney general.

NEW SECTION

WAC 495E-110-130 Student conduct committee hearings—Presentations of evidence. (1) Upon the failure of any party to attend or participate in a hearing, the student conduct committee may either:

(a) Proceed with the hearing and issuance of its decision; or

(b) Serve a decision of default in accordance with RCW 34.05.440.

(2) The hearing will ordinarily be closed to the public. However, if all parties agree on the record that some or all of the proceedings be open, the chair shall determine any extent to which the hearing will be open. If any person disrupts the proceedings, the chair may exclude that person from the hearing room.

(3) The chair shall cause the hearing to be recorded by a method that he/she selects, in accordance with RCW 34.05.449. That recording, or a copy, shall be made available to any party upon request. The chair shall assure maintenance of the record of the proceeding that is required by RCW 34.05.476, which shall also be available upon request for inspection and copying by any party. Other recording shall also be permitted, in accordance with WAC 10-08-190.

(4) The chair shall preside at the hearing and decide procedural questions that arise during the hearing, except as overridden by majority vote of the committee.

(5) The student conduct officer (unless represented by an assistant attorney general) shall present the case for imposing disciplinary sanctions.

(6) All testimony shall be given under oath or affirmation. Evidence shall be admitted or excluded in accordance with RCW 34.05.452.

NEW SECTION

WAC 495E-110-140 Student conduct committee—Initial decision. (1) At the conclusion of the hearing, the student conduct committee shall permit the parties to make closing arguments in whatever form it wishes to receive them. The committee also may permit each party to propose findings, conclusions, and/or a proposed decision for its consideration.

(2) Within twenty days following the later of the conclusion of the hearing or the committee's receipt of closing arguments, the committee shall issue an initial decision in accordance with RCW 34.05.461 and WAC 10-08-210. The initial decision shall include findings on all material issues of fact and conclusions on all material issues of law, including which, if any, provisions of the student conduct code were violated. Any findings based substantially on the credibility of evidence or the demeanor of witnesses shall be so identified.

(3) The committee's initial order shall also include a determination on appropriate discipline, if any. If the matter was referred to the committee by the student conduct officer, the committee shall identify and impose disciplinary sanction(s) or conditions (if any) as authorized in the student code. If the matter is an appeal by the respondent, the committee may affirm, reverse, or modify the disciplinary sanction and/or conditions imposed by the student conduct officer and/or impose additional disciplinary sanction(s) or conditions as authorized herein.

(4) The committee chair shall cause copies of the initial decision to be served on the parties and their legal counsel of record. The committee chair shall also promptly transmit a copy of the decision and the record of the committee's proceedings to the president.

NEW SECTION

WAC 495E-110-150 Appeal from student conduct committee initial decision. (1) A respondent who is aggrieved by the findings or conclusions issued by the student conduct committee may appeal the committee's initial decision to the president by filing a notice of appeal with the president's office or designee within twenty-one days of service of the committee's initial decision. Failure to file a timely appeal constitutes a waiver of the right and the initial decision shall be deemed final.

(2) The notice of appeal must identify the specific findings of fact and/or conclusions of law in the initial decision that are challenged and must contain argument why the appeal should be granted. If necessary to aid review, the president may ask for additional briefing from the parties on issues raised on appeal. The president's review shall be restricted to the hearing record made before the student conduct committee and will normally be limited to a review of those issues and arguments raised in the notice of appeal.

(3) The president shall provide a written decision to all parties within forty-five days after receipt of the notice of appeal. The president's decision shall be final and shall include a notice of any rights to request reconsideration and/or judicial review.

(4) The president shall not engage in an ex parte communication with any of the parties regarding an appeal.

NEW SECTION

WAC 495E-110-160 Summary suspension. (1) Summary suspension is a temporary exclusion from specified college premises or denial of access to all activities or privileges for which a respondent might otherwise be eligible, while an investigation and/or formal disciplinary procedures are pending.

(2) The student conduct officer may impose a summary suspension if there is probable cause to believe that the respondent:

(a) Has violated any provision of the code of conduct; and

(b) Presents an immediate danger to the health, safety or welfare of members of the college community; or

(c) Poses an ongoing threat of substantial disruption of, or interference with, the operations of the college.

(3) Notice. Any respondent who has been summarily suspended shall be served with oral or written notice of the summary suspension. If oral notice is given, a written notification shall be served on the respondent within two business days of the oral notice.

(4) The written notification shall be entitled "Notice of summary suspension" and shall include:

(a) The reasons for imposing the summary suspension, including a description of the conduct giving rise to the summary suspension and reference to the provisions of the student conduct code or the law allegedly violated;

(b) The date, time, and location when the respondent must appear before the conduct review officer for a hearing on the summary suspension; and

(c) The conditions, if any, under which the respondent may physically access the campus or communicate with members of the campus community. If the respondent has been trespassed from the campus, a notice against trespass shall be included that warns the student that his or her privilege to enter into or remain on college premises has been withdrawn, that the respondent shall be considered trespassing and subject to arrest for criminal trespass if the respondent enters the college campus other than to meet with the student conduct officer or conduct review officer, or to attend a disciplinary hearing.

(5) The conduct review officer shall conduct a hearing on the summary suspension as soon as practicable after imposition of the summary suspension.

(6) During the summary suspension hearing, the issue before the conduct review officer is whether there is probable cause to believe that the summary suspension should be continued pending the conclusion of disciplinary proceedings and/or whether the summary suspension should be less restrictive in scope.

(7) The respondent shall be afforded an opportunity to explain why summary suspension should not be continued while disciplinary proceedings are pending or why the summary suspension should be less restrictive in scope.

(8) If the student fails to appear at the designated hearing time, the conduct review officer may order that the summary

suspension remain in place pending the conclusion of the disciplinary proceedings.

(9) As soon as practicable following the hearing, the conduct review officer shall issue a written decision which shall include a brief explanation for any decision continuing and/or modifying the summary suspension and notice of any right to appeal.

(10) To the extent permissible under applicable law, the conduct review officer shall provide a copy of the decision to all persons or offices who may be bound or protected by it.

DISCIPLINE PROCEDURES FOR CASES INVOLVING ALLEGATIONS OF SEXUAL MISCONDUCT

NEW SECTION

WAC 495E-110-170 Supplemental sexual misconduct procedures. Both the respondent and the complainant in cases involving allegations of sexual misconduct shall be provided the same procedural rights to participate in student discipline matters, including the right to participate in the initial disciplinary decision-making process and to appeal any disciplinary decision.

Application of the following procedures is limited to student conduct code proceedings involving allegations of sexual misconduct by a student. In such cases, these procedures shall supplement the student disciplinary procedures in WAC 495E-110-050 through 495E-110-160. In the event of conflict between the sexual misconduct procedures and the student disciplinary procedures, the sexual misconduct procedures shall prevail.

NEW SECTION

WAC 495E-110-180 Supplemental definitions. The following supplemental definitions shall apply for purposes of student conduct code proceedings involving allegations of sexual misconduct by a student:

(1) A "complainant" is an alleged victim of sexual misconduct, as defined in subsection (2) of this section.

(2) "Sexual misconduct" has the meaning ascribed to this term in WAC 495E-110-030(13).

NEW SECTION

WAC 495E-110-190 Supplemental complaint process. The following supplemental procedures shall apply with respect to complaints or other reports of alleged sexual misconduct by a student.

(1) The college's Title IX compliance officer shall investigate complaints or other reports of alleged sexual misconduct by a student. Investigations will be completed in a timely manner and the results of the investigation shall be referred to the student conduct officer for disciplinary action.

(2) Informal dispute resolution shall not be used to resolve sexual misconduct complaints without written permission from both the complainant and the respondent. If the parties elect to mediate a dispute, either party shall be free to discontinue mediation at any time. In no event shall mediation be used to resolve complaints involving allegations of sexual violence.

(3) College personnel will honor requests to keep sexual misconduct complaints confidential to the extent this can be done without unreasonably risking 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.

(4) The student conduct officer, prior to initiating disciplinary action, will make a reasonable effort to contact the complainant to discuss the results of the investigation and possible disciplinary sanctions and/or conditions (if any) that may be imposed upon the respondent if the allegations of sexual misconduct are found to have merit.

(5) The student conduct officer, on the same date that a disciplinary decision is served on the respondent, will serve a written notice informing the complainant whether the allegations of sexual misconduct were found to have merit and describing any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including disciplinary suspension or dismissal of the respondent. The notice will also inform the complainant of his or her appeal rights. If protective sanctions and/or conditions are imposed, the student conduct officer shall make a reasonable effort to contact the complainant to ensure prompt notice of the protective disciplinary sanctions and/or conditions.

NEW SECTION

WAC 495E-110-200 Supplemental appeal rights. (1)

The following actions by the student conduct officer may be appealed by the complainant:

- (a) The dismissal of a sexual misconduct complaint; or
- (b) Any disciplinary sanction(s) and conditions imposed against a respondent for a sexual misconduct violation, including a disciplinary warning.

(2) A complainant may appeal a disciplinary decision by filing a notice of appeal with the conduct review officer within twenty-one days of service of the notice of the discipline decision provided for in WAC 495E-110-190(5). The notice of appeal may include a written statement setting forth the grounds of appeal. Failure to file a timely notice of appeal constitutes a waiver of this right and the disciplinary decision shall be deemed final.

(3) If the respondent timely appeals a decision imposing discipline for a sexual misconduct violation, the college shall notify the complainant of the appeal and provide the complainant an opportunity to intervene as a party to the appeal.

(4) Except as otherwise specified in this supplemental procedure, a complainant who timely appeals a disciplinary decision or who intervenes as a party to respondent's appeal of a disciplinary decision shall be afforded the same procedural rights as are afforded the respondent.

(5) An appeal by a complainant from the following disciplinary actions involving allegations of sexual misconduct against a student shall be handled as a brief adjudicative proceeding:

- (a) Exoneration and dismissal of the proceedings;
- (b) A disciplinary warning;
- (c) A written reprimand;
- (d) Disciplinary probation;

- (e) Suspensions of ten instructional days or less; and/or
- (f) Any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions.

(6) An appeal by a complainant from disciplinary action imposing a suspension in excess of ten instructional days or an expulsion shall be reviewed by the student conduct committee.

(7) In proceedings before the student conduct committee, respondent and complainant shall have the right to be accompanied by a nonattorney assistant of their choosing during the appeal process. Complainant may choose to be represented at the hearing by an attorney at his or her own expense, but will be deemed to have waived that right unless, at least four business days before the hearing, he or she files a written notice of the attorney's identity and participation with the committee chair, and with copies to the respondent and the student conduct officer.

(8) In proceedings before the student conduct committee, complainant and respondent shall not directly question or cross examine one another. All questions shall be directed to the committee chair, who will act as an intermediary and pose questions on the parties' behalf.

(9) Student conduct hearings involving sexual misconduct allegations shall be closed to the public, unless respondent and complainant both waive this requirement in writing and request that the hearing be open to the public. Complainant, respondent and their respective nonattorney assistants and/or attorneys may attend portions of the hearing where argument, testimony and/or evidence are presented to the student conduct committee.

(10) The chair of the student conduct committee, on the same date as the initial decision is served on the respondent, will serve a written notice upon complainant informing the complainant whether the allegations of sexual misconduct were found to have merit and describing any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including suspension or dismissal of the respondent. The notice will also inform the complainant of his or her appeal rights.

(11) Complainant may appeal the student conduct committee's initial decision to the president subject to the same procedures and deadlines applicable to other parties.

(12) The president, on the same date that the final decision is served upon the respondent, shall serve a written notice informing the complainant of the final decision. This notice shall inform the complainant whether the sexual misconduct allegation was found to have merit and describe any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including suspension or dismissal of the respondent.

BRIEF ADJUDICATIVE PROCEEDINGS (BAPs) AUTHORIZATION

NEW SECTION

WAC 495E-110-210 Brief adjudicative proceedings authorized. This rule is adopted in accordance with RCW 34.05.482 through 34.05.494.

(1) Brief adjudicative proceedings shall be used, unless provided otherwise by another rule or determined otherwise in a particular case by the president, or a designee, in regard to:

- (a) Parking violations;
- (b) Outstanding debts owed by students or employees;
- (c) Use of college facilities;
- (d) Residency determinations;
- (e) Use of library - Fines;
- (f) Challenges to contents of education records;
- (g) Loss of eligibility for participation in institution sponsored athletic events;
- (h) Student conduct appeals involving the following disciplinary actions:
 - (i) Suspensions of ten instructional days or less;
 - (ii) Disciplinary probation;
 - (iii) Written reprimands;
 - (iv) Any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions; and
 - (v) Appeals by a complainant in student disciplinary proceedings involving allegations of sexual misconduct in which the student conduct officer:

(A) Dismisses disciplinary proceedings based upon a finding that the allegations of sexual misconduct have no merit; or

(B) Issues a verbal warning to respondent.

(i) Appeals of decisions regarding mandatory tuition and fee waivers.

(2) Brief adjudicative proceedings are informal hearings and shall be conducted in a manner which will bring about a prompt, fair resolution of the matter.

NEW SECTION

WAC 495E-110-220 Brief adjudicative proceedings—Agency record. The agency record for brief adjudicative proceedings shall consist of any documents regarding the matter that were considered or prepared by the presiding officer for the brief adjudicative proceeding or by the reviewing officer for any review. These records shall be maintained as the official record of the proceedings.

WSR 15-11-036

PERMANENT RULES

WASHINGTON STATE UNIVERSITY

[Filed May 14, 2015, 8:35 a.m., effective June 14, 2015]

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

Purpose: The university is updating the campus parking and traffic regulations and expanding rules regarding permit display.

Citation of Existing Rules Affected by this Order: Amending WAC 504-15-100, 504-15-350, 504-15-370, 504-15-520, 504-15-540, 504-15-560, 504-15-600, 504-15-650, 504-15-865, and 504-15-930.

Statutory Authority for Adoption: RCW 28B.30.150.

Adopted under notice filed as WSR 15-05-070 on February 17, 2015.

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 Request of a Nongovernmental 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 10, Repealed 0.

Date Adopted: May 8, 2015.

D. Bartlett, Director
Procedures, Records, and Forms
and University Rules Coordinator

AMENDATORY SECTION (Amending WSR 14-11-024, filed 5/12/14, effective 6/12/14)

WAC 504-15-100 Definitions. The definitions in this section are applicable within the context of this chapter.

(1) **Campus.** Describes all property owned, leased, and/or controlled by the university Pullman campus which is or may hereafter be dedicated mainly to the educational, research, housing, recreational, parking, or other activities of the university.

(2) **Commuter student.** Any student who does not live in a university residence hall (dormitory). All students living in fraternities, sororities, university-owned housing (other than residence halls), and private housing are considered to be commuter students.

(3) **Day.** Unless otherwise specified, the term "day" refers to a calendar day.

(4) ~~((Disability parking. See persons with disability.~~

~~(5))~~ **Disability zone.** A parking zone designated for exclusive use by persons with disability and identified with a sign bearing the associated international symbol.

~~((6))~~ **(5) Electric-assisted bicycle.** As defined under RCW 46.04.169.

~~((7))~~ **(6) Fire zone.** An area needed for emergency access to buildings, fire hydrants, or fire equipment. Such areas include, but are not limited to, areas with adjacent curbs or rails painted red.

~~((8))~~ **(7) Gate card.** A plastic card that activates the gates controlling access to certain parking areas.

~~((9) Holiday. See university holiday.~~

~~(10))~~ **(8) Illegal use of permit.** A parking violation in which a parking ticket is issued under the following circumstances:

(a) Use of a parking permit or indicator on a vehicle other than the specified vehicle identified by a license plate number on the permit.

(b) Use of a parking permit or indicator obtained under false pretenses.

(c) Use of a modified parking permit or indicator.

(d) Use and/or retention of a parking permit or indicator by person(s) ineligible, or no longer eligible, for such a permit as described and authorized in this chapter.

~~((11))~~ (9) Impound. To take and hold a vehicle in legal custody by use of a wheel lock and/or towing.

~~((12))~~ (10) Indicator. A decal or hanger displayed adjacent to a parking permit which defines additional parking areas available to a permit holder.

~~((13))~~ (11) Loading zone. A loading dock, or an area signed "loading zone" adjacent to a facility, in a parking area, or near a residence hall. Such an area is intended for loading and unloading bulky or voluminous material. Loading zones are restricted at all times unless signed otherwise.

~~((14))~~ (12) Moped. As defined under RCW 46.04.304.

~~((15))~~ (13) Motorcycle. As defined under RCW 46.04.330.

~~((16))~~ (14) Motorized foot scooter. As defined under RCW 46.04.336.

~~((17))~~ (15) Motor vehicle. As defined under RCW 46.04.320.

~~((18))~~ (16) No parking zone. Any area not specifically marked and/or signed for parking. Such areas include, but are not limited to, areas with adjacent curbs or rails painted yellow.

~~((19))~~ (17) Officer. Any parking or police official employed by the university who is designated by the parking administrator or chief of police to issue parking tickets, to place and remove wheel locks, or to cause vehicles to be towed under this chapter.

~~((20))~~ (18) Owner. The person registered with any state as the present owner of a vehicle in the most current registration records available to the university, the owner's expressed representative, or any transferee not designated in such records, provided that the parking administrator or chief of police has received actual written notice of the transfer.

~~((21))~~ (19) Park/parking. This refers to the placement or standing of a vehicle, with or without a driver in attendance, and with or without the engine running.

~~((22))~~ (20) Parking administrator. The director in charge of the parking department or designee.

~~((23))~~ (21) Parking appeals committee. Any person or persons appointed to consider parking violations and the application of fees, fines, and sanctions. Said person or persons are appointed by the vice-president whose responsibilities include supervision of the parking department or designee.

~~((24))~~ (22) Parking department. The university department which is charged with the responsibility of managing, operating, planning, and maintaining parking facilities; enforcing the parking regulations; and coordinating commute trip reduction efforts for the Pullman campus.

~~((25))~~ (23) Parking meter. A single fixed device that typically requires payment and limits the amount of time a vehicle can park in a single space. Also referred to as "meter" in this chapter. A parking meter is not a parking payment device.

~~((26))~~ (24) Parking payment device. A machine that requires payment and vends a parking permit and/or a paid receipt. Parking payment devices may be located in various

places on the campus. A parking payment device is not a parking meter.

~~((27))~~ (25) Parking permit. A vinyl, plastic, paper, or other instrument sanctioned by the parking department that is displayed from a vehicle, and authorizes parking in specified areas. Some parking permits may be purchased online and may be virtual in nature, and identified by other means such as by license plate. Also referred to as "permit" in this chapter.

~~((28))~~ (26) Parking ticket. The first notice of a parking violation which is usually placed in a visible location on a motor vehicle.

~~((29))~~ (27) Pay parking facility. A location where parking is provided and payment is made on-site via a parking payment device, cashier, or other means other than a parking meter.

~~((30))~~ (28) Pedestrian mall. A space that is designed primarily for pedestrian use, but with limited authorized use of motor vehicle and other motorized and nonmotorized conveyances. These restricted areas are depicted on the Pullman campus map and/or with signing at the entrances to the pedestrian mall areas.

~~((31))~~ (29) Persons with disability. For the purpose of this chapter, persons with disability shall refer to a person or persons with disability or disabilities who qualify for a state-issued ~~((persons with disability))~~ individual with disabilities parking identification and permit.

~~((32))~~ (30) Resident priority zone. A parking area close to a residence hall (i.e., crimson zone or gray zone) that is typically limited to use by ~~((resident))~~ residence hall students.

~~((33-Resident))~~ (31) Residence hall student. A student with a current, valid residence hall contract, who lives in a residence hall.

~~((34))~~ (32) Residence hall. Residence hall units (dormitories) that are owned by the university but are not included as university-owned housing apartments. Occupants of residence halls are considered ~~((resident))~~ residence hall students and are eligible for parking permits in resident priority zones.

~~((35))~~ (33) Service vehicle. A vehicle used to provide a service for the university or a tenant or contractor of the university (e.g., a university owned vehicle or a privately owned vehicle with a valid service vehicle authorization displayed).

~~((36))~~ (34) Service zone. Parking spaces or area designated for the use of service vehicles, other government-owned vehicles, and vehicles displaying a service indicator or commercial permit. Authorized vehicles may park in these zones on an occasional basis for a maximum of fifteen minutes, except for vehicles that display a commercial permit, or a service indicator issued for an extended time. Service zones are restricted at all times unless signed otherwise.

~~((37))~~ (35) Staff. For the purposes of these regulations, "staff" includes all nonstudent employees of the university and the nonstudent employees of other entities located on, or regularly doing business on campus. Teaching assistants, research assistants, and other students employed by the university, or other entities located on, or regularly doing business on campus, are not "staff." They are considered to be students for the purpose of these regulations.

~~((38))~~ (36) Standing. "Standing" is the stopping of a vehicle with the driver remaining in it.

~~((39))~~ (37) Storage of a vehicle. Impounded vehicles are held in storage until released. During such time they are subject to storage fees.

~~((40))~~ (38) Student. The term "student" includes all persons who are not staff who are taking courses at the university, enrolled full-time or part-time, pursuing undergraduate, graduate, professional studies, or auditing one or more classes.

~~((41))~~ (39) Summer session. The summer session includes all summer sessions beginning on the first day of the earliest session, and ending on the last day of the latest session.

~~((42))~~ (40) University. Refers to Washington State University.

~~((43))~~ (41) University holiday. A day regarded by the university as an official university holiday.

~~((44))~~ (42) University-owned housing. Housing units or apartments, and their respective parking areas, that are owned by the university, but are not included as residence halls. Occupants of university-owned housing are eligible for housing parking permits issued by the university.

~~((45))~~ (43) Unpaid. A full or partial outstanding balance due. This definition includes parking tickets which are pending appeal.

~~((46))~~ (44) Vacation. A period of time when classes or final exams are not in session. Except for holidays that fall within this period, the business offices of the university are open during this time.

~~((47))~~ (45) Vehicle storage. Vehicle storage means the parking or leaving of any vehicle for a period of more than twenty-four consecutive hours.

(46) Visitors. Persons who are not staff or students and who only visit the campus on an occasional basis.

~~((48))~~ (47) Wheel lock. A device used to temporarily immobilize a motor vehicle. Wheel locked vehicles are considered to be impounded in place and subject to storage fees.

~~((49))~~ (48) Wheel lock-eligible list. The current list of wheel lock-eligible vehicles as maintained by the parking department. A vehicle remains on the wheel lock-eligible list until all fines and fees related to parking tickets are paid in full or otherwise resolved to include the payment of fines and fees related to parking tickets not yet eligible for late fees.

~~((50))~~ (49) Wheel lock-eligible vehicle. Any vehicle on which three or more parking tickets more than thirty days old are unpaid and which parking tickets were issued during the time the vehicle was registered to or otherwise held by the owner. The vehicle remains wheel lock-eligible until all fines and fees related to parking tickets are paid in full or otherwise resolved to include the payment of fines and fees related to parking tickets not yet eligible for late fees.

(50) WSU disability permit. WSU-issued zone permit displayed with a valid state-issued disability placard or disability license plate.

AMENDATORY SECTION (Amending WSR 14-11-024, filed 5/12/14, effective 6/12/14)

WAC 504-15-350 Use of areas for emergency, maintenance, events, or construction(~~(- or special needs)~~). (1) The university reserves the right to restrict access to any cam-

pus parking area, roadway, or sidewalk at any time it is deemed necessary for maintenance, safety, events, construction, or emergencies(~~(- or to meet special needs)~~). The parking department provides notice to users when possible.

(2) The parking department may authorize the towing of vehicles parked in areas that are designated to be used for emergencies, maintenance, events, or construction. Towing is at the owner's expense.

(3) Public safety and maintenance personnel performing official duties may deviate from these regulations as required to conduct emergency procedures.

AMENDATORY SECTION (Amending WSR 10-11-083, filed 5/17/10, effective 7/1/10)

WAC 504-15-370 (~~(Storage of)~~ Vehicle(s) storage. The storage of vehicles, including motorcycles and mopeds, is prohibited on campus unless otherwise authorized by the parking department.

AMENDATORY SECTION (Amending WSR 10-11-083, filed 5/17/10, effective 7/1/10)

WAC 504-15-520 Parking permits—Form and display. All parking permits must be entirely visible and displayed in the approved position on the vehicle with permit numbers and relevant dates visible. Vehicles with permits which are not displayed in accordance with the provisions of this section are subject to parking tickets for the violation of improperly displaying a permit.

(1) Autos and trucks:

(a) (~~(Hanging)~~ Daily permits(~~(- both annual and daily-)~~) must be displayed (~~(hanging from the rear-view mirror post)~~) as instructed on the permit.

(b) Annual permits (~~(mounted solely by suction cup and permit decals directly affixed to the windshield)~~) must be displayed on the (~~(front windshield at the lower)~~) left (~~(corner)~~) side (driver's side) of the windshield. (~~(Decals)~~) Permits must be mounted completely by means of their own (~~(adhesive (not by tape))~~) design. No additional substances may be used to adhere the permit unless approved by the parking department.

(2) Motorcycles and mopeds. Motorcycle and moped permits must be mounted completely by means of their own adhesive and prominently displayed on the left rear side of the vehicle or on top of the rear tail light.

AMENDATORY SECTION (Amending WSR 14-11-024, filed 5/12/14, effective 6/12/14)

WAC 504-15-540 Zone parking permits—Availability and use. The management and assignment of parking zones is designed to provide a parking space to each permit holder. However, uncontrolled access to parking areas and unexpected parking demand make it impossible to guarantee a parking space in a permit holder's assigned zone. Every effort is made via surveys and limits on permit sales, to ensure that permit holders are not displaced from their assigned zones.

Staff and students are generally assigned to specific parking areas, referred to as zones. Parking zones are color-

coded with respect to their price and numbered with respect to the specific parking zone assignment of each permit holder. Permit holders may park in their assigned zone as reflected by the combination of color and number on their permit and corresponding sign, or they may park in other zones as described below.

(1) Orange permits. Orange permit holders may park in their numerically assigned orange zone, or in any green, yellow, red, or blue zone. These permits may be made available on a daily basis.

(2) Green permits. Green permit holders may park in their numerically assigned green zone, or in any yellow, red, or blue zone. These permits may be made available on a daily basis.

(3) Yellow permits. Yellow permit holders may park in their numerically assigned yellow zone, or in any red or blue zone. These permits may be made available on a daily basis.

(4) Red permits. Red permit holders may park in their numerically assigned red zone or in any blue zone. These permits may be made available on a daily basis.

(5) Crimson permits. Crimson permit holders may park in their numerically assigned crimson zone, or in the numerically corresponding gray zone (e.g., a crimson 1 permit is valid in the gray 1 zone, but not in the gray 2 zone), or in any blue zone. Crimson permit holders must turn in their crimson permit for a refund or credit toward another permit, if applicable, immediately upon moving out of the residence hall. Only ~~((resident))~~ residence hall students are eligible for crimson permits with the exception of the crimson 3 zone, which is available to all students. ~~((Resident))~~ Residence hall students are eligible for crimson, gray, or blue permits only.

(6) Gray permits. Gray permit holders may park in their numerically assigned gray zone, or in any blue zone. These permits may be made available on a daily basis. Gray permit holders must turn in their gray permit for refund or credit toward another permit, if applicable, immediately upon moving out of a residence hall. Only ~~((resident))~~ residence hall students are eligible for gray permits. ~~((Resident))~~ Residence hall students are eligible for crimson, gray, or blue permits only.

(7) Blue permits. Blue permit holders may park in any blue zone. These permits may be made available on a daily basis.

AMENDATORY SECTION (Amending WSR 14-11-024, filed 5/12/14, effective 6/12/14)

WAC 504-15-560 Other parking permits—Availability and use. (1) Visitor permits. For information about visitor parking, refer to the parking department's web site.

(2) Golden cougar permits. Golden cougar permits are special ~~((visitor))~~ permits that are issued to retired staff in recognition of their service without additional cost. They are issued on an annual basis and are valid in ~~((green, yellow, red, blue zones, and visitor permit only parking spaces))~~ designated areas that are approved by the parking department. Staff who are employed by the university or by other entities located on campus after formal retirement are not eligible to use a golden cougar permit in lieu of a regular paid zone permit.

(3) Event permits. Event permits are available to patrons who participate in events held on the university campus. They are available on a daily basis only. Event permits are assigned to specific zones on a space-available basis. Event permits are not valid in restricted spaces.

(4) Motorcycle permits. Motorcycle permits are valid within boundaries of areas specifically posted and/or marked for motorcycle permits. Motorcycle permits are available on an annual and daily basis.

(5) Moped permits. Moped permits are valid within boundaries of areas specifically posted and/or marked for moped permits. Moped permits are available on an annual and daily basis.

(6) Commercial permits. Commercial permits are issued to vendors, suppliers, and service representatives of outside companies performing a service for the university. Commercial permits are available on an annual or daily basis. Annual commercial permits are valid in service zones, parking meters, and green, yellow, red and blue zones, and visitor-permit-only parking spaces. Daily commercial permits may be assigned to specific zones on a space-available basis. Commercial permits are not valid in orange zones or pay parking facilities.

(7) Construction permits. A construction permit is issued to personnel who are working on a construction site on campus. Construction permits are available on an annual or daily basis and are assigned to a specific parking area.

(8) Housing permits. A housing permit is issued to eligible residents of university-owned housing. Housing permits are valid only in specific housing parking areas.

(9) Carpool. Upon application, a bona fide carpool as defined by the campus policies and procedures is given preference in the assignment of parking zones, and issued a permit that facilitates the carpool. Obtaining or using a carpool permit under false pretenses constitutes the illegal use of a permit.

(10) Departmental permits. Departmental parking permits are available for use by department employees who need to use their personal vehicles for university business. Departmental permits are available in different forms and are valid at parking meters; service zones; orange, green, yellow, red, blue, crimson, and gray permit zones; and pay parking facilities. Departmental permits are not valid in reserved spaces. The use of departmental permits for anything other than official departmental business is prohibited by the State Ethics Act.

AMENDATORY SECTION (Amending WSR 08-08-050, filed 3/27/08, effective 7/1/08)

WAC 504-15-600 Parking ~~((permits))~~ for persons with disability. (1) The provisions of this chapter cover ~~((the purchase and display of))~~ disability parking ~~((permits))~~ and the payment of fees and fines associated with parking for persons with disability.

(2) For the purpose of this chapter, persons with disability shall refer to a person or persons with disability who qualify for a state-issued ~~((persons with disability))~~ individual with disabilities parking identification and permit as provided in chapter 308-96B WAC.

(3) The university uses the state ~~((persons with disability))~~ individual with disabilities parking permit system to determine eligibility for ~~((a university persons with))~~ disability parking ~~((permit. Persons desiring to purchase a university persons with disability parking permit must present a valid state-issued persons with disability parking identification and permit))~~.

(4) Unless otherwise authorized, parking in spaces designated for persons with disability requires a ~~((valid university persons with))~~ WSU disability ~~((parking))~~ permit to park on campus. ~~((University parking permits for persons with disability are available at the blue zone rate.))~~

(5) Persons with a ~~((university persons with))~~ WSU disability ~~((parking))~~ permit may park in a persons with disability parking space and any other, nonrestricted permit space within a parking permit zone.

(6) Persons with a ~~((university persons with))~~ WSU disability ~~((parking))~~ permit may not park in restricted spaces with the exception of persons with disability parking spaces.

(7) Unless otherwise posted, any university parking permit to include a ~~((persons with))~~ WSU disability ~~((parking))~~ permit is not valid in lieu of payment of regular posted fees in pay parking facilities.

(8) A state-issued ~~((persons with disability))~~ individual with disabilities license plate, placard, or permit is valid in lieu of a ~~((university persons with))~~ WSU disability ~~((parking))~~ permit in parking zones during times when a university permit is not required.

(9) The university intends to retain control of access to the pedestrian malls on campus. For that reason a ~~((university persons with))~~ WSU disability ~~((parking))~~ permit is required in lieu of a state-issued ~~((persons with disability))~~ individual with disabilities license plate, placard, or permit as authorization to use a pedestrian mall to access marked persons with disability parking spaces within the confines of a pedestrian mall.

AMENDATORY SECTION (Amending WSR 08-08-050, filed 3/27/08, effective 7/1/08)

WAC 504-15-650 Parking fees and fines. (1) Schedules for parking fees, parking administrative fees, late payment fees, parking fines and sanctions, parking meter rates, prorate and refund schedules, and the effective date thereof are submitted to the president or his/her designee and to the board of regents for approval by motion, provided, however, that increases in fees and fines do not exceed limits established by the board of regents. Increases in fees and fines that do not exceed limits established by the board of regents are not submitted to the board of regents so long as the board of regents has delegated authority to the president or his designee to approve all such fees and fines. The schedules described above for all parking fees and fines are thereafter posted in the public area of the parking department office and posted on the parking department's web site.

(2) Before purchasing a permit, the balance of any fees and fines owed to the parking department must be paid in full.

(3) Payments. Parking fees and fines may be paid at the parking department by cash, check, approved payment card,

or money order. A payroll deduction plan is available for eligible university employees and eligible graduate students.

~~((4))~~ (4) The annual fee for any shorter period relative to all permits shall be prorated according to the published schedule.

~~((5))~~ (5) The proper fee must be paid for all vehicles parked in parking meter spaces unless otherwise authorized.

~~((6))~~ (6) Staff members whose work schedules qualify them for nighttime differential pay may purchase a permit for one-half the regular fee. Verification is required.

~~((7))~~ (7) Refunds. Annual permits being relinquished may be returned to the parking department for a pro rata refund in accordance with university policy. Identifiable remnants of the permit must be returned. The balance of any fees and fines owed the parking department is deducted from any refund due. Refunds for temporary permits are not granted. Refunds for pretax payroll deductions cannot be granted pursuant to federal tax laws.

~~((8))~~ (8) The parking department makes a wide array of options available in advance to university departments for use by their visitors, guests, and employees for the purpose of conducting departmental business. However, when necessary, university departments that can establish in writing that a parking ticket issued by the parking department was received as a result of parking any vehicle for the purpose of conducting official state business, or while conducting official business with the university or an entity located at the university are assessed a parking fee assessment (PFA) in lieu of the parking fine. Such requests for PFAs are signed by a department fiscal custodian. A PFA consists of the maximum daily parking fee plus an additional administrative fee for failing to purchase and provide the necessary parking permit or fee in advance or at the time of parking. University departments are encouraged to avoid additional administrative fees associated with PFAs by purchasing and storing prepaid parking permits and by making them available as the department deems necessary. Nothing in this regulation allows a university employee to receive, or attempt to receive, any benefit associated with his or her personal expenses in violation of the State Ethics Act. All questionable employee conduct regarding the application of this section is reported to, and investigated by, the university internal auditor. This section applies only to parking tickets issued pursuant to this chapter.

AMENDATORY SECTION (Amending WSR 08-08-050, filed 3/27/08, effective 7/1/08)

WAC 504-15-865 General. (1) Pursuant to the provisions of this chapter, an officer shall cause a vehicle to be wheel locked, or towed, or both, if:

(a) The vehicle is on the wheel lock-eligible list; or
(b) The vehicle displays a lost, stolen, or counterfeit parking permit.

(2) Any vehicle may be towed away at owner's/operator's expense if the vehicle:

(a) Has been immobilized by wheel lock for more than twenty-four hours; or

(b) Is illegally parked in a marked tow-away zone; or

(c) Is a hazard or obstruction to vehicular or pedestrian traffic (including, but not limited to, vehicles parked at curbs or rails painted yellow or red or in crosswalks); or

(d) Cannot be immobilized with a wheel lock device; or

(e) Is illegally parked in a disability space; or

(f) Is parked in an area designated to be used for emergencies, maintenance, events, or construction; or

(g) Is otherwise illegally parked on the executive authority of the parking department or the university police department.

(3) The driver and/or owner of a towed vehicle shall pay towing and storage expenses.

(4) Any vehicle immobilized by use of the wheel lock device in excess of twenty-four hours is assessed a storage fee for each calendar day or portion thereof, beyond the first twenty-four hours.

(5) The university assumes no responsibility in the event of damages resulting from towing, use of wheel lock devices, storage, or attempts to move a vehicle with a wheel lock device installed.

(6) No vehicle impounded by towing or wheel lock devices shall be released until the following fines are paid in cash or with an approved payment card:

(a) All unpaid parking ticket fines and late fees against said vehicle and any other vehicle registered to the owner;

(b) A wheel lock fee; and

(c) All towing and storage fees.

(7) A person wishing to challenge the validity of any fines or fees imposed under this chapter may appeal such fines or fees as provided in WAC 504-15-860. However, in order to secure release of the vehicle, such person must pay the amount of such fines or fees as a bond which shall be refunded to the extent the appeal is successful.

(8) An accumulation of six unpaid violations during any twelve-month period, exclusive of overtime at parking meter violations, and overtime in time zone violations, subjects the violator to revocation or denial of parking privileges. Vehicles without permits which accumulate the above number of violations may be prohibited from parking on university property.

AMENDATORY SECTION (Amending WSR 14-11-024, filed 5/12/14, effective 6/12/14)

WAC 504-15-930 Bicycles, skateboards, scooters, and roller skates. (1) The riding and use of bicycles, skateboards, scooters, and roller skates is prohibited on all building plazas, all pedestrian overpasses, interior building spaces, parking structures, parking structure ramps, all stairways, steps, ledges, benches, planting areas, ~~((and))~~ any other fixtures, and in any other posted area.

(2) Bicycles, skateboards, scooters, and roller skates may be ridden and used on sidewalks outside the prohibited areas when a bike path is not provided.

(3) Electric-assisted bicycles must be used in a human propulsion only mode on pedestrian malls and sidewalks.

(4) Motorized foot scooters must be used in a human propulsion only mode on sidewalks.

(5) Operators must move at a safe speed and yield to pedestrians at all times. Reckless or negligent operation of

bicycles, skateboards, scooters, and roller skates on any part of campus is prohibited.

(6) Bicyclists must obey all traffic laws applying to persons riding bicycles when operating bicycles on roadways.

(7) Bicycles may be secured only at university-provided bicycle racks and bicycle storage facilities designed for such purpose.

(8) Bicycles that are not secured at university-provided bicycle racks or bicycle storage facilities may be impounded at the owner's expense.

(9) Abandoned and inoperable bicycles. Internal policies regarding abandoned and inoperable bicycles, including the impoundment of bicycles at the WSU Pullman campus, may be established upon approval by the vice-president or designee whose responsibilities include supervision of the parking department.

WSR 15-11-041

PERMANENT RULES

WASHINGTON STATE UNIVERSITY

[Filed May 14, 2015, 1:34 p.m., effective June 14, 2015]

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

Purpose: The proposed amendments would permit a student to request that the university remove from his or her record a single disciplinary violation relating to the possession or use of alcohol and/or marijuana, and/or other violation of the university's policies relating to alcohol and drugs. Granting such a request is discretionary, and must be made according to university policies and procedures. In addition, the amendments include minor edits that bring the policies in line with current practices.

Citation of Existing Rules Affected by this Order: Amending WAC 504-26-001, 504-26-100, 504-26-200, 504-26-212, 504-26-304, 504-26-401, 504-26-403, 504-26-405, 504-26-407, and 504-26-501.

Statutory Authority for Adoption: RCW 28B.30.150.

Adopted under notice filed as WSR 15-05-069 on February 17, 2015.

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 Request of a Nongovernmental 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 10, Repealed 0.

Date Adopted: May 8, 2015.

D. Bartlett, Director
Procedures, Records, and Forms
and University Rules Coordinator

AMENDATORY SECTION (Amending WSR 15-01-080, filed 12/15/14, effective 1/15/15)

WAC 504-26-001 Preamble. Washington State University, a community dedicated to the advancement of knowledge, expects all students to behave in a manner consistent with its high standards of scholarship and conduct. Students are expected to uphold and be accountable for these standards both on and off campus and acknowledge the university's authority to take disciplinary action. The purpose of these standards and processes is to educate students and protect the welfare of the university community.

Accordingly, the conduct process is nonadversarial, confidential except to the extent permitted by law and these standards of conduct (this chapter), and not to be considered analogous to court proceedings. Further, the conduct process is independent of any criminal or civil penalties. WSU permits students to have advisors in certain circumstances in the student conduct process, but the role of the advisor is very limited. Sanctions under these standards of conduct are intended to challenge students' moral and ethical decision making and help them bring their behavior into accord with university community expectations. When students are unable to conform their behavior to community expectations, the student conduct process may determine that they should no longer share in the privilege of participating in the university community.

~~((Washington State University is guided by a commitment to excellence embodied in a set of core values. The university aims to create an environment that cultivates individual virtues and institutional integrity in the community. The mission of the university is supported when students uphold and take responsibility for the full scope of these values. The university's core values are identified in its strategic plan. Under the terms of enrollment, students acknowledge the university's authority to take disciplinary action for conduct on or off university property that is detrimental to the university's core values. Students who violate the university standards of conduct are subject to discipline, which may include temporary or permanent removal from the university.))~~

AMENDATORY SECTION (Amending WSR 15-01-080, filed 12/15/14, effective 1/15/15)

WAC 504-26-100 Composition of conduct and appeals boards. (1) The university conduct board shall be composed of five individuals appointed by the vice-president for student affairs and comprised of students and persons who are any category of university employee, including affiliate faculty and staff. The chairperson of the conduct board shall be named by the vice-president for student affairs and ~~((may be any category of))~~ shall be a university employee.

Any three persons constitute a quorum of a conduct board and may act, provided that at least one student and the chairperson are present.

(2) The appeals board shall be appointed by the vice-president for student affairs. It shall be composed of three persons, including the chair. The chair shall be a university employee. The other members may be university employees, including affiliate faculty and staff, or students, provided that the student members have had at least one academic year of

service on the university conduct board. Three persons constitute a quorum of the appeals board.

AMENDATORY SECTION (Amending WSR 15-01-080, filed 12/15/14, effective 1/15/15)

WAC 504-26-200 Jurisdiction of the standards of conduct for students. The standards of conduct for students shall apply to conduct that occurs on university premises, at university sponsored activities, and to off-campus conduct that adversely affects the university community and/or the pursuit of its objectives. These standards of conduct may be applied to behavior conducted online, via electronic mail or other electronic means.

Each student is responsible and accountable for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. These standards shall apply to a student's conduct even if the student withdraws from school, takes a leave of absence, or graduates while a disciplinary matter or investigation is pending. Definitions from these standards are incorporated into Washington State University's executive policy 15, which prohibits discrimination, sexual harassment, and sexual misconduct. The university has sole discretion to determine what conduct occurring off campus adversely impacts the university community and/or the pursuit of university objectives.

AMENDATORY SECTION (Amending WSR 15-01-080, filed 12/15/14, effective 1/15/15)

WAC 504-26-212 Alcohol. Use, possession, manufacture, or distribution of alcoholic beverages (except as expressly permitted by university regulations, and federal, state, and local laws), or public intoxication. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person ~~((under twenty-one years))~~ not of legal age.

AMENDATORY SECTION (Amending WSR 15-01-080, filed 12/15/14, effective 1/15/15)

WAC 504-26-304 Recognized student organization conduct. Sororities, fraternities, and recognized student organizations shall comply with the standards of conduct for students and with university policies. When a member or members of a recognized student organization violates the standards of conduct for students, the recognized student organization and/or individual members may be subject to appropriate sanctions authorized by these standards in accordance with the university's group accountability guidelines ~~((issued by the office of student standards and accountability)).~~

AMENDATORY SECTION (Amending WSR 15-01-080, filed 12/15/14, effective 1/15/15)

WAC 504-26-401 Complaints and student conduct process. (1) Any member of the university community may

file a complaint against a student for violations of the standards of conduct for students. ~~((Any complaint is to be submitted as soon as possible after the event takes place, preferably within thirty days.))~~

(2) A student conduct officer, or designee, may review and investigate any complaint to determine whether it appears to state a violation of the standards of conduct for students. If a conduct officer determines that a complaint appears to state a violation of the standards of conduct, she or he considers whether the matter might be resolved through agreement with the accused or through alternative dispute resolution proceedings involving the complainant and the accused. The complainant and the accused are informed of university options for alternative dispute resolution and may request that the matter be addressed using alternative dispute resolution techniques. Generally, the accused and complainant must agree to the use of alternative dispute resolution techniques. If the accused and the student conduct officer reach an agreed resolution of the complaint, the disposition is final; there is no right to appeal from an agreed disposition.

(3) If the conduct officer has determined that a complaint has merit and if the matter is not resolved through agreement or alternative dispute resolution, the matter is handled through either a conduct officer hearing or as a university conduct board hearing.

(a) When the allegation involves harm or threat of harm to any person or person's property and the accused disputes the facts and/or denies responsibility, the matter may be referred to the university conduct board for resolution.

(b) If the possible or recommended sanction is expulsion or suspension, the matter is referred to the university conduct board.

(c) Matters other than those listed in (a) and (b) of this subsection are heard by a conduct officer, unless the conduct officer exercises his or her discretion to refer the matter to a conduct board at any time before a decision is issued. A student may request that a conduct board hear the case, but the final decision to refer the matter to the university conduct board for hearing is made by the university conduct officer and such decision is not subject to appeal.

(4) The student conduct officer provides complainants who have been targets of alleged misconduct or who feel victimized thereby with names of university and community advocates or resources who may be able to help the complainant address his or her concerns about the behaviors and provide support to the complainant throughout the conduct process. Upon request, a university advisor from the office of the dean of students is available to the complainant and the accused student to assist in understanding the student conduct process. Due to federal privacy law, the university may not disclose to the complainant any sanctions taken against the accused student, unless the complainant was the victim of a violent crime for which the accused was found responsible as defined under the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. Sec. 1232g; 34 C.F.R. Part 99), or the accused student consents to such disclosure.

(5) All notifications and service under this chapter are delivered either by electronic mail or other electronic means, delivered personally, or sent via regular U.S. mail. Notifications sent via regular U.S. mail are sent to the party's last

known address or the address on file with the university registrar. The student or recognized student organization is responsible for maintaining an updated mailing address on file with the registrar. Deadlines described in this chapter begin the date the notification is sent via electronic means, personally delivered, or placed in regular U.S. mail.

(6) Throughout the conduct process, the complainant and the accused student have the right to be assisted by an advisor they choose, at their own expense. Upon request, a university advisor from the office of the dean of students is available to the complainant and the accused student to assist in understanding the student conduct process. The complainant and/or the accused student is responsible for presenting his or her own information, and therefore, during the hearing, advisors are not permitted to address the board, witnesses, conduct officers or any party or representatives invited by the parties to the hearing, nor to participate directly in any university conduct board hearing, conduct officer hearing, or other aspect of the conduct process. An advisor may communicate with the accused and recesses may be allowed for this purpose. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the scheduled meeting or hearing. The scheduling conflicts of an advisor are not considered good cause for a delay and do not entitle either party to a delay.

(7) The conduct officer or university conduct board's determinations are made on the basis of a "preponderance of the evidence," that is, whether it is more likely than not that the accused student violated the standards of conduct for students.

(8) Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in conduct proceedings. Relevant evidence, including hearsay, is admissible if it is the type of evidence that reasonable members of the university community would rely upon in the conduct of their affairs. The chair of the university conduct board and/or the conduct officer shall have the discretion to determine admissibility of evidence.

AMENDATORY SECTION (Amending WSR 15-01-080, filed 12/15/14, effective 1/15/15)

WAC 504-26-403 Conduct board proceedings. (1)

Any student charged by a conduct officer with a violation of any provision of the standards of conduct for students that is to be heard by a conduct board is provided notice as described in WAC 504-26-401(5).

(2) The written notice shall be completed by the conduct officer and shall include:

(a) The specific complaint, including the university policy or regulations allegedly violated;

(b) The approximate time and place of the alleged act that forms the factual basis for the charge of violation;

(c) The time, date, and place of the hearing;

(d) A list of the witnesses who may be called to testify, to the extent known;

(e) A description of all documentary and real evidence to be used at the hearing, to the extent known, including a statement that the student shall have the right to inspect his or her student conduct file.

(3) Time for hearings.

(a) The conduct board hearing is scheduled not less than seven days after the student has been sent notice of the hearing, except in the case of interim suspensions as set forth in WAC 504-26-406.

(b) Requests to extend the time and/or date for hearing must be addressed to the chair of the university conduct board, and must be copied to the office of student standards and accountability. A request for extension of time is granted only upon a showing of good cause.

(4) University conduct board hearings are conducted by a university conduct board. A goal of the hearing is to have an educational tone and to avoid creation of an unduly adversarial environment. The hearings are conducted according to the following guidelines, except as provided by subsection (6) of this section:

(a) Procedures:

(i) University conduct board hearings are conducted in private.

(ii) The complainant, accused student, and his or her advisor, if any, are allowed to attend the entire portion of the university conduct board hearing at which information is received (excluding deliberations). Admission of any other person to the university conduct board hearing is at the discretion of the university conduct board chair and/or the student conduct officer.

(iii) In university conduct board hearings involving more than one accused student, the student conduct officer, at his or her discretion, may permit joint or separate hearings.

(iv) In university conduct board hearings involving graduate students, board memberships are comprised to include graduate students and graduate teaching faculty to the extent possible.

(v) The complainant, the accused student, and the student conduct officer may arrange for witnesses to present pertinent information to the university conduct board. The conduct officer tries to arrange the attendance of possible witnesses who are identified by the complainant. Complainant witnesses must provide written statements to the conduct officer at least two weekdays prior to the hearing. Witnesses identified by the accused student must provide written statements to the conduct officer at least two weekdays prior to the conduct hearing. The accused student is responsible for informing his or her witnesses of the time and place of the hearing. Witnesses provide information to and answer questions from the university conduct board, the complainant, and the accused student, as appropriate. Questions may be suggested by the accused student and/or complainant to be answered by each other or by other witnesses. Written questions are directed to the conduct board chair, rather than to the witness directly. This method is used to preserve the educational tone of the hearing and to avoid creation of an unduly adversarial environment, and to allow the board chair to determine the relevancy of questions. Questions concerning whether potential information may be received are resolved at the discretion of the chair of the university conduct board. The chair of the university conduct board shall have the discretion to determine admissibility of ~~((evidence))~~ information.

(vi) Pertinent records, exhibits, and written statements (including student impact statements) may be accepted as information for consideration by a university conduct board at the discretion of the chair and/or conduct officer.

(vii) Questions related to the order of the proceedings are subject to the final decision of the chair of the university conduct board.

(viii) After the portion of the university conduct board hearing concludes in which all pertinent information is received, the university conduct board shall determine (by majority vote) whether the accused student has violated each section of the standards of conduct for students as charged and what sanctions, if any, are appropriate.

(b) If the accused student is found responsible for any of the charges (~~(brought against the accused)~~), the board may, at that time, consider the student's past contacts with the office of student standards and accountability in determining an appropriate sanction.

(c) The accused student or recognized student organization is notified of the conduct board's decision within ten calendar days from the date the matter is heard. The accused student or recognized student organization shall receive written notice of the decision, the reasons for the decision (both the factual basis therefore and the conclusions as to how those facts apply to the standards of conduct for students), the sanction, notice that the order will become final unless internal appeal is filed within twenty-one days of the date the letter was personally delivered, deposited in the U.S. mail, or electronically mailed, and a statement of how to file an appeal.

(i) The written decision is the university's initial order.

(ii) If the student or recognized student organization does not appeal the conduct board's decision before twenty-one calendar days from the date of the decision letter, it becomes the university's final order.

(5) There is a single verbatim record, such as an audio record, of all university conduct board hearings (not including deliberations). Deliberations are not recorded. The record is the property of the university.

(6) If an accused student to whom notice of the hearing has been sent (in the manner provided above) does not appear before a university conduct board hearing, the information in support of the complaint is presented and considered in his or her absence, and the board may issue a decision based upon that information.

(7) The university conduct board may for convenience or to accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witnesses during the hearing provide separate facilities, and/or permit participation by telephone, audio tape, written statement, or other means, as determined in the sole judgment of the vice-president for student affairs or designee to be appropriate.

AMENDATORY SECTION (Amending WSR 15-01-080, filed 12/15/14, effective 1/15/15)

WAC 504-26-405 Sanctions. (1) The following sanctions may be imposed upon any student found to have violated the standards of conduct for students:

(a) Warning. A notice in writing to the student that the student is violating or has violated institutional regulations.

(b) Probation. Formal action placing conditions upon the student's continued attendance at the university. Probation is for a designated period of time and warns the student or recognized student organization that suspension, expulsion, loss of recognition, or any other sanction outlined in this section may be imposed if the student is found to violate any institutional regulation(s) or fails to complete his or her conditions of probation during the probationary period. A student on probation is not eligible to run for or hold an office in any recognized student group or organization; she or he is not eligible for certain jobs on campus, including but not limited to resident advisor or orientation counselor; and she or he is not eligible to serve on the university conduct or appeals board.

(c) Loss of privileges. Denial of specified privileges for a designated period of time.

(d) Restitution. Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

(e) Education. The university may require the student to successfully complete an educational project designed to create an awareness of the student's misconduct.

(f) Community service. Imposition of service hours (not to exceed eighty hours per student or per member of a recognized student organization).

(g) Residence hall suspension. Separation of the student from a residence hall or halls for a definite period of time, after which the student may be eligible to return. Conditions for readmission may be specified.

(h) Residence hall expulsion. Permanent separation of the student from a residence hall or halls.

(i) University suspension. Separation of the student from the university for a definite period of time, after which the student is eligible to request readmission. Conditions for readmission may be specified.

(j) University expulsion. Permanent separation of the student from the university. Also referred to as university dismissal. The terms are used interchangeably throughout this chapter.

(k) Revocation of admission and/or degree. Admission to or a degree awarded from the university may be revoked for fraud, misrepresentation, or other violation of law or university standards in obtaining the degree, or for other serious violations committed by a student (~~(prior to graduation)~~) before awarding of the degree.

(l) Withholding degree. The university may withhold awarding a degree otherwise earned until the completion of the process set forth in this standards of conduct for students, including the completion of all sanctions imposed, if any.

(m) Trespass. A student may be restricted from any or all university premises based on his or her misconduct.

(n) Loss of recognition. A recognized student organization's recognition may be withheld permanently or for a specific period of time. A fraternity or sorority may be prohibited from housing freshmen. Loss of recognition is defined as withholding university services, privileges, or administrative approval from a student organization. Services, privileges, and approval to be withdrawn include, but are not limited to, intramural sports (although individual members may partici-

pate), information technology services, university facility use and rental, campus involvement office organizational activities, and office of Greek life advising.

(o) Hold on transcript and/or registration. A hold restricts release of a student's transcript or access to registration until satisfactory completion of conditions or sanctions imposed by a (~~(student)~~) conduct officer or university conduct board. Upon proof of satisfactory completion of the conditions or sanctions, the hold is released.

(p) No contact order. A prohibition of direct or indirect physical, verbal, and/or written contact with another individual or group.

(q) Fines. Previously established and published fines may be imposed. Fines are established each year prior to the beginning of the academic year and are approved by the vice-president for student affairs.

(2) More than one of the sanctions listed above may be imposed for any single violation.

(3)(a) In determining an appropriate sanction, the conduct officer or relevant board may consider any record of past contacts with the office of student standards and accountability, and the nature and severity of such past contact(s).

(b) The conduct board and/or appeals board may consider suspending or expelling any student found responsible for violating the university's sexual misconduct code (WAC 504-26-221).

(4) Other than university expulsion or revocation or withholding of a degree, disciplinary sanctions are not made part of the student's permanent academic record, but shall become part of the student's disciplinary record.

(5) In cases heard by university conduct boards, sanctions are determined by that board. The student conduct officer has the authority to assign sanctions in any conduct officer hearing.

(6) Academic integrity violations.

No credit need be given for work that is not a student's own. Thus, in academic integrity violations, the responsible instructor has the authority to assign a grade and/or educational sanction in accordance with the expectations set forth in the relevant course syllabus. The instructor's choices may include, but are not limited to, assigning a grade of "F" for the assignment and/or assigning an educational sanction such as extra or replacement assignments, quizzes, or tests, or assigning a grade of "F" for the course.

AMENDATORY SECTION (Amending WSR 15-01-080, filed 12/15/14, effective 1/15/15)

WAC 504-26-407 Review of decision. (1) The findings and sanctions rendered by the university conduct board or a (~~(student)~~) conduct officer may be appealed by the complainant and accused student(s) in the manner prescribed in the decision letter containing the (~~(university's)~~) findings and sanctions. Such appeal must be made before twenty-one days of the date of the decision letter. The director of student standards and accountability provides a copy of the appeal request by one party to the other party (parties) as appropriate.

(a) The university president or designee, of his or her own initiative, may direct that an appeals board be convened

to review a conduct board or conduct officer decision without notice to the parties. However, the appeals board may not take any action less favorable to the accused student(s), unless notice and an opportunity to explain the matter is first given to the accused student(s).

(b) If the complainant or accused student and/or the student conduct officer or designee wish to explain their views of the matter to the appeals board they shall be given an opportunity to do so in writing.

(c) The appeals board shall make any inquiries necessary to ascertain whether the proceeding must be converted to a formal adjudicative hearing under the Administrative Procedure Act (chapter 34.05 RCW).

(2) Except as required to explain the basis of new information, an appeal is limited to a review of the verbatim record of the university conduct board hearing and ~~((supporting documents))~~ the conduct file for conduct board decisions or the conduct file for conduct officer decisions for one or more of the following purposes:

(a) To determine whether the university conduct board hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and to present information that the standards of conduct for students were violated, and giving the accused student a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures are not a basis for sustaining an appeal unless significant prejudice results.

(b) To determine whether the decision reached regarding the accused student was based on substantial information, that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the standards of conduct for students occurred.

(c) To determine whether the sanction(s) imposed were appropriate for the violation of the standards of conduct for students which the student was found to have committed.

(d) To consider new information, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original university conduct board hearing.

(3) The university appeals board shall review the record and all information provided by the parties and take one of the following actions:

(a) Affirm, reverse, or modify the conduct board's or conduct officer's decision;

(b) Affirm, reverse, or modify the sanctions imposed by the conduct board or conduct officer;

(c) Set aside the findings and sanctions or remand the matter back to the conduct board or conduct officer with instructions for further proceedings.

(4) The appeals board's decision shall be personally delivered, sent via regular U.S. mail, or electronically mailed to the student. Such decision shall be delivered or mailed to the last known address of the accused student(s) or electronically mailed to the student's official university electronic mail account. It is the student's responsibility to maintain a correct and updated address with the registrar. The university appeals board's decision letter is the final order and shall advise the

student or recognized student organization that judicial review may be available. If the appeals board does not provide the student with a response within twenty days after the request for appeal is received, the request for appeal is deemed denied.

(5) The appeals board decision is effective as soon as the order is signed, except in cases involving expulsion or loss of recognition. In cases involving expulsion or loss of recognition, the appeals board decision is effective ten calendar days from the date the order is signed, unless the university president or designee provides written notice of additional review as provided in subsection (6) of this section.

(6) For cases involving expulsion or loss of recognition, the university president or designee may review a decision of the appeals board by providing written notice to the student or recognized student organization no later than ten calendar days from the date the appeals board decision is signed.

(a) This review is limited to the record and purposes stated in subsection (2) of this section.

(b) Prior to issuing a decision, the president or designee shall make any inquiries necessary to determine whether the proceeding should be converted into a formal adjudicative hearing under the Administrative Procedure Act (chapter 34.05 RCW).

(c) If the complainant or accused student and/or the student conduct officer or designee wish to explain their views of the matter to the president or designee, they shall do so in writing.

(d) The president or designee's decision is in writing, includes a brief statement of the reasons for the decision, and is issued within twenty calendar days after the date of the appeals board order. The decision becomes effective as soon as it is signed and includes a notice that judicial review may be available.

(7) Students may petition to delay the date that the final order of the university becomes effective by directing a petition to the chair of the appeals board, or the president or designee, as applicable, within ten calendar days of the date the order was personally delivered to the student or placed in the regular U.S. mail, or electronically mailed. The chair, or the president or designee, as applicable, shall have authority to decide whether to grant or deny the request.

(8) There is no further review beyond that of the findings of responsibility or outcomes assigned by university or college academic integrity hearing boards.

AMENDATORY SECTION (Amending WSR 15-01-080, filed 12/15/14, effective 1/15/15)

WAC 504-26-501 Records. (1) Standards of conduct for students records are maintained in accordance with the university's records retention schedule.

(2) The disciplinary record is confidential, and is released only as authorized under the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. Sec. 1232g; 34 C.F.R. Part 99) and the university policy on student educational records (chapter 504-21 WAC).

(3) A student may request a copy of his or her own disciplinary record at his or her own reasonable expense by mak-

ing a written request to the office of student standards and accountability.

(4) Personally identifiable student information is reduced to protect other students privacy.

(5) A student may authorize release of his or her own disciplinary record to a third party in compliance with FERPA (20 U.S.C. Sec. 1232g; 34 C.F.R. Part 99) by making a written request to the office of student standards and accountability.

(6) The university may inform the complainant of the outcome of any disciplinary proceeding involving a crime of violence as defined by FERPA (20 U.S.C. Sec. 1232g; 34 C.F.R. Part 99).

(7) The university informs the complainant of the outcome of any disciplinary proceeding alleging sexual misconduct. (34 C.F.R. 668.46 (b)(11)(vi)(B).)

(8) The university may not communicate a student's disciplinary record to any person or agency outside the university without the prior written consent of the student, except as required or permitted by law. Exceptions include but are not limited to:

(a) The student's parents or legal guardians may review these records if the student is a minor or a dependent for tax purposes as defined by FERPA (20 U.S.C. Sec. 1232g; 34 C.F.R. Part 99).

(b) Release to another educational institution, upon request, where the student seeks or intends to enroll, as allowed by FERPA (20 U.S.C. Sec. 1232g; 34 C.F.R. Part 99).

(9) A student may request removal from her or his record of a single disciplinary violation relating to the possession or use of alcohol and/or marijuana, and/or other violation of the university's policies relating to alcohol and drugs. Granting such a request is discretionary, and the student must make such a request in accordance with university policies and procedures.

WSR 15-11-042

PERMANENT RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 15-126—Filed May 14, 2015, 1:42 p.m., effective June 14, 2015, 1:42 p.m.]

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

Purpose: This rule proposal makes technical changes and edits to update recreational fishing rules to ensure rule clarity, accuracy, and functionality.

Reasons supporting proposal: Washington department of fish and wildlife (WDFW) needs these changes to increase efficiency, functionality, and clarity of the rules within WDFW's administrative code. The changes also update rules, removing a reference to the former department of fisheries and correcting the reference to "Northern squawfish" in WAC 232-12-166 to the correct name for the fish, "Northern pikeminnow." WAC 232-12-166 needed amendments to reflect changes to the Northern pikeminnow fishery as administered by the Pacific States Marine Fisheries Commission. The proposal is part of WDFW's larger efforts in the

WAC overhaul project to streamline, update, and reorganize WDFW's administrative code. A public hearing was held at the April 2015 fish and wildlife commission meeting, and the commission adopted the rule changes during a conference call on May 1, 2015.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-100, 220-56-112, 220-56-115, 220-56-175, 220-56-500, and 232-12-166.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.045, and 77.12.047.

Adopted under notice filed as WSR 15-06-062 on March 4, 2015.

Changes Other than Editing from Proposed to Adopted Version: WAC 232-12-166 was adjusted to reflect the current size requirements, and check-in and reporting requirements in the Northern pikeminnow fishery as administered by the Pacific States Marine Fisheries Commission. These changes are needed to ensure the rule aligns with the requirements established by the Pacific States Marine Fisheries Commission.

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 Request of a Nongovernmental 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 0, Amended 0, Repealed 0.

Date Adopted: May 1, 2015.

Brad Smith, Ph.D., Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending WSR 12-05-082, filed 2/16/12, effective 3/18/12)

WAC 220-56-100 Definitions—Personal-use fishing.

The following definitions apply to personal use fishing rules in Titles 220 and 232 WAC:

(1) "Anadromous game fish" means steelhead, sea-run cutthroat trout, and sea-run Dolly ((~~Varden/bull~~) Varden and bull trout.

(2) "Anti-snagging rule" means:

(a) Except when fishing with a buoyant lure (with no weights added to the lure or line) or trolling from a vessel or floating device, terminal fishing gear is limited to a lure or bait with one single point hook.

(b) Only single point hooks measuring not more than 3/4 inch from point to shank may be used and all hooks must be attached to or below the lure or bait.

(c) Weights may not be attached below or less than 12 inches above the lure or bait.

(3) "Bait" means any substance which attracts fish by scent or flavors. Bait includes any lure which uses scent or flavoring to attract fish.

(4) "Barbless hook" means a hook on which all barbs have been deleted when manufactured or filed off or pinched down.

(5) "Bass" means largemouth and smallmouth bass.

(6) "Bow and arrow fishing" means any method of taking, or attempting to take, fish by the use of an arrow equipped with a barbed head and a line attached, and propelled by a bow, as in the sport of archery, while the fisher is above the surface of the water.

(7) "Buoy 10 line" means a true north-south line projected through Buoy 10 at the mouth of the Columbia River. "Buoy 10 fishery" means a fishery between a line in the Columbia River from Tongue Point in Oregon to Rocky Point in Washington and the Buoy 10 line.

(8) "Buoyant lure" means a lure that floats on the surface of freshwater when no additional weight is applied to the line or lure, and when not being retrieved by a line.

(9) "Channel Marker 13 line" means a true north-south line through Grays Harbor Channel Marker 13.

(10) "Daily limit" means the maximum number or pounds of fish, shellfish, or seaweed of the required size of a given species or aggregate of species which a person may retain in a single day.

(11) "Fresh" means fish or shellfish that are refrigerated, iced, salted, or surface glazed.

(12) "Freshwater area" means:

(a) Within any freshwater river, lake, stream or pond.

(b) On the bank or within 10 yards of any freshwater river, lake, stream or pond.

(c) On or within any boat launch, ramp, or parking facility associated with any freshwater river, lake, stream or pond.

(13) "Frozen" means fish or shellfish that are hard frozen throughout.

(14) "Gaffing" means an effort to take fish by impaling the fish with a hook attached directly to a pole or other device.

(15) "Hatchery" when used to describe the difference between a hatchery fish and a nonhatchery fish, except salmon, means a fish having a clipped adipose fin or a clipped ventral fin with a healed scar at the location of the clipped fin. A hatchery salmon is a salmon having a clipped adipose fin and a healed scar at the location of the clipped fin, regardless of whether the fish is missing a ventral fin.

(16) "Hook" means one single point, double or treble hook. A "single point hook" means a hook having only one point. A "double hook" means a hook having two points on a common shank. A "treble hook" means a hook having three points on a common shank.

(17) "Hook and line" or "angling" (~~shall be~~) are identical in meaning and, except as provided in WAC 220-56-115, (~~shall be~~) are defined as the use of not more than one line with three hooks attached to a pole held in hand while landing fish, or the use of a hand operated line without rod or reel, to which may be attached not more than three hooks. When fishing for bottom fish, "angling" and "jigging" (~~shall be~~) are identical in meaning.

(18) "In the field or in transit" means at any place other than at the ordinary residence of the harvester. An ordinary residence is a residential dwelling where a person normally lives, with associated features such as address, telephone number, utility account, etc. A motor home or camper parked at a campsite or a vessel are not considered to be an ordinary residence.

(19) "Juvenile" means a person under fifteen year of age.

(20) "Lure" means a manufactured article constructed of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which does not use scent or flavoring to attract fish. "Nonbuoyant lure" means a lure complete with hooks, swivels or other attachments, which does not float in freshwater.

(21) "Night closure" means closed to fishing from one hour after official sunset to one hour before official sunrise.

(22) "Opening day of lowland lake season" means the fourth Saturday in April.

(23) "Possession limit" means the number of daily limits allowed to be retained in the field or in transit.

(24) "Processed" means fish or shellfish which have been processed by heat for human consumption as kippered, smoked, boiled, or canned.

(25) "Steelhead license year limit" means the maximum number of steelhead trout any one angler may retain from April 1st through the following March 31st.

(26) "Selective gear rules" means terminal fishing gear is limited to artificial flies with barbless single hooks or lures with barbless single hooks and bait is prohibited. Up to three hooks may be used. Only knotless nets may be used to land fish. In waters under selective gear rules, fish may be released until the daily limit is retained.

(27) "Slough" means any swamp, marsh, bog, pond, side-channel, or backwater connected to a river by water. Waters called sloughs that are not connected to a river are considered lakes.

(28) "Snagging" means an effort to take fish with a hook and line in a manner that the fish does not take the hook or hooks voluntarily in its mouth.

(29) "Spearing" or "spear fishing" means an effort to take fish or shellfish by impaling the fish or shellfish on a shaft, arrow or other device.

(30) "Stationary gear restriction" means the line and weight and lure or bait must be moving while in the water. The line and weight and lure or bait may not be stationary.

(31) "Steelhead" means sea-run rainbow trout over twenty inches in length.

(32) "Trolling" means a method of fishing from a vessel or floating device that is underway and under power.

(33) "Unmarked salmon" means a salmon with intact adipose and ventral fins.

(34) "Trout" means brown trout, bull trout, cutthroat trout, Dolly Varden, Eastern brook trout, golden trout, grayling, Kokanee (silver trout), lake trout, rainbow trout, tiger trout, and, in WAC (~~232-28-649~~) 220-310-175 through 220-310-200, salmon from waters designated as "landlocked salmon rules apply."

(35) "Whitefish gear rules" means terminal fishing gear is restricted to one single hook, maximum hook size three-sixteenths inch point to shank (hook size 14), and bait is allowed. All species: Release all fish except whitefish.

(36) "Wild" when used to describe the difference between a hatchery fish and a nonhatchery fish, except salmon, means a fish with all fins intact.

(37) "Wild" when used to describe a salmon (Chinook, coho, chum, pink or sockeye), means a salmon with an unclipped adipose fin, regardless of whether the fish is ventral fin-clipped. A salmon with a clipped adipose fin and a healed scar at the site of the clipped fin is not a wild salmon.

(38) "Wild cutthroat release" means it is unlawful to retain any cutthroat trout that does not have a clipped adipose fin and a healed scar at the location of the clipped fin.

(39) "Wild steelhead release" means it is unlawful to retain any steelhead that does not have a clipped adipose or ventral fin and a healed scar at the location of the clipped fin.

AMENDATORY SECTION (Amending WSR 82-07-047, filed 3/18/82)

WAC 220-56-112 Sampling data and tag recovery. It is unlawful for any person to fail to comply with the directions of authorized department (~~(of fisheries)~~) personnel related to the collection of sampling data or material from salmon or other food fish. It is also unlawful for any person to fail to relinquish upon request to the department any fish tag or any part of a salmon or other food fish containing coded wire tags, including but not limited to, the snouts of those salmon that are marked by having clipped adipose fins.

AMENDATORY SECTION (Amending WSR 13-06-070, filed 3/6/13, effective 4/6/13)

WAC 220-56-115 Angling gear—Lawful and unlawful acts. (1) It is unlawful for any person to use more than one line while angling for personal use, except:

(a) Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing in lakes, ponds, and reservoirs open to fishing unless listed as an exception in WAC 220-55-220. Anglers in possession of a valid two-pole endorsement may use up to two lines while fishing in rivers and marine areas as noted in WAC 220-55-220 and ~~((232-28-649))~~ 220-310-175 through 220-310-200.

(b) A second line using forage fish jigger gear is permissible while fishing in Catch Record Card Areas 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12, and 13.

(c) When fishing outside 3 miles from shore in Pacific Ocean waters for tuna species, anglers are not restricted on the number of rods or lines fished per angler, provided that no other species are possessed onboard the vessel. A violation of this subsection is an infraction, punishable under RCW 77.15.160, Infractions.

(2) It is unlawful for any person to take, fish for, or possess fish taken for personal use by any means other than angling with a line attached to a pole held in hand while landing the fish or with a hand-operated line without rod or reel, except:

(a) It is unlawful to fish for or possess salmon taken for personal use with hand lines in marine waters of Puget Sound east of the mouth of the Sekiu River and in Washington waters at the mouth of the Columbia River east of a line projected true north and south through Buoy 10, Grays Harbor, and Willapa Bay.

(b) It is permissible to leave a pole in a pole holder while playing or landing the fish if the pole is capable of being readily removed from the pole holder.

(c) It is permissible to use an electric power-operated reel designed for sport fishing attached to a pole.

(3) It is unlawful for any person while angling to fail to keep his angling gear under his or her direct and immediate physical control.

(4) In areas where a saltwater license is valid, each fisher aboard a vessel may continue to deploy angling gear or shellfish gear until the daily limit of food fish or shellfish for all licensed anglers and juvenile anglers aboard has been retained.

(5) A violation of this section is an infraction, punishable under RCW 77.15.160, unless the person has harvested fish or shellfish. If the person has harvested fish or shellfish, the violation is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, unless the fish or shellfish are taken in the amounts or manner to constitute a violation of RCW 77.15.370, Unlawful recreational fishing in the first degree—Penalty.

(6) It is unlawful to possess fish or shellfish taken with gear in violation of the provisions of this section. Possession of fish or shellfish while using gear in violation of the provisions of this section is a rebuttable presumption that the fish or shellfish were taken with such gear. Possession of such fish or shellfish is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, unless the fish or shellfish are taken in the amounts or manner to constitute a violation of RCW 77.15.370, Unlawful recreational fishing in the first degree—Penalty.

AMENDATORY SECTION (Amending WSR 09-02-069, filed 1/6/09, effective 2/6/09)

WAC 220-56-175 Catch record cards. It is unlawful for any person to fail to comply with the catch record requirements as provided for in this section:

(1) ~~((In order to fish for or possess for personal use any Dungeness crab in Catch Record Card Area 4 east of the Bonilla-Tatoosh Line, and in Catch Record Card Areas 5-13,))~~ An angler must obtain and have in his or her personal possession a valid and appropriate Puget Sound Dungeness crab catch record card as described in WAC 220-69-236 to fish for or possess for personal use any Dungeness crab in Catch Record Card Area 4 east of the Bonilla-Tatoosh Line, and in Catch Record Card Areas 5-13.

(2) ~~((In order to fish for or possess for personal use any anadromous salmon, sturgeon, halibut, or steelhead,))~~ An angler must obtain and have in his or her personal possession a valid and appropriate catch record card as described in WAC 220-69-236((The only exception is for)) to fish for or possess for personal use any anadromous salmon, sturgeon, halibut, or steelhead except a catch record card is not required for.

(a) Commercially caught salmon retained for personal use, as provided ((for)) in WAC 220-20-016, and commercially caught sturgeon retained for personal use, as provided ((for)) in WAC 220-20-021((-Also, a catch record card is not required for)); and

(b) Landlocked steelhead or for salmon in waters designated as "landlocked salmon rules apply" in WAC ((232-28-619)) 220-310-175 through 220-310-200.

(3) ~~((To validate their catch record cards,))~~ Anglers must completely, accurately, and legibly complete all personal identification information in ink on the catch record card before detaching the card from its underlying copy or, for automated licenses, affixing the appropriate validation sticker to the catch record card to validate a catch record card. A catch record card remains valid as long as there is one or more unfilled spaces available for the species being fished for, except:

(a) ~~((In the mainstem Columbia River downstream from where the river forms the common boundary between Oregon and Washington,))~~ A catch record card remains valid for catch-and-release sturgeon fishing when the sturgeon portion of the card is full in the mainstem Columbia River downstream from where the river forms the common boundary between Oregon and Washington.

(b) ~~((A person may not))~~ It is unlawful to use a second or subsequent catch record card to retain sturgeon ~~((and))~~ or wild steelhead after the first card is full.

(4) Immediately upon catching and possessing a salmon, steelhead, sturgeon or halibut, anglers must enter, in ink, in the appropriate space on the card, the place, date of catch, and species (catch type). For sturgeon, anglers also must record the length of the fish; for halibut, anglers also must record the vessel type; and for salmon, anglers also must indicate whether or not the fish was marked by having clipped adipose fins.

(5) Immediately upon retaining a Puget Sound Dungeness crab aboard a vessel or on the shore, ~~((a))~~ fishers must enter, in ink, in the appropriate space on the Puget Sound Dungeness crab catch record card, the place and date of catch, the fishery type, and a tally mark for each Dungeness crab retained from each catch record card area fished. At the end of the fishing day, the fisher must enter the total number of crab tally marks for each fishery type.

(6)(a) Every person issued a catch record card must, by April 30 of the year after they used the card, return the card to the department of fish and wildlife. People issued a Puget Sound Dungeness crab catch record card must return the card to the Washington department of fish and wildlife or report the card information at the designated internet site by the dates indicated on the card.

(b) ~~((Effective December 1, 2009, and thereafter,))~~ Failure to return a Dungeness crab catch record card or to report the Dungeness crab catch record card information at the designated internet site by the dates indicated on the card will result in a ten-dollar administrative fee. The administrative fee will be collected from anglers when they acquire a subsequent Puget Sound Dungeness crab endorsement.

(7) Any person possessing a catch record card must show the card to any law enforcement officer or authorized department employee who asks to inspect the card.

(8) A catch record card must not be transferred, borrowed, altered, or loaned to another person, ~~((unless pursuant to Substitute Senate Bill No. 6260, effective June 12, 2008))~~ except as authorized under RCW 77.32.565.

AMENDATORY SECTION (Amending WSR 13-20-021, filed 9/23/13, effective 10/24/13)

WAC 220-56-500 Game fish seasons—General rules.

It is unlawful to fish for game fish except during the seasons and times below.

(1) Freshwater lakes, ponds and reservoirs: Open year-round except as provided for in WAC ~~((232-28-619))~~ 220-310-175 through 220-310-200.

(2) Freshwater rivers, streams, and beaver ponds:

(a) Rivers, streams, and beaver ponds that drain into Puget Sound, the Strait of Juan de Fuca, Pacific Ocean (excluding the Columbia River), Grays Harbor, and Willapa Bay are closed to fishing for game fish unless otherwise provided ~~((for))~~ in department rule.

(b) All ~~((other))~~ rivers, streams, and beaver ponds listed in WAC 220-310-175 through 220-310-200: Open the first Saturday in June through October 31 except as otherwise provided for in WAC ~~((232-28-619))~~ 220-310-175 through 220-310-200.

(3) Saltwater (all waters downstream and seaward of the mouths of rivers and streams generally defined in WAC 220-16-245 and specifically defined in WAC 220-56-105): Open year-round, except:

(a) Lake Washington Ship Canal - Those waters of Area 10 west of the Lake Washington Ship Canal to a north-south line 175 feet west of the Burlington-Northern Railroad Bridge are closed waters.

(b) Toliva Shoal - Waters within 500 yards of the Toliva Shoal buoy are closed waters from June 16 through April 30.

(c) Freshwater Bay - Waters south of a line from Angeles Point westerly to Observatory Point are closed July 1 through October 31.

(d) Tulalip Bay - Waters of Tulalip Bay east of a line from Hermosa Point to Mission Point are closed waters.

(e) Agate Pass - Waters of Catch Record Card Area 10 west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point are closed to game fish angling from January 1 through March 31; however, a person can fish with gear meeting the fly-fishing-only requirements of WAC 220-56-210 as long as he or she does not use lead-core fly line. It is unlawful to retain any fish taken during the period January 1 through March 31.

(f) Those waters of Hood Canal inshore from yellow marker buoys to the mouth of Finch Creek, and waters within the channel created when tidelands are exposed, are closed the entire year.

However, persons with disabilities who permanently use a wheelchair and who have a designated harvester card under WAC 220-55-065 may fish from the ADA-access site at the Hoodsport Salmon Hatchery, as long as such persons follow all department rules that apply to the adjoining waters of Marine Area 12.

(4) A violation of this section is an infraction, punishable under RCW 77.15.160, unless the person has harvested game fish. If the person has harvested game fish, the violation is punishable under RCW 77.15.380, Unlawful recreational fishing in the second degree—Penalty, unless the game 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.

AMENDATORY SECTION (Amending WSR 99-03-029, filed 1/13/99, effective 2/13/99)

WAC 232-12-166 Northern (~~squawfish~~) pikeminnow sport-reward fishery Columbia and Snake rivers. The Washington department of fish and wildlife shall administer a bounty voucher program for Northern (~~squawfish~~) pikeminnow (*Ptychocheilus oregonensis*) taken by legal fishing methods, in waters open to fishing, from the mouth of the Columbia River to the boundary markers 650 feet below the fish ladders at Priest Rapids Dam; from the mouth of the Snake River to the boat restricted zone below Hells Canyon Dam, and from the backwaters and sloughs as well as up to 400 feet into the tributaries of the reaches listed above on the Columbia and Snake rivers. (~~In addition,~~) The following requirements (~~shall~~) must be met to qualify for a voucher:

~~((a))~~ (1) Each angler must register in person, prior to fishing, at one of the registration stations each fishing day (~~A fishing day is a 24-hour period from 9:01 p.m. through 9:00 p.m. of the following day~~);

~~((b))~~ (2) Each angler, in person, must exchange their eligible Northern (~~squawfish~~) pikeminnow for a voucher during the posted hours, and at the same registration station where the angler registered (~~during the same~~) prior to fishing (~~day~~);

~~((c))~~ (3) Each Northern (~~squawfish~~) pikeminnow must be (~~eleven~~) nine inches or longer in total length and presented in fresh condition or alive;

~~((d))~~ (4) Anglers (~~shall~~) must provide information regarding their catch as requested by department personnel at the registration site (~~and mail in survey forms~~); and

~~((e))~~ (5) Anglers (~~shall obtain~~) must possess a valid Washington state fishing license and must use a single rod, reel, and line with up to three hooks with no more than three points each.

WSR 15-11-049

PERMANENT RULES DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed May 15, 2015, 9:05 a.m., effective July 1, 2015]

Effective Date of Rule: July 1, 2015.

Purpose: The purpose of the changes in WAC 388-106-0300, 388-106-0305 and 388-106-0310, is to remove personal care, nurse delegation, personal emergency response systems, and community transition services under the COPES program in preparation for these services being offered in the new community first choice state plan program. This is in accordance with ESHB 2746, which mandated the department to refinance medicaid personal care services under the community first choice option. The proposed WAC also adds a new COPES waiver service, the wellness education service. The purpose of the changes to WAC 388-106-0210(2) is to clarify that when the community first choice program becomes available, individuals who are eligible for this program will not be eligible for the medicaid personal

care funded services. Financial eligibility rules are also clarified and corrected.

Citation of Existing Rules Affected by this Order: Amending WAC 388-106-0210, 388-106-0225, 388-106-0300, 388-106-0305, and 388-106-0310.

Statutory Authority for Adoption: RCW 74.08.090 and 74.09.520.

Adopted under notice filed as WSR 15-08-071 on March 31, 2015.

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 5, Repealed 0.

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 5, Repealed 0.

Date Adopted: May 12, 2015.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 15-03-038, filed 1/12/15, effective 2/12/15)

WAC 388-106-0210 Am I eligible for medicaid personal care (MPC)(~~(-)~~)funded services? You are eligible for MPC-funded services when the department assesses your functional ability and determines that you meet all of the following criteria:

(1) You are certified as noninstitutional categorically needy, as defined in WAC (~~(182-513-1305))~~ 182-500-0020, or have been determined eligible for Washington apple health alternative benefit plan coverage, as described in WAC 182-505-0250. Categorically needy medical institutional programs described in chapter 182-513 and 182-515 WAC do not meet (~~this~~) the criteria for MPC.

(2) You do not require the level of care furnished in a hospital or nursing facility, as defined in WAC 388-106-0355, an intermediate care facility for intellectual disability, as defined in WAC 388-825-3080 and WAC 388-828-4400, an institution providing psychiatric services for individuals under the age of twenty-one, or an institution for mental disease for individuals age sixty-five or over.

(3) You are functionally eligible which means one of the following applies:

(a) You have an unmet or partially met need for assistance with at least three of the following activities of daily living, as defined in WAC 388-106-0010:

For each Activity of Daily Living, the minimum level of assistance required in:		
	Self-Performance, Status or Treatment Need is:	Support Provided is:
Eating	N/A	Setup
Toileting	Supervision	N/A
Bathing	Supervision	N/A
Dressing	Supervision	N/A
Transfer	Supervision	Setup
Bed Mobility	Supervision	Setup
Walk in Room OR Locomotion in Room OR Locomotion Outside Immediate Living Environment	Supervision	Setup
Medication Management	Assistance Required	N/A
Personal Hygiene	Supervision	N/A
Body care which includes: ■Application of ointment or lotions; ■Toenails trimmed; ■Dry bandage changes; (■ = if you are over eighteen years of age or older) or Passive range of motion treatment (if you are four years of age or older).	Needs or Received/Needs Need: Coded as "Yes"	N/A

Your need for assistance in any of the activities listed in subsection (a) of this section did not occur because you were unable or no provider was available to assist you will be counted for the purpose of determining your functional eligibility.

; or
(b) You have an unmet or partially met need for assistance or the activity did not occur (because you were unable

or no provider was available) with at least one or more of the following:

For each Activity of Daily Living, the minimum level of assistance required in		
	Self-Performance, Status or Treatment Need is:	Support Provided is:
Eating	Supervision	One person physical assist
Toileting	Extensive Assistance	One person physical assist
Bathing	Physical Help/part of bathing	One person physical assist
Dressing	Extensive Assistance	One person physical assist
Transfer	Extensive Assistance	One person physical assist
Bed Mobility and Turning and repositioning	Limited Assistance and Need	One person physical assist
Walk in Room OR Locomotion in Room OR Locomotion Outside Immediate Living Environment	Extensive Assistance	One person physical assist
Medication Management	Assistance Required Daily	N/A
Personal Hygiene	Extensive Assistance	One person physical assist
Body care which includes: ■Application of ointment or lotions; ■Toenails trimmed; ■Dry bandage changes; (■ = if you are eighteen years of age or older) or Passive range of motion treatment (if you are four years of age or older).	Needs or Received/Needs Need: Coded as "Yes"	N/A

Your need for assistance in any of the activities listed in subsection (b) of this section did not occur because you were unable or no provider was available to assist you will be counted for the purpose determining your functional eligibility.

AMENDATORY SECTION (Amending WSR 14-15-092, filed 7/18/14, effective 8/18/14)

WAC 388-106-0225 How do I pay for MPC? (1) If you live in your own home, you do not participate toward the cost of your personal care services.

(2) If you live in a residential facility and are:

(a) An SSI beneficiary who receives only SSI income, you only pay for board and room. You are allowed to keep a personal needs allowance of ~~((forty one dollars and forty four cents per month. Effective January 1, 2009 this amount will change to))~~ sixty-two dollars and seventy-nine cents;

(b) An SSI beneficiary who receives SSI and another source of income, you only pay for board and room. You are allowed to keep a personal needs allowance of ~~((forty one dollars and forty four cents. You keep an additional twenty dollars from non-SSI income. Effective January 1, 2009 this amount will change to))~~ sixty-two dollars and seventy-nine cents. ~~((This new amount includes the twenty dollar disregard;))~~

(c) An SSI-related person under WAC 182-512-0050, you may be required to participate towards the cost of your personal care services in addition to your board and room if your financial eligibility is based on the facility's state contracted rate described in WAC ~~((182-513-1305))~~ 182-513-1205. You are allowed to keep a personal needs allowance of ~~((forty one dollars and forty four cents. You keep an additional twenty dollars from non-SSI income. Effective January 1, 2009 this amount will change to))~~ sixty-two dollars and seventy-nine cents. ~~((This new amount includes the twenty dollar disregard; or))~~

(d) ~~((A medical care services))~~ An aged, blind, disabled (ABD) cash assistance client eligible for categorically needy medicaid coverage in an adult family home (AFH), you are allowed to keep a personal needs allowance (PNA) of thirty-eight dollars and eighty-four cents per month. The remainder of your income must be paid to the AFH as your room and board up to the ALTSA room and board standards; or

(e) ~~((A medical care services))~~ An aged, blind, disabled (ABD) cash assistance client eligible for categorically needy medicaid coverage in an assisted living facility, you are authorized a personal needs grant of up to thirty-eight dollars and eighty-four cents per month; ~~((or))~~

(f) A Washington apple health MAGI-based client as determined by WAC 182-505-0250, you pay only for room and board. If your income is less than the ALTSA room and board standard, you are allowed to keep a personal needs allowance of sixty-two dollars and seventy-nine cents and the remainder of your income goes to the provider for room and board.

(3) Personal needs allowance (PNA) standards and the ALTSA room and board standard can be found at <http://www.dshs.wa.gov/manuals/eaz/sections/LongTermCare/>

~~standardsPNAchartsufile.shtml))~~ <http://www.hca.wa.gov/medicaid/eligibility/pages/standards.aspx>.

~~((3))~~ (4) The department pays the residential care facility from the first day of service through the:

(a) Last day of service when the medicaid resident dies in the facility; or

(b) Day of service before the day the medicaid resident is discharged.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 15-03-038, filed 1/12/15, effective 2/12/15)

WAC 388-106-0300 What services may I receive under community options program entry system (COPEs) when I live in my own home? When you live in your own home, you may be eligible to receive only the following services under COPEs:

(1) ~~((Personal care services as defined in WAC 388-106-0010 in your own home and, as applicable, while you are out of the home accessing community resources or working.~~

~~((2))~~ (2) Adult day care if you meet the eligibility requirements under WAC 388-106-0805.

~~((3))~~ (2) Environmental modifications, if the minor physical adaptations to your home:

(a) Are necessary to ensure your health, welfare and safety;

(b) Enable you to function with greater independence in the home;

(c) Directly benefit you medically or remedially;

(d) Meet applicable state or local codes; and

(e) Are not adaptations or improvements, which are of general utility or add to the total square footage.

~~((4))~~ (3) Home delivered meals, providing nutritional balanced meals, limited to one meal per day, if:

(a) You are homebound and live in your own home;

(b) You are unable to prepare the meal;

(c) You don't have a caregiver (paid or unpaid) available to prepare this meal; and

(d) Receiving this meal is more cost-effective than having a paid caregiver.

~~((5))~~ (4) Home health aide service tasks in your own home, if the service tasks:

(a) Include assistance with ambulation, exercise, self-administered medications and hands-on personal care;

(b) Are beyond the amount, duration or scope of medicaid reimbursed home health services as described in WAC 182-551-2120 and are in addition to those available services;

(c) Are health-related. Note: Incidental services such as meal preparation may be performed in conjunction with a health-related task as long as it is not the sole purpose of the aide's visit; and

(d) Do not replace medicare home health services.

~~((6))~~(a) Personal emergency response system (PERS), if the service is necessary to enable you to secure help in the event of an emergency and if:

(i) You live alone in your own home;

~~(ii) You are alone, in your own home, for significant parts of the day and have no regular provider for extended periods of time; or~~

~~(iii) No one in your home, including you, can secure help in an emergency.~~

~~(b) A medication reminder if you:~~

~~(i) Are eligible for a PERS unit;~~

~~(ii) Do not have a caregiver available to provide the service; and~~

~~(iii) Are able to use the reminder to take your medications.~~

~~(7)) (5) Skilled nursing, if the service is:~~

~~(a) Provided by a registered nurse or licensed practical nurse under the supervision of a registered nurse; and~~

~~(b) Beyond the amount, duration or scope of medicaid-reimbursed home health services as provided under WAC 182-551-2100.~~

~~((8)) (6) Specialized durable and nondurable medical equipment and supplies under WAC 182-543-1000, if the items are:~~

~~(a) Medically necessary under WAC 182-500-0700;~~

~~(b) Necessary for: Life support; to increase your ability to perform activities of daily living; or to perceive, control, or communicate with the environment in which you live;~~

~~(c) Directly medically or remedially beneficial to you; and~~

~~(d) In addition to and do not replace any medical equipment and/or supplies otherwise provided under medicaid and/or medicare.~~

~~((9)) (7) Training needs identified in CARE or in a professional evaluation, which meet a therapeutic goal such as:~~

~~(a) Adjusting to a serious impairment;~~

~~(b) Managing personal care needs; or~~

~~(c) Developing necessary skills to deal with care providers.~~

~~((10)) (8) Transportation services, when the service:~~

~~(a) Provides access to community services and resources to meet your therapeutic goal;~~

~~(b) Is not diverting in nature; and~~

~~(c) Is in addition to and does not replace the medicaid-brokered transportation or transportation services available in the community.~~

~~((11) Nurse delegation services, when:~~

~~(a) You are receiving personal care from a registered or certified nursing assistant who has completed nurse delegation core training;~~

~~(b) Your medical condition is considered stable and predictable by the delegating nurse; and~~

~~(c) Services are provided in compliance with WAC 246-840-930.~~

~~(12)) (9) Nursing services, when you are not already receiving this type of service from another resource. A registered nurse may visit you and perform any of the following activities. The frequency and scope of the nursing services is based on your individual need as determined by your CARE assessment and any additional collateral contact information obtained by your case manager.~~

~~(a) Nursing assessment/reassessment;~~

~~(b) Instruction to you and your providers;~~

~~(c) Care coordination and referral to other health care providers;~~

~~(d) Skilled treatment, only in the event of an emergency. A skilled treatment is care that would require authorization, prescription, and supervision by an authorized practitioner prior to its provision by a nurse, for example, medication administration or wound care such as debridement. In none-emergency situations, the nurse will refer the need for any skilled medical or nursing treatments to a health care provider, a home health agency or other appropriate resource.~~

~~(e) File review; and/or~~

~~(f) Evaluation of health-related care needs affecting service plan and delivery.~~

~~((13) Community transition services, if you are being discharged from the nursing facility or hospital and if services are necessary for you to set up your own home. Services:~~

~~(a) May include: Safety deposits, utility set-up fees or deposits, health and safety assurances such as pest eradication, allergen control or one-time cleaning prior to occupancy, moving fees, furniture, essential furnishings, and basic items essential for basic living outside the institution; and~~

~~(b) Do not include rent, recreational or diverting items such as TV, cable or VCRs.~~

~~(14)) (10) Adult day health services as described in WAC 388-71-0706 when you are:~~

~~(a) Assessed as having an unmet need for skilled nursing under WAC 388-71-0712 or skilled rehabilitative therapy under WAC 388-71-0714 and:~~

~~(i) There is a reasonable expectation that these services will improve, restore or maintain your health status, or in the case of a progressive disabling condition, will either restore or slow the decline of your health and functional status or ease related pain or suffering;~~

~~(ii) You are at risk for deteriorating health, deteriorating functional ability, or institutionalization; and~~

~~(iii) You have a chronic or acute health condition that you are not able to safely manage due to a cognitive, physical, or other functional impairment.~~

~~(b) Assessed as having needs for personal care or other core services, whether or not those needs are otherwise met.~~

~~(c) You are not eligible for adult day health if you:~~

~~(i) Can independently perform or obtain the services provided at an adult day health center;~~

~~(ii) Have referred care needs that:~~

~~(A) Exceed the scope of authorized services that the adult day health center is able to provide;~~

~~(B) Do not need to be provided or supervised by a licensed nurse or therapist;~~

~~(C) Can be met in a less structured care setting;~~

~~(D) In the case of skilled care needs, are being met by paid or unpaid caregivers;~~

~~(E) Live in a nursing home or other institutional facility; or~~

~~(F) Are not capable of participating safely in a group care setting.~~

~~(11) Wellness education, as identified in your person centered service plan to address an assessed need or condition.~~

AMENDATORY SECTION (Amending WSR 14-15-092, filed 7/18/14, effective 8/18/14)

WAC 388-106-0305 What services may I receive under COPES if I live in a residential facility? If you live in one of the following residential facilities: A licensed assisted living facility contracted with the department to provide assisted living, enhanced adult residential care, enhanced adult residential care-specialized dementia care or an adult family home, you may be eligible to receive only the following services under COPES:

~~(1) ((Personal care services as defined under WAC 388-106-0010.~~

~~(2))~~ Specialized durable and nondurable medical equipment and supplies under WAC 182-543-1000, when the items are:

- (a) Medically necessary under WAC 182-500-0005; and
- (b) Necessary: For life support; to increase your ability to perform activities of daily living; or to perceive, control, or communicate with the environment in which you live; and
- (c) Directly medically or remedially beneficial to you; and

(d) In addition to and do not replace any medical equipment and/or supplies otherwise provided under medicaid and/or medicare; and

(e) In addition to and do not replace the services required by the department's contract with a residential facility.

~~((3))~~ (2) Training needs identified in CARE or in a professional evaluation, that are in addition to and do not replace the services required by the department's contract with the residential facility and that meet a therapeutic goal such as:

- (a) Adjusting to a serious impairment;
- (b) Managing personal care needs; or
- (c) Developing necessary skills to deal with care providers.

~~((4))~~ (3) Transportation services, when the service:

- (a) Provides access to community services and resources to meet a therapeutic goal;
- (b) Is not diverting in nature;
- (c) Is in addition to and does not replace the medicaid-brokered transportation or transportation services available in the community; and
- (d) Does not replace the services required by DSHS contract in residential facilities.

~~((5))~~ (4) Skilled nursing, when the service is:

- (a) Provided by a registered nurse or licensed practical nurse under the supervision of a registered nurse;
- (b) Beyond the amount, duration or scope of medicaid-reimbursed home health services as provided under WAC 182-551-2100; and
- (c) In addition to and does not replace the services required by the department's contract with the residential facility (e.g. intermittent nursing services as described in WAC 388-78A-2310).

~~((6))~~ (5) Nursing services, when you are not already receiving this type of service from another resource. A registered nurse may visit you and perform any of the following activities. The frequency and scope of the nursing services is based on your individual need as determined by your CARE assessment and any additional collateral contact information obtained by your case manager.

- (a) Nursing assessment/reassessment;
- (b) Instruction to you and your providers;
- (c) Care coordination and referral to other health care providers;

(d) Skilled treatment, only in the event of an emergency. A skilled treatment is care that would require authorization, prescription, and supervision by an authorized practitioner prior to its provision by a nurse, for example, medication administration or wound care such as debridement. In none-emergency situations, the nurse will refer the need for any skilled medical or nursing treatments to a health care provider, a home health agency or other appropriate resource.

- (e) File review; and/or
- (f) Evaluation of health-related care needs affecting service plan and delivery.

~~((7) Community transition services, if you are being discharged from the nursing facility or hospital and if services are necessary for you to live in a residential facility. Services:~~

~~(a) May include: Safety deposits, utility set up fees or deposits, health and safety assurances such as pest eradication, allergen control or one time cleaning prior to occupancy, moving fees, furniture, essential furnishings, and basic items essential for basic living outside the institution.~~

~~(b) Do not include rent, recreational or diverting items such as TV, cable or VCRs.~~

~~(8))~~ (6) Adult day health services as described in WAC 388-71-0706 when you are:

(a) Assessed as having an unmet need for skilled nursing under WAC 388-71-0712 or skilled rehabilitative therapy under WAC 388-71-0714, and:

- (i) There is a reasonable expectation that these services will improve, restore or maintain your health status, or in the case of a progressive disabling condition, will either restore or slow the decline of your health and functional status or ease related pain or suffering;
- (ii) You are at risk for deteriorating health deteriorating functional ability, or institutionalization; and
- (iii) You have a chronic or acute health condition that you are not able to safely manage due to a cognitive, physical, or other functional impairment.

(b) Assessed as having needs for personal care or other core services, whether or not those needs are otherwise met.

(c) You are not eligible for adult day health if you:

- (i) Can independently perform or obtain the services provided at an adult day health center;

(ii) Have referred care needs that:

- (A) Exceed the scope of authorized services that the adult day health center is able to provide;

(B) Do not need to be provided or supervised by a licensed nurse or therapist;

(C) Can be met in a less structured care setting;

(D) In the case of skilled care needs, are being met by paid or unpaid caregivers;

(E) Live in a nursing home or other institutional facility; or

(F) Are not capable of participating safely in a group care setting.

(7) Wellness education, as identified in your person centered service plan to address an assessed need or condition.

Reviser's note: The typographical errors in 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 12-16-026, filed 7/25/12, effective 8/25/12)

WAC 388-106-0310 Am I eligible for COPES-funded services? You are eligible for COPES-funded services if you meet all of the following criteria. The department must assess your needs in CARE and determine that:

- (1) You are age:
(a) Eighteen or older and blind or have a disability, as defined in WAC 182-512-0050; or
(b) Sixty-five or older.
(2) You meet financial eligibility requirements. This means the department will assess your finances and determine if your income and resources fall within the limits set in WAC ((388-515-1505)) 182-515-1505, community options program entry system (COPES).
(3) ((You:
(a) Are not eligible for medicaid personal care services (MPC); or
(b) Are eligible for MPC services, but the department determines that the amount, duration, or scope of your needs is beyond what MPC can provide.
(4)) Your CARE assessment shows you need and are eligible for:
(a) The level of care provided in a nursing facility (or will likely need the level of care within thirty days unless COPES services are provided) which is defined in WAC 388-106-0355(1); and
(b) A COPES waiver service.
(5) You continue to receive at least one monthly waiver service.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 15-11-053
PERMANENT RULES
DEPARTMENT OF HEALTH

[Filed May 15, 2015, 12:29 p.m., effective June 15, 2015]

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

Purpose: WAC 246-282-990, the purpose of the rule is to equitably assess the costs of commercial geoduck paralytic shellfish poison (PSP) testing. The cost assessment follows the annual redistribution formula and is based on the 2014 cost of service. The testing is essential to public health as it is the only way to determine if dangerous levels of PSP exist in commercial geoduck and ensure toxic shellfish do not reach consumers.

Citation of Existing Rules Affected by this Order: Amending WAC 246-282-990.

Statutory Authority for Adoption: RCW 43.70.250.

Adopted under notice filed as WSR 15-07-025 on March 10, 2015.

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 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: May 15, 2015.

Dennis E. Worsham
Deputy Secretary
for John Wiesman, DrPH, MPH
Secretary

AMENDATORY SECTION (Amending WSR 14-12-082, filed 6/3/14, effective 7/4/14)

WAC 246-282-990 Fees. (1) The required annual shellfish operation license fees for shellstock shippers and shucker-packers due October 1, 2011, shall be reduced by twenty-five percent of the annual shellfish operation license fees in subsection (2) of this section. Beginning July 1, 2012, and for every subsequent year, the full annual shellfish operation license fees in subsection (2) of this section shall be assessed.

(2) Annual shellfish operation license fees are:

Table with 2 columns: Type of Operation, Annual Fee. Rows include Harvester (\$263), Shellstock Shipper (0-49 Acres \$297, 50 or greater Acres \$476), Scallop Shellstock Shipper (\$297), Shucker-Packer (Plants with floor space < 2000 sq. ft. \$542, 2000 sq. ft. to 5000 sq. ft. \$656, > 5000 sq. ft. \$1,210).

(3) The fee for each export certificate is \$20.00.

(4) Annual PSP testing fees for companies harvesting species other than geoduck intertidally (between the extremes of high and low tide) are as follows:

Fee Category			Harvester	Fee
Type of Operation	Number of Harvest Sites	Fee		
Harvester	≤ 2	\$173	Department of natural resources (quota tracts harvested by DNR contract holders)	\$((9,140)) <u>10,670</u>
Harvester	3 or more	\$259	Discovery Bay Shellfish	\$((2,226)) <u>1,135</u>
Shellstock Shipper 0 - 49 acres	≤ 2	\$195	Jamestown S'Klallam Tribe	\$((2,226)) <u>1,589</u>
Shellstock Shipper 0 - 49 acres	3 or more	\$292	Lower Elwha Klallam Tribe	\$((3,515)) <u>2,384</u>
Shellstock Shipper 50 or greater acres	N/A	\$468	Lummi Nation	\$((703)) <u>227</u>
Shucker-Packer (plants < 2000 ft ²)	≤ 2	\$354	Nisqually Tribe	\$((2,461)) <u>5,902</u>
Shucker-Packer (plants < 2000 ft ²)	3 or more	\$533	Port Gamble S'Klallam Tribe	\$((3,749)) <u>1,362</u>
Shucker-Packer (plants 2000 - 5000 ft ²)	≤ 2	\$429	Puyallup Tribe of Indians	\$((9,257)) <u>8,286</u>
Shucker-Packer (plants 2000 - 5000 ft ²)	3 or more	\$644	<u>Skokomish Indian Tribe</u>	<u>\$114</u>
Shucker-Packer (plants > 5000 ft ²)	N/A	\$1,189	Squaxin Island Tribe	\$((2,109)) <u>3,292</u>
			Suquamish Tribe	\$((14,178)) <u>15,093</u>
			Swinomish Tribe	\$((820)) <u>1,022</u>
			(Taylor Shellfish	\$234)
			Tulalip Tribe	\$((7,382)) <u>6,924</u>

(a) The number of harvest sites will be the total number of harvest sites on the licensed company's harvest site certificate:

- (i) At the time of first licensure; or
- (ii) January 1 of each year for companies licensed as harvesters; or
- (iii) July 1 of each year for companies licensed as shellstock shippers and shucker packers.

(b) Two or more contiguous parcels with a total acreage of one acre or less is considered one harvest site.

(5) Annual PSP testing fees for companies harvesting geoduck are as follows:

(6) PSP fees must be paid in full to department of health before a commercial shellfish license is issued or renewed.

(7) Refunds for PSP fees will be given only if the applicant withdraws a new or renewal license application prior to the effective date of the new or renewed license.

WSR 15-11-063
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 19, 2015, 7:08 a.m., effective July 1, 2015]

Effective Date of Rule: July 1, 2015.

Purpose:

	WAC Numbers	WAC Description	What is Changing	Reason for Change
1.	296-17-31014	Farming and agriculture	Add definition of a farm labor contractor to the agricultural reporting rules.	Classification and reporting rules refer to "farm labor contractor," yet no definition existed in the rules. The definition is taken from the farm labor contracting rules in WAC 296-310-010.

	WAC Numbers	WAC Description	What is Changing	Reason for Change
2.	296-17A-3415	Factory built housing dealers	Spelling out that WAC 296-17A-3415 includes delivery to a customer from the dealer.	We have always included this kind of delivery in WAC 296-17A-3415, but confusion existed because it was not spelled out in WAC 296-17A-3415. Classification 0517 (set up of factory built housing units performed by a contractor) implied WAC 296-17A-3415 includes this delivery.
3.	296-17A-6207-04	Fireworks exhibition	Correct reference in text from 4601 (Fireworks manufacturing) to 3701 (Chemical mixing, blending and repackaging only: Fireworks manufacturing).	Exclusion currently points to 4601, which was repealed in 2010. Classification 3701 is the correct classification.
4.	296-17A-6303-03	Insurance sales personnel and claims adjusters	Remove "voluntary" from "to elect voluntary coverage" to read "to elect coverage."	Confusion could exist around whether the rule referred to volunteer coverage. The coverage being elected is not volunteer coverage.

The department intends to review these chapters and make revisions to:

- Correct typographical and other errors (such as invalid telephone numbers and out-of-date references),
- Revise wording and formatting to make the rules easier to understand and apply, and
- Incorporate and formalize existing agency practices (such as expressly including in a risk classification employment that the department currently includes by interpretation or analogy).

The purpose of this rule making is not to make substantive changes to how the department classifies employment, but to review and revise the classification plan to ensure it is clear and understandable. These changes will not change the way we calculate employer rates, our reporting requirements, or how we classify businesses.

As part of this rule making, the department also intends to review these chapters as required by SSB 5679 (chapter 30, Laws of 2013 2nd sp. sess.) to make changes where possible to reduce the regulatory burden on employers insured with the state fund.

Citation of Existing Rules Affected by this Order: See Purpose above.

Statutory Authority for Adoption: RCW 51.04.020 and 51.16.035.

Adopted under notice filed as WSR 15-07-072 on March 17, 2015.

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 Request of a Nongovernmental Entity: New 0, Amended 4, Repealed 0.

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

and we will put you in contact with your assigned account

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: May 19, 2015.

Joel Sacks
Director

AMENDATORY SECTION (Amending WSR 14-18-079, filed 9/3/14, effective 10/4/14)

WAC 296-17-31014 Farming and agriculture. (1) Does this same classification approach apply to farming or agricultural operations?

Yes, but it may not appear so without further explanation. We classify farming and agricultural operations by type of crop or livestock raised. This is done because each type of grower will use different processes and grow or raise multiple crops and livestock which have different levels of hazards. It is common for farmers and ranchers to have several basic classifications assigned to their account covering various types of crops or livestock. If you fail to keep the records required in the auditing recordkeeping section of chapter 296-17 WAC, and we discover this, we will assign all worker hours for which records were not maintained to the highest rated classification applicable to the work performed.

(2) I am involved in diversified farming and have several basic classifications assigned to my business. Can I have one classification assigned to my account to cover the different types of farming I am involved in?

Yes, your account manager can assist you in determining the single classification that will apply to your business. The name and phone number of your account manager can be found on your quarterly premium report or your annual rate notice. For your convenience you can call us at 360-902-4817 manager.

(3) How do you determine what single farming classification will be assigned to my business?

The approach used to assign a single classification to a farming business is much the same as we use for construction or erection contractors. To do this, we will need a break down of exposure (*estimate of hours to be worked by your employees*) by type of crop or livestock being cared for (*classification*). This information will be used to estimate the premium which would be paid using multiple classifications. The total premium is then divided by the total estimated hours to produce an average rate per hour. We will select the classification assigned to your business which carries the hourly premium rate which is the closest to the average rate that we produced from the estimated hours. Classification 4806 is not to be assigned to any grower as the single farming classification.

(4) How will I know what single farming classification you have assigned to my business?

We will send you a written notice of the basic classification that will apply to your business.

(5) If I requested a single classification for my farming operation can I change my mind and use multiple classifications?

Yes, but you will need to call your account manager to verify the applicable classifications.

The name and phone number of your account manager can be found on your quarterly premium report or your annual rate notice. For your convenience you can call us at 360-902-4817 and we will put you in contact with your assigned account manager.

(6) What is a farm labor contractor?

A farm labor contractor is a specialty contractor who supplies laborers to a farm operation for specified services such as weeding, planting, irrigating, and fertilizing. Generally, work involves manual labor tasks as opposed to machine operations.

(7) I am a farm labor contractor. How is my business classified?

If you are a farm labor contractor we will assign the basic classification that applies to the type of crop being grown, or livestock being cared for. If you contract to supply both machine operators and machinery on a project, all operations are to be assigned to classification 4808.

~~((7))~~ (8) Farm internship pilot program. Who may participate in the farm internship pilot program created by the department as a result of Title 49 RCW, effective June 12, 2014?

Small farms with annual sales of less than two hundred fifty thousand dollars per year located in San Juan, Skagit, King, Whatcom, Kitsap, Pierce, Jefferson, Spokane, Yakima, Chelan, Grant, Island, Snohomish, Kittitas, Lincoln, and Thurston counties that receive a special certification from the department may have farm interns. Employers who qualify may report no more than three farm interns. Farm internship program risk classifications are: WAC 296-17A-4814, 296-17A-4815, and 296-17A-4816.

food, or souvenir concession booths, mobile offices, aid

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-3415 Classification 3415.**3415-00 Factory built housing dealers**

Applies to establishments engaged in the sales and service of factory built housing units such as mobile/manufactured homes or modular homes. Work contemplated by this classification includes:

- Pick up of units from housing factory(;;);
- Delivery of the unit to a sales location or customer's

site:

- Set up of units at sales lot or customer locations(;;);
- Installation of skirting(;;);
- Aligning cabinets and doors(;;); and
- Touch up painting when performed by employees of an

employer subject to this classification.

This classification also includes:

- Parts department employees(;;);
- Sales employees who assist in duties described in this

classification(;;) and

• Lot employees engaged in the maintenance of grounds or in the maintenance of factory built home units on display at the lot.

This classification excludes (~~delivery of~~):

• Contractors who deliver and set up factory built home units ((and set up by contractor which is to be reported separately in classification)) which are classified in 0517;

• Employees involved in work such as, but not limited to, concrete work, electrical, plumbing, landscaping, and fence construction who are to be reported separately in the construction classification applicable to the work they are performing; and

• Modular or mobile home sales personnel who, if all the conditions of the Exception classifications, WAC 296-17-31018 are met, may be reported separately in classification 6301 ((provided all the conditions of the general reporting rule covering standard exception employees have been met)).

~~((Special note))~~ • Construction of separate out-buildings such as garages, carports, well houses and storage sheds ((which may be constructed in connection with a modular or mobile set up are excluded from this classification and)), which are to be reported separately in the applicable construction classifications.

• Establishments engaged exclusively in the delivery of modular or mobile homes, ((but who)) which are not involved in any aspect of the set-up of the structure, are to be reported separately in classification 1102.

AMENDATORY SECTION (Amending WSR 14-17-085, filed 8/19/14, effective 9/19/14)

WAC 296-17A-6207 Classification 6207.**6207-00 Carnivals - Traveling**

Applies to those employees of an employer engaged in operating traveling carnivals, who are drivers and/or engaged in the set up and/or tear down of mechanical and nonmechanical amusement rides, and any temporary structure associated with a traveling carnival such as, but not limited to, game, rooms or ticket booths.

This classification excludes clerical office employees who are assigned to a permanent office location with no outside duties who may be reported separately in classification 4904 provided all the conditions of the general reporting rules covering standard exception employees have been met; clerical employees who travel with the carnival or with ride operators and who work out of a mobile office, ride operators, game attendants, ticket sellers/takers and personnel involved in the care, custody, and maintenance of carnival facilities who are to be reported separately in classification 6208; establishments engaged in operating mechanical or nonmechanical rides at a permanent location which are to be reported separately in classification 6208; and establishments engaged in operating video or amusement game arcades at a permanent location, not within or operated in connection with an amusement park, which are to be reported separately in classification 6406.

Special note: Permanent shop employees, and those employees assigned to the shop during the winter quartering period may be reported separately in classification 5206 provided the conditions set forth in WAC 296-17-31018 have been met.

6207-01 Circuses - Traveling

Applies to establishments engaged in operating a traveling circus. Work contemplated by this classification includes all preparations, operations and maintenance normally performed by employees of an employer having operations subject to this classification. Employments include, but are not limited to, drivers, trainers, performers, ticket sellers/takers, clerical staff who travel with the circus, set up/tear down of mechanical and nonmechanical rides, concession booths or stands, mobile offices, aid rooms, ticket booths and all other temporary structures associated with a traveling circus.

This classification excludes clerical office employees who are assigned to a permanent office location with no outside duties, who may be reported separately in classification 4904 provided all the conditions of the general reporting rules covering standard exception employees have been met.

Special note: Classifications 6208 and 5206 do not apply to circus operations.

6207-02 Amusement rides - Traveling

Applies to establishments engaged in operating mechanical or nonmechanical amusement rides. Employments contemplated by this classification include, but are not limited to, drivers and all employees engaged in the set up and tear down, operation, and maintenance of mechanical and nonmechanical rides and all other temporary structures associated with the amusement rides. This classification also includes automobile stunt shows, such as monster trucks or motorcycle car jumps, that perform for entertainment purposes. Covered employments associated with automobile stunt shows include, but are not limited to, drivers, mechanics, and maintenance employees who set up and take down ramps or other structures used in the show.

This classification excludes clerical office employees who are assigned to a permanent office location with no outside duties, who may be reported separately in classification 4904 provided all the conditions of the general reporting rule covering standard exception employees have been met; cleri-

cal employees who travel with the amusement operations and work out of a mobile office, ride operators, attendants, ticket sellers/takers, and personnel involved in the care, custody, and maintenance of amusement facilities who may be reported separately in classification 6208; employers engaged in operating mechanical or nonmechanical rides at a permanent location which are to be reported separately in classification 6208; and establishments engaged in operating video or amusement game arcades at a permanent location, not within or operated in connection with an amusement park, which are to be reported separately in classification 6406.

Special note: Permanent shop employees, and those employees assigned to the shop during the winter quartering period, may be reported separately in classification 5206 provided the conditions set forth in WAC 296-17A-5206 have been met.

6207-03 Rodeos

Applies to establishments engaged in the production of rodeos. Employments contemplated by this classification include all operations normally performed by employees of an employer having operations subject to this classification such as, but not limited to, drivers and all arena employees, setting up/tearing down temporary enclosures/structures/bleachers, clowns, gate openers, animal handlers, ticket sellers/takers, first-aid staff, and clerical staff who travel with the rodeo.

This classification excludes clerical office employees who are assigned to a permanent office location with no outside duties, who may be reported separately in classification 4904 provided all the conditions of the general reporting rule covering standard exception employees have been met; and stock handlers who contract with a rodeo producer to supply horses, bulls, or other rodeo animals, who are to be reported separately in classification 7302.

Special note: Classifications 6208 and 5206 do not apply to rodeos.

6207-04 Fireworks exhibition

Applies to establishments engaged in producing pyrotechnic exhibitions. This classification includes purchasing ready made fireworks, setting up displays, timing fuses, lighting the fireworks, and cleaning up.

This classification excludes establishments engaged in the manufacture of fireworks which are to be reported separately in classification ((460+)) 3701.

AMENDATORY SECTION (Amending WSR 14-17-085, filed 8/19/14, effective 9/19/14)

WAC 296-17A-6303 Classification 6303.

Sales personnel with outside duties, messengers, insurance producers or surplus line brokers, social workers and dieticians employed by a home health care service

Although referenced as sales personnel, this classification also applies to others with similar type activities. While some duties may be performed in a business office, the work is often conducted away from the employer's physical business location or in showrooms. We refer to work that takes place away from the employer's premises as "outside sales."

Classification **6303** is a standard exception classification, as described in WAC 296-17-31018 Exception classifications, with restrictions on both the type of work and where the work can take place. If any of a worker's duties are excluded from **6303** because of restrictions described in this rule, then none of the worker's hours may be reported in classification **6303**.

Special note: Care must be taken to:

- Look beyond job titles such as salesperson, social worker, or messenger. Job titles do not ensure the work satisfies the restrictions for classification **6303**;
- Ensure standard exceptions are permitted - Some basic classifications include sales work;
- Ensure workers assigned classification **6303** perform no work other than what is allowed by this classification or that permitted in WAC 296-17-4904.

Classification **6303** includes all activities allowed by WAC 296-17A-4904 (office workers) as well as:

- Meeting with customers off premises;
- Showing and demonstrating products and merchandise;
- Off-site classroom instructional training;
- Driving oneself or being transported to or from meeting or training locations;
- Delivering interoffice mail, correspondence and legal documents necessary for administering the employer's business;
- Providing counseling or verbal direction to clients of a home health care service;
- Performing public relations for employers' business.

Classification **6303** excludes:

- Stocking, shipping, receiving, or delivering merchandise;
- The demonstration of machinery or equipment;
- Workers who perform any duties not specifically allowed by WAC 296-17A-4904 or 296-17A-6303;
- Specialty services merchandising products in stores, reported in classification **0607-19**;
- Directly supervising workers not included in classifications **4904** or **6303**;
- Providing samples to retail customers, reported in classification **6406-40** or **7106-01**;
- Working as a driver for a service that transports or chauffeurs others;
- Driving, cooking, or cleaning for, or physically assisting others for home health care services;
- Employees of collection agencies, who are reported separately in **5301-13**;
- Door-to-door sales persons who are reported separately in **6309-22**;
- Employees of services (WAC 269-17A-4903) providing inspection or valuation services to others;
- Employees of messenger services who are reported separately in **1101-09**;
- Employees working for a legal messenger service who are reported separately in **6601-07**;
- Construction estimators, who are reported in classification **4911**, when their work is limited to time and material estimating for a full work shift.

Special note: Hands on training outside of a classroom setting has to be reported separately in the applicable basic

classification. For example, a karate instructor is reported in classification 6204, not 6303.

For administrative purposes, classification **6303** is divided into the following subclassifications:

6303-00 Outside sales personnel, messengers, N.O.C.

6303-03 Insurance sales personnel and claims adjusters

Special note: Individuals licensed by the insurance commissioner as insurance producers for soliciting, negotiating, and selling insurance are exempt from coverage as specified in RCW 51.12.020(11) and 48.17.010. To elect ((voluntary)) coverage, these individuals must submit a completed optional coverage form to the department.

6303-21 Home health care services: Social workers and dietitians

Social workers are employed by home health care services providing care for people living with disabilities. Duties include teaching people living with physical or developmental disabilities in their own home to manage daily living skills such as caring for themselves, dressing, cooking, shopping, and going to the doctor.

Dietitians (also called nutritionists) are referred to patients by their physicians. The dietitian assesses the patient's current nutritional status, and then develops a food plan to meet the patient's needs.

Subclassification **6303-21** excludes:

- Cooking, cleaning, transporting and physically assisting clients;
- Nursing and home health care services which are to be reported separately in **6110-00**;
- Therapy services which are reported separately in **6109**;
- Domestic servants who are to be reported separately in **6510-00**;
- Chore workers who are to be reported separately in **6511**;
- Home care services provided through the home care referral registry (HCRR) who are to be reported separately in **6512-00**.

Special note: Subclassification **6303-21** is not to be assigned to any account that does not also have classification **6110** and/or **6511**.

WSR 15-11-066

PERMANENT RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed May 19, 2015, 9:04 a.m., effective July 1, 2015]

Effective Date of Rule: July 1, 2015.

Purpose: The purpose of this proposal was to update our rules to be at-least-as-effective-as the Occupational Safety and Health Administration's (OSHA) rules, but also maintaining the current state reporting requirement of eight hours for any inpatient hospitalization of any employee. OSHA revised the Occupational Injury and Illness Recording and Reporting Requirements in 29 C.F.R Part 1904 to use the North American Industry Classification System (NAICS)

rather than the previously used standard industrial classification (SIC) system. The NAICS codes will now be used to determine which employers classified as low-hazard industries are partially exempt from recordkeeping requirements. In addition, OSHA revised the reporting requirements for any work-related fatality, inpatient hospitalization, amputation, and the loss of an eye. Employers are now required to report to OSHA any work-related fatality within eight hours, and any work-related incident that results in an inpatient hospitalization, amputation, or loss of an eye for one or more employees within twenty-four hours. Also, references, formatting and minor housekeeping changes were made throughout the chapters specified above.

Citation of Existing Rules Affected by this Order:

AMENDED SECTIONS:

WAC 296-27-00101 Purpose and scope.

- Added language to reflect OSHA's new reporting requirement for amputations and losses of an eye.
- Removed duplicative language that is stated in other sections of the chapter.
- Changed "the department" to "Division of Occupational Safety and Health (DOSH)" in subsection (1).

WAC 296-27-00103 Partial exemption for employers with ten or fewer employees.

- Updated language to reflect OSHA's new reporting requirements for amputations and losses of an eye.
- Streamlined to avoid duplicative language.
- Reordered requirements for better flow.
- Changed "the department" to "DOSH" in subsection (1).

WAC 296-27-00105 Partial exemption for establishments in certain industries.

- Updated language from SIC to NAICS to be consistent with OSHA's changes.
- Reformatted guidance/information language into a note as it was not a requirement.
- Moved the NAICS table to this section.
- Deleted outdated SIC information.
- Reformatted to remove the question and answer format.
- Changed "the department" to "DOSH" in subsection (1).

WAC 296-27-00107 Keeping records for more than one agency.

- Changed "department" to "DOSH."

WAC 296-27-011 Recordkeeping forms and recording criteria.

- Updated language to plain talk by changing "the employer" to "you."

WAC 296-27-01101 Recording criteria.

- Updated and streamlined language to eliminate repetitive language.
- Reformatted to remove the question and answer format.
- Changed bullets into numbering.
- Removed unnecessary language that was not an actual requirement for clarity.

WAC 296-27-01103 Determination of work-relatedness.

- Reformatted to remove question and answer format.
- Updated reference.
- Moved the definitions of "work environment" and "pre-existing conditions" to the definition section.
- Combined the notes into one note box.
- Combined subsections (c) and (d) because they were closely related requirements.
- Streamlined requirements by removing unnecessary, filler language to address plain talk principals and improve clarity.
- Updated "his or her" language to gender-neutral pronouns.

WAC 296-27-01105 Determination of new cases.

- Reformatted to remove question and answer format.
- Streamlined requirements by removing unnecessary, filler language to address plain talk principals and improve clarity.

WAC 296-27-01107 General recording criteria.

- Reformatted to remove question and answer format.
- Streamlined requirements by removing unnecessary, filler language to address plain talk principals and improve clarity.
- Moved the definitions of "routine functions," "medical treatment," and "first aid" to the definition section.
- Reformatted guidance/information language into a note as it was not a requirement.
- Grouped notes.
- Updated "his or her" language into gender-neutral pronouns.

WAC 296-27-01109 Recording criteria for needlestick and sharps injuries.

- Reformatted to remove question and answer format.
- Streamlined requirements by removing unnecessary, filler language to address plain talk principals and improve clarity.
- Moved definition of "other potentially infectious materials" to definition section.

WAC 296-27-01111 Recording criteria for cases involving medical removal under OSHA standards.

- Reformatted language to remove question and answer format.
- Streamlined requirements by removing unnecessary, filler language to address plain talk principals and improve clarity.
- Changed previous requirements that were not requirements, but guidance, into a note.

WAC 296-27-01113 Recording criteria for cases involving occupational hearing loss.

- Reformatted to remove question and answer format.
- Streamlined requirements by removing unnecessary, filler language to address plain talk principals and improve clarity.

- Reformatted guidance/information language into a note as it was not a requirement.
- Merged subsection (f) into WAC 296-27-01113(1) due to similarity.

WAC 296-27-01115 Recording criteria for work-related tuberculosis cases.

- Reformatted to remove question and answer format.
- Streamlined requirements by removing unnecessary, filler language to address plain talk principals and improve clarity.
- Merged similar requirements.

WAC 296-27-01119 Forms.

- Reformatted to remove question and answer format.
- Streamlined requirements by removing unnecessary, filler language to address plain talk principals and improve clarity.
- Moved the definition of "equivalent form" to the definition section.
- Reformatted guidance/information language into a note as it was not a requirement.
- Removed repetitive language and merged requirement in subsection (h) to WAC 296-27-01119 (3)(c).

WAC 296-27-02101 Multiple business establishments.

- Reformatted to remove question and answer format.
- Streamlined requirements by removing unnecessary, filler language to address plain talk principals and improve clarity.
- Added correct reference to subsection (3)(b).
- Changed language to reflect second person point of view (from the employer's point of view).

WAC 296-27-02103 Covered employees.

- Reformatted to remove question and answer format.
- Streamlined requirements by removing unnecessary, filler language to address plain talk principals and improve clarity.
- Reformatted guidance/information language into a note as it was not a requirement.

WAC 296-27-02105 Annual summary.

- Reformatted to remove question and answer format.
- Streamlined requirements by removing unnecessary, filler language to address plain talk principals and improve clarity.
- Removed duplicative language.
- Changed bullets to lowercase letters.

WAC 296-27-02107 Retention and updating.

- Reformatted to remove question and answer format.
- Streamlined requirements by removing unnecessary, filler language to address plain talk principals and improve clarity.
- Combined subsections (2)(b) and (c) into a note as they were both guidance.

WAC 296-27-02111 Employee involvement.

- Reformatted to remove question and answer format.

- Streamlined requirements by removing unnecessary, filler language to address plain talk principals and improve clarity.
- Merged subsection (2)(a) into subsection (1) as they were similar requirements.
- Moved the definitions of "authorized employee representative" and "personal representative" to the definition section.
- Added clarifying language as to what constituted a reasonable charge for printing copies.
- Changed bullets into numbers.

WAC 296-27-02113 Prohibition against discrimination.

- Changed "the department" to "DOSH" in subsections (2) and (3).
- Added clarifying language about the type of variance.

WAC 296-27-02117 Variances from the recordkeeping rule.

- Reformatted to remove question and answer format.
- Added clarifying language about the type of variance and that "the act" mentioned is the federal Occupational Safety and Health Act.
- Changed bullets to lowercase letters.
- Changed "the department of labor and industries" to "DOSH" in subsection (7).

WAC 296-27-031 Reporting fatality, injury, and illness information.

- Moved all reporting requirements from WAC 296-800-32005 into this section for consistency.
- Updated requirements to include a twenty-four hour reporting requirement for outpatient amputations and the loss of an eye per OSHA's mandated changes.
- Added clarifying language that amputations or losses of an eye that require inpatient hospitalization need to be reported within eight hours.
- Added language via OSHA about how to report fatalities, inpatient hospitalizations, amputations, or losses of an eye during normal business hours and when the offices are closed.
- Added language about what needs to be included in a report.
- Added language from OSHA about what to do if a reportable incident occurs due to a motor vehicle accident, on a public transportation system, or due to a heart attack.
- Added language from OSHA about how to respond if an employer does not find out about an incident right away or does not find out until later than [that] a reportable incident was work-related.
- Added clarifying language that an inpatient hospitalization that is only for observation or diagnostic testing is not reportable.
- Reformatted to remove question and answer format.
- Streamlined requirements by removing unnecessary, filler language to address plain talk principals and improve clarity.
- Changed "the department" to "DOSH" in subsections (1), (2), (3), (4), (8), (10), (11), and (12).

- Changed "give the department" to "provide DOSH with" in subsection (7).
- Added "when" and deleted "that" in subsection (11).
- Added a Note in between subsections (1) and (2) that states:
Note: 1. Secure the scene of work-related events that result in the death or inpatient hospitalization of any worker; refer to WAC 296-800-320.
2. Do not move equipment involved (i.e; personal protective equipment (PPE), tools, machinery or other equipment), unless it's necessary to remove the victim or prevent further injuries, refer to WAC 296-800-32010.
- Added "division of occupational safety and health (DOSH)" to subsection (5)(a).
- Deleted the option to electronically report incidents using OSHA's web site under subsection (5)(c). Reporting incidents must be done by calling DOSH or OSHA's toll-free numbers.
- Relettered subsection (5)(d) to subsection (c) and added "To DOSH."
- Added "or" after subsection (6)(a).
- Deleted the option to electronically report incidents using OSHA's web site under subsection (6)(c). Reporting must be done by calling DOSH or OSHA's toll-free numbers.

WAC 296-27-03101 Providing records to government representatives.

- Reformatted to remove question and answer format.
- Streamlined requirements by removing unnecessary, filler language to address plain talk principals and improve clarity.
- Moved the definition of "government representative" to the definition section.

WAC 296-27-03103 Annual OSHA injury and illness survey.

- Reformatted to remove question and answer format.
- Streamlined requirements by removing unnecessary, filler language to address plain talk principals and improve clarity.
- Changed bullets into lowercase letters.
- Updated and corrected section references.
- Changed "the department's" to "DOSH's" in subsection (6).

WAC 296-27-03105 Requests from the Bureau of Labor Statistics for data.

- Reformatted to remove question and answer format.
- Streamlined requirements by removing unnecessary, filler language to address plain talk principals and improve clarity.
- Updated and corrected section references.

WAC 296-27-05101 Definitions.

- Reformatted definitions to be bolded with a period after the word ["and"] to begin immediately with a sentence.
- Added OSHA's definition for amputation and added a note after the definition.
- Clarified that the department means the Washington state department of labor and industries.
- Removed a definition for enucleation.
- Added a definition for work environment for clarity.
- Removed the question and answer format in the definition of ["establishment"] and changed bullets to lowercase letters.
- Moved the definition of ["hospitalization"] from chapter 296-800 WAC and updated it to reflect inpatient hospitalization to fit OSHA's requirements.
- Moved the following definitions into the definition section from other areas of the chapter for consistency: Authorized employee representative, authorized government representative, first aid, medical treatment, other potentially infectious materials, personal representative, preexisting condition, and routine functions.
- Removed the outdated SIC Industry description code table from the end of the section.
- Added "DOSH" to definition of ["authorized government representative.["]

WAC 296-27-061 Nonmandatory Appendix A—Age adjustments for comparing audiograms for recording hearing loss.

- Reformatted to match rest of chapter.

WAC 296-37-575 Recordkeeping requirements.

- Removed the specific recordkeeping requirements from this section and added/updated a reference to chapter 296-27 WAC for consistency and to keep all reporting and recordkeeping requirements in one location.

WAC 296-78-515 Management's responsibility.

- Removed the specific reporting requirements from this section and added a reference to chapter 296-27 WAC for consistency purposes and to keep all reporting and recordkeeping requirements in one location.

WAC 296-115-060 Operations.

- Removed specific reporting requirements from this section and added a reference to chapter 296-27 WAC for consistency purposes and to keep all reporting and recordkeeping requirements in one location.

WAC 296-307-018 What are the employer's responsibilities?

- Removed specific reporting requirements from the section and added a reference to chapter 296-27 WAC for consistency purposes and to keep all reporting and recordkeeping requirements in one location.

WAC 296-800-320 Summary.

- Removed WAC 296-800-32005 from the table of contents.

- Added clarifying language and removed the word ["reporting"] as it is no longer applicable.

WAC 296-800-32010 Make sure that any equipment involved in an accident is not moved.

- Updated the section title and language to reflect the new reporting requirements for inpatient hospitalizations, amputations, or losses of an eye.

WAC 296-800-32015 Assign people to assist the department of labor and industries.

- Updated language to reflect the new reporting requirements for inpatient hospitalizations, amputations, or losses of an eye.

WAC 296-800-370 Definitions.

- Removed the definition for "hospitalization" and added in "inpatient hospitalization."

REPEALED SECTIONS: WAC 296-27-00109 Nonmandatory appendix to this section—Partially exempt industries, 296-27-041 Transition from the former rule, 296-27-04101 Summary and posting of the 2001 data, 296-27-04103 Retention and updating of old forms, 296-307-015 What must an employer do if a serious injury occurs?, and 296-800-32005 Report the death, probable death of any employee, or the inpatient hospitalization of any employee within 8 hours.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, and 49.17.050.

Adopted under notice filed as WSR 15-05-063 on February 17, 2015.

Changes Other than Editing from Proposed to Adopted Version:

WAC 296-27-00101 Purpose and scope.

- Changed "the department" to "division of occupational safety and health (DOSH)" in subsection (1) for clarity.

WAC 296-27-00103 Partial exemption for employers with ten or fewer employees.

- Changed "the department" to "DOSH" in subsection (1) for clarity.

WAC 296-27-00105 Partial exemption for establishments in certain industries.

WAC 296-27-00107 Keeping records for more than one agency.

- Changed "the department" to "DOSH" for clarity.

WAC 296-27-02113 Prohibition against discrimination.

- Changed "the department" to "DOSH" in subsections (2) and (3) for clarity.

WAC 296-27-02117 Variances from the recordkeeping rule.

- Changed "the department of labor and industries" to "DOSH" in subsection (7) for clarity.

WAC 296-27-031 Reporting fatalities, inpatient hospitalizations, amputations, and losses of an eye as the result of work-related incidents.

- Changed "the department" to "DOSH" in subsections (1), (2), (3), (4), (8), (10), (11), and (12) for clarification purposes.
- Changed "give the department" to "provide DOSH with" in subsection (7).
- Added "when" and deleted "that" in subsection (11) for sentence clarification.
- Added a Note in between subsections (1) and (2) that states:

Note: 1. Secure the scene of work-related events that result in the death or inpatient hospitalization of any worker; refer to WAC 296-800-320.

2. Do not move equipment involved (i.e; personal protective equipment (PPE), tools, machinery or other equipment), unless it's necessary to remove the victim or prevent further injuries, refer to WAC 296-800-32010.

- Added "division of occupational safety and health (DOSH)" to subsection (5)(a).
- Relettered subsection (5)(d) to subsection (c) and added "To DOSH."
- Added "or" after subsection (6)(a) for clarification.
- Deleted the option to electronically report incidents using OSHA's web site under subsection (5)(c). Reporting incidents must be done by calling DOSH or OSHA's toll-free numbers.
- Deleted the option to electronically report incidents using OSHA's website under subsection (6)(c). Reporting must be done by calling DOSH or OSHA's toll-free numbers.

WAC 296-27-03103 Annual OSHA injury and illness survey.

- Changed "the department's" to "DOSH's" in subsection (6).

WAC 296-27-05101 Definitions.

- Added "DOSH" to definition of ["authorized government representative.["]

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 35, Repealed 6; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 35, Repealed 6.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 35, Repealed 6.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 35, Repealed 6.

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: May 19, 2015.

Joel Sacks
Director

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-00101 Purpose and scope. (1) **Purpose.** ~~((The purpose of this standard is to))~~ Chapter 296-27 WAC requires employers to record work-related injuries and illnesses, and report to the division of occupational safety and health (DOSH) any work-related ((fatalities, injuries and illnesses)) fatality, inpatient hospitalization, amputation, or loss of an eye within the time parameters specified in the rule.

(Note 1: Recording or reporting a work-related injury, illness, or fatality does not mean that the employer or employee was at fault, that a rule has been violated, or that the employee is eligible for workers' compensation or other benefits.)

(2) **Scope.** All employers covered by the Washington Industrial Safety and Health Act (WISHA) ~~((are covered by this))~~ must comply with the requirements in this standard, unless otherwise specified. ~~((However, most employers do not have to keep injury and illness records unless WISHA, OSHA, or the Bureau of Labor Statistics (BLS) informs them in writing that they must keep records. For example, employers with ten or fewer employees and business establishments in certain industry classifications are partially exempt from keeping injury and illness records.))~~

Note: The recordkeeping and reporting requirements ~~((of))~~ in this chapter are separate and distinct from the ((recordkeeping and reporting requirements under)) Industrial Insurance Act, Title 51 RCW ((the Industrial Insurance Act) unless otherwise noted in this chapter), for workers' compensation benefits. These requirements do not mean that the employer or employee was at fault, or that a safety or health rule has been violated.

AMENDATORY SECTION (Amending WSR 08-05-012, filed 2/8/08, effective 4/1/08)

WAC 296-27-00103 Partial exemption for employers with ten or fewer employees. (1) ~~((Basic requirement.~~

~~((a)))~~ If your company had ten or fewer employees at all times during the last calendar year, you do not need to keep injury and illness records unless ((WISHA)) DOSH, OSHA, or the Bureau of Labor Statistics (BLS) informs you in writing that you must keep records under this section. However, as required by WAC 296-27-031, all employers covered by ((the WISH Act)) WISHA must report any ((workplace)) work-related incident that results in a fatality ((or the)), inpatient hospitalization ((of any employee)), amputation, or the loss of an eye.

~~((b)))~~ (a) The partial exemption for size is based on the number of employees in the entire company.

(b) To determine if you are exempt because of size, you need to determine your company's peak employment during the last calendar year. If you had no more than ten employees at any time in the last calendar year, your company qualifies for the partial exemption for size.

(2) If your company had more than ten employees at any time during the last calendar year, you must keep injury and illness records unless your establishment is classified as a partially exempt industry under WAC 296-27-00105.

~~((2))~~ Implementation:

~~((a))~~ Is the partial exemption for size based on the size of my entire company or on the size of an individual business establishment? The partial exemption for size is based on the number of employees in the entire company.

~~((b))~~ How do I determine the size of my company to find out if I qualify for the partial exemption for size? To determine if you are exempt because of size, you need to determine your company's peak employment during the last calendar year. If you had no more than ten employees at any time in the last calendar year, your company qualifies for the partial exemption for size.)

AMENDATORY SECTION (Amending WSR 09-01-158, filed 12/23/08, effective 3/1/09)

WAC 296-27-00105 Partial exemption for ((private employers)) establishments in certain industries. (1) ~~((Basic requirement.~~

~~((a)))~~ If your ((private business)) establishment is classified in a specific, low hazard ((retail, service, finance, insurance or real estate)) industry group listed in Table 1, Industry Exemption List for Recordkeeping at the end of this section, you do not need to keep injury and illness records unless ((WISHA)) DOSH, OSHA, or the BLS asks you to keep the records under ((WAC 296-27-03105 or 296-27-03107. (Public employers are not included in this exemption, except as indicated in (b) of this subsection.)) this chapter. However, all employers must report to ((WISHA)) DOSH any ((workplace)) work-related incident that results in a fatality ((or the in-patient)), inpatient hospitalization, amputation, or the loss of an eye of any employee (see WAC ((296-800-32005)) 296-27-031).

~~((b))~~ If you are a public employer in SIC 821 (elementary and secondary schools) and 823 (libraries), you do not need to keep injury and illness records unless WISHA, OSHA or the BLS asks you to keep the records under WAC 296-27-03105 or 296-27-03107. However, all employers must report to WISHA any workplace incident that results in a fatality or the in-patient hospitalization of any employee (see WAC 296-800-32005).

~~((c))~~ If one or more of your company's establishments are classified in a nonexempt industry, you must keep injury and illness records for all of such establishments unless your company is partially exempted because of size under WAC 296-27-00103.

~~((2))~~ Implementation:

~~((a))~~ Does the partial industry classification exemption apply only to business establishments in the retail, services, finance, insurance or real estate industries (SICs 52-89)? Yes, business establishments classified in agriculture; mining; construction; manufacturing; transportation; communication, electric, gas and sanitary services; or wholesale trade are not eligible for the partial industry classification exemption.

~~(b) Is the partial industry classification exemption based on the industry classification of my entire company or on the classification of individual business establishments operated by my company?~~ The partial industry classification exemption applies to individual business establishments. If a company has several business establishments engaged in different classes of business activities, some of the company's establishments may be required to keep records, while others may be exempt.

~~(e) How do I determine the Standard Industrial Classification code for my company or for individual establishments?~~ You determine your Standard Industrial Classification (SIC) code by using the Standard Industrial Classification manual, *Executive Office of the President, Office of Management and Budget*. You may contact your local L&I office for help in determining your SIC or visit Department of Revenue's web site, http://dor.wa.gov/reports/Qbrsearch/sic_list.htm.) **(2) The partial industry classification exemption is based on the North American Industrial Classification System (NAICS), and it applies to individual business establishments. If a company has several business establishments engaged in different classes of business activities, some of the company's establishments may be required to keep records while others may be exempt.**

Note: To determine your NAICS code, you can do one of the following:

1. Contact your nearest OSHA office or the department.
2. Use the search feature at the U.S. Census Bureau NAICS main web page: <http://www.census.gov/eos/www/naics/>. In the search box for the most recent NAICS, enter a keyword that describes your type of business. A list of primary business activities containing that keyword and the corresponding NAICS codes will appear. Choose the one that most closely corresponds to your primary business activity or refine your search to obtain other choices.
3. Rather than searching through a list of primary business activities, you may also view the most recent complete NAICS structure with codes and titles by clicking on the link for the most recent NAICS on the U.S. Census Bureau NAICS main web page: <http://www.census.gov/eos/www/naics/>. Then click on the two-digit sector code to see all the NAICS codes under that sector. Then choose the six-digit code of your interest to see the corresponding definition, as well as cross-references and index items, when available.
4. If you know your old SIC code, you can also find the appropriate 2002 NAICS code by using the detailed conversion (concordance) between the 1987 SIC and 2002 NAICS available in Excel format for download at the "Concordances" link at the U.S. Census Bureau NAICS main web page: <http://www.census.gov/eos/www/naics/>.

Table 1
Industry Exemption List for Recordkeeping

NAICS Code	Industry
<u>4412</u>	<u>Other Motor Vehicle Dealers</u>
<u>4431</u>	<u>Electronics and Appliance Stores</u>
<u>4461</u>	<u>Health and Appliance Stores</u>
<u>4471</u>	<u>Gasoline Stations</u>
<u>4481</u>	<u>Clothing Stores</u>
<u>4482</u>	<u>Shoe Stores</u>

NAICS Code	Industry
<u>4483</u>	<u>Jewelry, Luggage, and Leather Goods Stores</u>
<u>4511</u>	<u>Sporting Goods, Hobby, and Musical Instrument Stores</u>
<u>4512</u>	<u>Book, Periodical, and Music Stores</u>
<u>4531</u>	<u>Florists</u>
<u>4532</u>	<u>Office Supplies, Stationery, and Gift Stores</u>
<u>4812</u>	<u>Nonscheduled Air Transportation</u>
<u>4861</u>	<u>Pipeline Transportation of Crude Oil</u>
<u>4862</u>	<u>Pipeline Transportation of Natural Gas</u>
<u>4869</u>	<u>Other Pipeline Transportation</u>
<u>4879</u>	<u>Scenic and Sightseeing Transportation</u>
<u>4885</u>	<u>Freight Transportation Arrangement</u>
<u>5111</u>	<u>Newspaper, Periodical, Book, and Directory Publishers</u>
<u>5112</u>	<u>Software Publishers</u>
<u>5121</u>	<u>Motion Picture and Video Industries</u>
<u>5122</u>	<u>Sound Recording Industries</u>
<u>5151</u>	<u>Radio and Television Broadcasting</u>
<u>5172</u>	<u>Wireless Telecommunications Carriers (except Satellite)</u>
<u>5173</u>	<u>Telecommunications Resellers</u>
<u>5179</u>	<u>Other Telecommunications</u>
<u>5181</u>	<u>Internet Service Providers and Web Search Portals</u>
<u>5182</u>	<u>Data Processing, Hosting, and Related Services</u>
<u>5191</u>	<u>Other Information Services</u>
<u>5211</u>	<u>Monetary Authorities—Central Bank</u>
<u>5221</u>	<u>Depository Credit Intermediation</u>
<u>5222</u>	<u>Nondepository Credit Intermediation</u>
<u>5223</u>	<u>Activities Related to Credit Intermediation</u>
<u>5231</u>	<u>Securities and Commodity Contracts Intermediation and Brokerage</u>
<u>5232</u>	<u>Securities and Commodity Exchanges</u>
<u>5239</u>	<u>Other Financial Investment Activities</u>
<u>5241</u>	<u>Insurance Carriers</u>
<u>5242</u>	<u>Agencies, Brokerages, and Other Insurance Related Activities</u>
<u>5251</u>	<u>Insurance and Employee Benefit Funds</u>
<u>5259</u>	<u>Other Investment Pools and Funds</u>
<u>5312</u>	<u>Office of Real Estate Agents and Brokers</u>

NAICS Code	Industry
<u>5331</u>	<u>Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)</u>
<u>5411</u>	<u>Legal Services</u>
<u>5412</u>	<u>Accounting, Tax Preparation, Bookkeeping, and Payroll Services</u>
<u>5413</u>	<u>Architectural, Engineering, and Related Services</u>
<u>5414</u>	<u>Specialized Design Services</u>
<u>5415</u>	<u>Computer Systems Design and Related Services</u>
<u>5416</u>	<u>Management, Scientific, and Technical Consulting Services</u>
<u>5417</u>	<u>Scientific Research and Development Services</u>
<u>5418</u>	<u>Advertising and Related Services</u>
<u>5511</u>	<u>Management of Companies and Enterprises</u>
<u>5611</u>	<u>Office Administrative Services</u>
<u>5614</u>	<u>Business Support Services</u>
<u>5615</u>	<u>Travel Arrangement and Reservation Services</u>
<u>5616</u>	<u>Investigation and Security Services</u>
<u>6111</u>	<u>Elementary and Secondary Schools</u>
<u>6112</u>	<u>Junior Colleges</u>
<u>6113</u>	<u>Colleges, Universities, and Professional Schools</u>
<u>6114</u>	<u>Business Schools and Computer and Management Training</u>
<u>6115</u>	<u>Technical and Trade Schools</u>
<u>6116</u>	<u>Other Schools and Instructions</u>
<u>6117</u>	<u>Educational Support Services</u>
<u>6211</u>	<u>Offices of Physicians</u>
<u>6212</u>	<u>Offices of Dentists</u>
<u>6213</u>	<u>Offices of Other Health Practitioners</u>
<u>6214</u>	<u>Outpatient Care Centers</u>
<u>6215</u>	<u>Medical and Diagnostic Laboratories</u>
<u>6244</u>	<u>Child Day Care Services</u>
<u>7114</u>	<u>Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures</u>
<u>7115</u>	<u>Independent Artists, Writers, and Performers</u>
<u>7213</u>	<u>Rooming and Boarding Houses</u>
<u>7221</u>	<u>Full-Service Restaurants</u>
<u>7222</u>	<u>Limited-Service Eating Places</u>
<u>7224</u>	<u>Drinking Places (Alcoholic Beverages)</u>

NAICS Code	Industry
<u>8112</u>	<u>Electronic and Precision Equipment Repair and Maintenance</u>
<u>8114</u>	<u>Personal and Household Goods Repair and Maintenance</u>
<u>8121</u>	<u>Personal Care Services</u>
<u>8122</u>	<u>Death Care Services</u>
<u>8131</u>	<u>Religious Organizations</u>
<u>8132</u>	<u>Grantmaking and Giving Services</u>
<u>8133</u>	<u>Social Advocacy Organizations</u>
<u>8134</u>	<u>Civic and Social Organizations</u>
<u>8139</u>	<u>Business, Professional, Labor, Political, and Similar Organizations</u>

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-00107 Keeping records for more than one agency. If you create records to comply with another government agency's injury and illness recordkeeping requirements, OSHA will consider those records as meeting federal recordkeeping requirements if OSHA accepts the other agency's records under a memorandum of understanding with that agency, or if the other agency's records contain the same information as required by 29 C.F.R., Part 1904 (~~requires you to record~~). You may contact (~~WISHA or your local L&I office~~) DOSH for help in determining whether your records meet OSHA's requirements.

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-011 Recordkeeping forms and recording criteria. This section describes the types of work-related injuries and illnesses that ((an employer) you must enter ((into) on the OSHA ((records and) recordkeeping forms. This section also explains the OSHA forms that ((employers) you must use to record work-related fatalities, injuries, and illnesses.

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-01101 Recording criteria. (1) (~~Basic requirement. Each~~) Employers required to keep records by this chapter (~~to keep records of fatalities, injuries, and illnesses~~) must record each fatality, injury and illness that:

- (*) (a) Is work-related, see WAC 296-27-01103;
- (*) (b) Is a new case, see WAC 296-27-01105; and
- (*) (c) Meets one or more of the general recording criteria of WAC 296-27-01107 (~~or the application to~~).

(2) Additional criteria for specific cases (~~of~~) such as needlestick and sharps injury cases, hearing loss cases, medical removal cases, and musculoskeletal disorder cases are located in WAC 296-27-01109 through ((296-27-01117) 296-27-01115.

~~((2) Implementation:~~

~~(a) **What sections of this rule describe recording criteria for recording work related injuries and illnesses?** The table below indicates which sections of the rule address each topic.~~

~~(i) Determination of work-relatedness. See WAC 296-27-01103.~~

~~(ii) Determination of a new case. See WAC 296-27-01105.~~

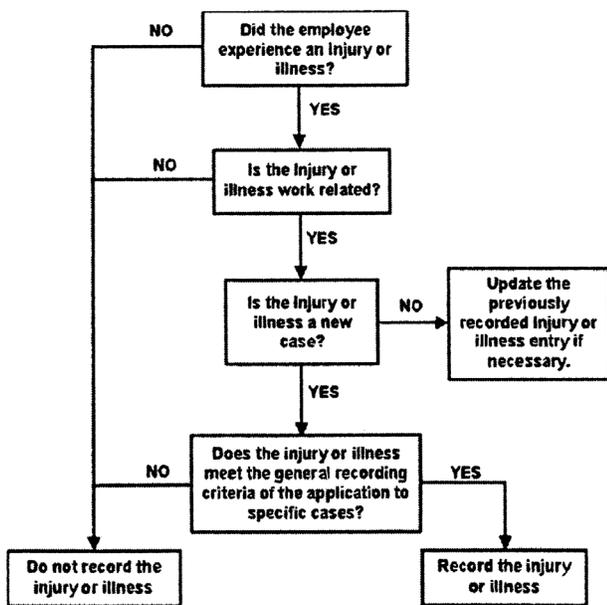
~~(iii) General recording criteria. See WAC 296-27-01107.~~

~~(iv) Additional criteria. (Needlestick and sharps injury cases, tuberculosis cases, hearing loss cases, medical removal cases, and musculoskeletal disorder cases). See WAC 296-27-01109 through 296-27-01117.~~

~~(b) **How do I decide whether a particular injury or illness is recordable?**~~

Note: The decision tree for recording work-related injuries and illnesses below shows the steps involved in ~~((making this determination))~~ determining whether a particular injury or illness is reportable.

Decision Tree



~~((e) **May I be required to keep other records or report additional information?** Yes, the director may require that additional records be kept or additional information reported to achieve the purpose of the WISH Act.))~~

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-01103 Determination of work-relatedness. (1) ~~((Basic requirement))~~ You must consider an injury or illness to be work-related if an event or exposure in the work environment either caused or contributed to the resulting condition or significantly aggravated a preexisting injury or illness. Work-relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in the work environment, unless an exception in ~~((WAC 296-27-~~

~~01103 (2)(b)))~~ subsection (2)(a) through (i) of this section specifically applies.

~~(2) ((Implementation:~~

~~(a) **What is the "work environment"?** Work environment is defined as "the establishment and other locations where one or more employees are working or are present as a condition of their employment. The work environment includes not only physical locations, but also the equipment or materials used by the employee during the course of his or her work."~~

~~(b) **Are there situations where an injury or illness occurs in the work environment and is not considered work-related?** Yes,)) An injury or illness occurring in the work environment ((that falls under)) is not recordable or considered work-related if it meets one of the following exceptions ((is not work-related, and therefore is not recordable:~~

~~You are not required to record injuries and illnesses if):~~

~~((*) (a) At the time of the injury or illness, the employee was present in the work environment as a member of the ((general)) public rather than as an employee.~~

~~((*) (b) The injury or illness involves signs or symptoms that surface at work but result solely from a nonwork-related event or exposure that occurs outside the work environment.~~

~~((*) (c) The injury or illness results solely from voluntary participation in a wellness program or in a medical, fitness, or recreational activity such as blood donation, physical examination, flu shot, exercise class, racquetball, or baseball.~~

~~((*) (d) The injury or illness is solely the result of an employee eating, drinking, or preparing food or drink for personal consumption (whether bought on the employer's premises or brought in). For example, if the employee is injured by choking on a sandwich while in the employer's establishment, the case would not be considered work-related.~~

~~((Note: If the employee is made ill by ingesting food contaminated by workplace contaminants (such as lead), or gets food poisoning from food supplied by the employer, the case would be considered work-related.~~

~~*)) (e) The injury or illness is solely the result of an employee doing personal tasks (unrelated to their employment) at the establishment outside of the employee's assigned working hours.~~

~~((*) (f) The injury or illness is solely the result of personal grooming, self-medication for a nonwork-related condition, or is intentionally self-inflicted.~~

~~((*) (g) The injury or illness is caused by a motor vehicle accident and occurs on a company parking lot or company access road while the employee is commuting to or from work.~~

~~((*) (h) The illness is the common cold or flu.~~

~~((Note: Contagious diseases such as tuberculosis, brucellosis, hepatitis A, or plague are considered work-related if the employee is infected at work.~~

~~*)) (i) The illness is a mental illness. Mental illness will not be considered work-related unless the employee voluntarily provides the employer with an opinion from a physician or other licensed health care professional with appropriate training and experience (psychiatrist, psychologist, psychiatric nurse practitioner, etc.) stating that the employee has a mental illness that is work-related.~~

~~((e) How do I handle a case))~~

- Notes:
1. If the employee is made ill by ingesting food contaminated by workplace contaminants (such as lead), or gets food poisoning from food supplied by the employer, the case would be considered work-related.
 2. Contagious diseases such as tuberculosis, brucellosis, hepatitis A, or plague are considered work-related if the employee is infected at work.

~~(3) If it is not obvious whether ((the precipitating)) an event or exposure ((occurred in the work environment or occurred away from work? In these situations)) was work-related, you must evaluate the employee's work duties and work environment to ((decide whether or not one or more)) determine if the event((s)) or exposure((s in the work environment either caused or contributed to the resulting condition or)) was work-related and resulted in either a new injury or illness or it significantly aggravated a preexisting condition. ((d) How do I know if an event or exposure in the work environment "significantly aggravated" a preexisting injury or illness?) A preexisting condition is an injury or illness ((has been)) that is significantly aggravated((, for purposes of injury and illness recordkeeping, when an)) by the event or exposure occurring in the work environment if it results in any of the following:~~

~~((a) Death, provided that the preexisting injury or illness would likely not have resulted in death but for the occupational event or exposure.~~

~~((b) Loss of consciousness, provided that the preexisting injury or illness would likely not have resulted in loss of consciousness but for the occupational event or exposure.~~

~~((c) One or more days away from work, or days of restricted work, or days of job transfer that otherwise would not have occurred but for the occupational event or exposure.~~

~~((d) Medical treatment in a case where no medical treatment was needed for the injury or illness before the workplace event or exposure, or a change in medical treatment was necessitated by the workplace event or exposure.~~

~~((e) Which injuries and illnesses are considered pre-existing conditions? An injury or illness is a preexisting condition if it resulted solely from a nonwork-related event or exposure that occurred outside the work environment.~~

~~((f) How do I decide whether an injury or illness is work-related if the employee is on travel status at the time the injury or illness occurs?)) (4) Injuries and illnesses that occur while an employee is on travel status are work-related if, at the time of the injury or illness, the employee was engaged in work activities "in the interest of the employer." Examples ((of such activities)) include travel to and from customer contacts, conducting job tasks, and entertaining or being entertained to transact, discuss, or promote business (work-related entertainment includes only entertainment activities being engaged in at the direction of the employer). Injuries or illnesses that occur when the employee is on travel status do not have to be recorded if they meet one of the exceptions listed ((below):~~

If the employee has: You may use the following to determine if an injury or illness is work-related:

• Checked into a hotel or motel for one or more days

When a traveling employee checks in to a hotel, motel, or into another temporary residence, he or she establishes a "home away from home." You must evaluate the employee's activities after he or she checks into the hotel, motel, or other temporary residence for their work-relatedness in the same manner as you evaluate the activities of a nontraveling employee. When the employee checks into the temporary residence, he or she is considered to have left the work environment. When the employee begins work each day, he or she reenters the work environment. If the employee has established a "home away from home" and is reporting to a fixed worksite each day, you also do not consider injuries or illnesses work-related if they occur while the employee is commuting between the temporary residence and the job location.

• Taken a detour for personal reasons

Injuries or illnesses are not considered work-related if they occur while the employee is on a personal detour from a reasonably direct route of travel (e.g., has taken a side trip for personal reasons).

~~((g) How do I decide if a case is work-related when the employee is working at home?)) in Table 2 of this subsection:~~

Table 2
Determining Work-Related Injuries or Illnesses During Travel Status

<u>If the employee has:</u>	<u>You may use the following to determine if an injury or illness is work-related.</u>
<u>Checked into a hotel or motel for one or more days</u>	<u>When a traveling employee checks into a hotel, motel, or into another temporary residence, they establish a "home away from home." You must evaluate the employee's activities after they check into the hotel, motel, or other temporary residence for their work-relatedness in the same manner as you evaluate the activities of a nontraveling employee. When the employee checks into the temporary residence, they are considered to have left the work environment. When the employee begins work each day, they reenter the work environment. If the employee has established a "home away from home" and is reporting to a fixed worksite each day, you also do not consider injuries or illnesses work-related if they occur while the employee is commuting between the temporary residence and the job location.</u>
<u>Taken a detour for personal reasons</u>	<u>Injuries or illnesses are not considered work-related if they occur while the employee is on a personal detour from a reasonably direct route of travel (e.g., has taken a side trip for personal reasons).</u>

~~(5) Injuries and illnesses that occur while an employee is working at home((, including work in a home office, will be)) are considered work-related if the injury or illness occurs while the employee is performing work for pay or compensation in the home, and the injury or illness is directly related to the performance of work ((rather than)) and not to the ((general)) home environment ((or setting)). ((For example,))~~

Note: Examples of recordable injury and illnesses that occur when an employee works at home:

1. If an employee drops a box of work documents and injures ~~(his or her)~~ their foot, the case is considered work-related.
2. If an employee's fingernail is punctured by a needle from a sewing machine used to perform garment work at home, becomes infected and requires medical treatment, the injury is considered work-related.
3. If an employee is injured because ~~(he or she)~~ they trip(s) on the family dog while rushing to answer a work phone call, the case is not considered work-related.
4. If an employee working at home is electrocuted because of faulty home wiring, the injury is not considered work-related.

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-01105 Determination of new cases. (1) ~~(Basic requirement.)~~ You must consider an injury or illness to be a "new case" if:

(a) The employee has not previously experienced a recorded injury or illness of the same type that affects the same part of the body; or

(b) The employee previously experienced a recorded injury or illness of the same type that affected the same part of the body but had recovered completely (all signs and symptoms had disappeared) from the previous injury or illness, and an event or exposure in the work environment caused the signs or symptoms to reappear.

(2) ~~(Implementation:~~

~~(a) When an employee experiences the signs or symptoms of a chronic work related illness, do I need to consider each recurrence of signs or symptoms to be a new case? No.)~~ For occupational illnesses where the signs or symptoms may recur or continue in the absence of an exposure in the workplace, the case must only be recorded once. Examples may include occupational cancer, asbestosis, byssinosis and silicosis.

~~((b)) (3) When an employee experiences the signs or symptoms of an injury or illness as a result of an event or exposure in the workplace, such as an episode of occupational asthma, you must ((F)) treat the episode (even if the episode is a recurrence) as a new case((? Yes, because the episode or recurrence was caused by an event or exposure in the workplace, the incident must be treated as a new case.~~

~~(c) May I rely on a physician or other licensed health care professional to determine whether a case is a new case or a recurrence of an old case?)~~

(4) You are not required to seek the advice of a physician or other licensed health care professional. However, if you do seek such advice, you must follow the ~~((physician))~~ physician's or other licensed health care professional's recommendation about whether the case is a new case or a recurrence. If you receive recommendations from two or more physicians or other licensed health care professionals, you must make a decision as to which recommendation is the most authoritative (best documented, best reasoned, or most authoritative), and record the case based upon that recommendation.

AMENDATORY SECTION (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

WAC 296-27-01107 General recording criteria. (1) ~~(Basic requirement.)~~ You must consider an injury or illness to meet the general recording criteria, and therefore to be recordable, if it results in any of the following:

- (a) Death~~((:))~~;
- (b) Days away from work~~((:))~~;
- (c) Restricted work or transfer to another job~~((:))~~;
- (d) Medical treatment beyond first aid~~((:or))~~;
- (e) Loss of consciousness for any length of time.

(2) You must also ~~((consider a))~~ record any case ~~((to meet the general recording criteria if it))~~ that involves a **significant injury or illness** (see WAC 296-27-01107(21)) diagnosed by a physician or other licensed health care professional, even if it does not result in death, days away from work, restricted work ~~((or))~~ job transfer, medical treatment beyond first aid, or loss of consciousness.

~~((2) Implementation:~~

~~(a) How do I decide if a case meets one or more of the general recording criteria? A work-related injury or illness must be recorded if it results in one or more of the following:~~

- (i) Death. See (b) of this subsection.
- (ii) Days away from work. See (c) of this subsection.
- (iii) Restricted work or transfer to another job. See (d) of this subsection.

(iv) Medical treatment beyond first aid. See (e) of this subsection.

(v) Loss of consciousness. See (f) of this subsection.

(vi) A significant injury or illness diagnosed by a physician or other licensed health care professional. See (g) of this subsection.

~~(b) How do I record a work related injury or illness that results in the employee's death?)~~ (3) You must record an injury or illness that results in death by entering a check mark on the OSHA 300 Log in the space for cases resulting in death. ~~((You must also report any work related fatality to WISHA within eight hours, as required by WAC 296-800-32005.~~

~~(c) How do I record a work related injury or illness that results in days away from work?)~~

(4) When an injury or illness involves one or more days away from work, you must record the injury or illness on the OSHA 300 Log with a check mark in the space for cases involving days away and an entry ~~((of))~~ for the number of calendar days away from work in the number of days column. If the employee is out for an extended period ~~((of time))~~, you must enter an estimate ~~((of))~~ for the number of days that the employee will be away, and update the day count when the actual number of days is known.

~~((i) Do I count the day on which the injury occurred or the illness began? No.)~~ (5) You begin counting days away on the day after the injury occurred or the illness began.

~~((ii) How do I record an injury or illness when a physician or other licensed health care professional recommends that the worker stay at home but the employee comes to work anyway? You must record these injuries and illnesses on the OSHA 300 Log using the check box for cases with days away from work and enter the number of calendar days away recommended by the physician or other licensed~~

health care professional. If a physician or other licensed health care professional recommends days away, you should encourage your employee to follow that recommendation. However, the days away must be recorded whether the injured or ill employee follows the physician or licensed health care professional's recommendation or not. If you receive recommendations from two or more physicians or other licensed health care professionals, you may make a decision as to which recommendation is the most authoritative, and record the case based upon that recommendation.

~~((iii) How do I handle a case when a physician or other licensed health care professional recommends that the worker return to work but the employee stays at home anyway? In this situation))~~ (6) To record an injury or illness for which the employee comes to work against the physician's or other licensed health care professional's recommendation, you must do the following:

(a) Record these injuries and illnesses on the OSHA 300 Log using the check box for cases with days away from work and enter the number of calendar days away recommended by the physician or other licensed health care professional.

(b) Record the days away whether the injured or ill employee follows the physician or licensed health care professional's recommendation or not.

Notes: 1. If you receive recommendations from two or more physicians or other licensed health care professionals, you may make a decision as to which recommendation is the most authoritative and record the case based upon that recommendation.
2. Encourage your employee to follow the recommendation.

(7) When an employee decides to stay at home after the date a physician or other licensed health care professional recommends that the employee return to work, you must end the count of days away from work on the date the physician or other licensed health care professional recommends that the employee return to work.

~~((iv) How do I count weekends, holidays, or other days the employee would not have worked anyway?))~~ (8) You must count the number of calendar days the employee was unable to work as a result of the injury or illness, regardless of whether or not the employee was scheduled to work on those day(s). Weekend days, holidays, vacation days or other days off are included in the total number of days recorded if the employee would not have been able to work on those days because of a work-related injury or illness.

~~((v) How do I record a case in which))~~ (9) When a worker is injured or becomes ill on a Friday and reports to work on a Monday, and was not scheduled to work on the weekend((?)), you only need to record this case ((only)) if you receive information from a physician or other licensed health care professional indicating that the employee should not have worked, or should have performed only restricted work, during the weekend. If so, you must record the injury or illness as a case with days away from work or restricted work((:)) and enter the day counts((:)) as appropriate.

~~((vi) How do I record a case in which))~~ (10) If a worker is injured or becomes ill on the day before scheduled time off such as a holiday, a planned vacation, or a temporary plant closing((?)), you only need to record ((a) the case ((of this type only)) if you receive information from a physician or other licensed health care professional indicating that the

employee should not have worked, or should have performed only restricted work, during the scheduled time off. If so, you must record the injury or illness as a case with days away from work or restricted work((:)) and enter the day counts((:)) as appropriate.

~~((vii) Is there a limit to the number of days away from work I must count? Yes, you may "cap" the total days away at one hundred eighty calendar days.))~~ (11) You are not required to keep track of the number of calendar days away from work if the injury or illness resulted in more than one hundred eighty calendar days away from work ((and/or)) or days of job transfer or restriction. In such a case, entering one hundred eighty in the total days away column will be considered adequate.

~~((viii) May I stop counting days if an employee who is away from work because of an injury or illness retires or leaves my company? Yes.))~~ (12) If the employee leaves your company for some reason unrelated to the injury or illness, such as retirement, a plant closing, or to take another job, you may stop counting days away from work ((or)) days of ((restriction/job)) restriction, or days of job transfer. If the employee leaves your company because of the injury or illness, you must estimate the total number of days away ((or)) days of ((restriction/job)) restriction, or days of job transfer and enter the day count on the OSHA 300 Log.

~~((ix))~~ (13) If a case occurs in one calendar year but results in days away during the next calendar year, ~~((do I record the case in both years? No.))~~ you only record the injury or illness once. You must enter the number of calendar days away for the injury or illness on the OSHA 300 Log for the year in which the injury or illness occurred. If the employee is still away from work because of the injury or illness when you prepare the annual summary, estimate the total number of calendar days you expect the employee to be away from work((:)). Then use this number to calculate the total for the annual summary((, and then)). Update the initial log entry later when the day count is known or reaches the one hundred eighty day cap.

~~((d) How do I record a work-related injury or illness that results in))~~ (14) You must meet the following requirements for recording restricted work or job transfer((?)).

(a) When an injury or illness involves restricted work or job transfer but does not involve death or days away from work, you must record the injury or illness on the OSHA 300 Log by placing a check mark in the space for job transfer or restriction and ((an entry of)) enter the number of restricted or transferred days in the restricted workdays column.

~~((i) How do I decide if the injury or illness resulted in restricted work?))~~ (b) Restricted work occurs when, as the result of a work-related injury or illness:

((*) (i) You keep the employee from performing one or more of the routine functions of ((his or her)) their job, or from working the full workday that ((he or she)) they would otherwise have been scheduled to work; or

((*) (ii) A physician or other licensed health care professional recommends that the employee not perform one or more of the routine functions of ((his or her)) their job, or not work the full workday that ((he or she)) they would otherwise have been scheduled to work.

~~((ii) What is meant by "routine functions"? For recordkeeping purposes, an employee's routine functions are those work activities the employee regularly performs at least once per week.~~

~~((iii) Do I have to record restricted work or job transfer if it applies only to the day on which the injury occurred or the illness began? No.) (c) You do not have to record restricted work or job transfers if you, ((or) the physician, or other licensed health care professional((s)) impose the restriction or transfer only for the day on which the injury occurred or the illness began.~~

~~((iv) If you or a physician or other licensed health care professional recommends a work restriction, is the injury or illness automatically recordable as a "restricted work" case? No.) (d) A recommended work restriction is recordable only if it affects one or more of the employee's routine job functions. To determine whether this is the case, you must evaluate the restriction in light of the routine functions of the injured or ill employee's job. If the restriction from you ((or) the physician, or other licensed health care professional keeps the employee from performing one or more of ((his or her)) their routine job functions, or from working the full workday the injured or ill employee would otherwise have worked, the employee's work has been restricted and you must record the case.~~

~~((v) How do I record a case where the worker works only for a partial work shift because of a work-related injury or illness? A) (e) If an employee works only for a partial work shift because of the work-related injury or illness, you must record the partial day of work ((is recorded)) as a day of job transfer or restriction ((for recordkeeping purposes, except for the day on which)). However, you need not record the partial day of work if it is the same day the injury occurred or the illness began.~~

~~((vi) If the injured or ill worker produces fewer goods or services than he or she would have produced prior to the injury or illness but otherwise performs all of the routine functions of his or her work, is the case considered a restricted work case? No.)~~

Note: The case is considered restricted work only if the worker does not perform all of the routine functions (see definition in this chapter) of ((his or her)) their job or does not work the full shift that ((he or she)) they would otherwise have worked.

~~((vii) How do I handle vague restrictions from a physician or other licensed health care professional, such as that the employee engage only in "light duty" or "take it easy for a week"?) (15) If you are not clear about the physician or other licensed health care professional's recommendation (i.e., engage only in "light duty" or "take it easy for the week"), you may ask ((that person whether)) the physician or other licensed health care professional:~~

(a) "Can the employee ((can)) do all of ((his or her)) their routine job functions ((and))?"

(b) "Can the employee work all of ((his or her)) their normally assigned work shift((-))?"

(i) If the answer to both of these questions is "Yes," then the case does not involve a work restriction and does not have to be recorded ((as such)).

(ii) If the answer to one or both of these questions is "No," the case involves restricted work and must be recorded as a restricted work case.

(iii) If you are unable to obtain this additional information from the physician or other licensed health care professional who recommended the restriction, record the injury or illness as a case involving restricted work.

~~((viii) What do I do if a physician or other licensed health care professional recommends a job restriction meeting the definition, but the employee does all of his or her routine job functions anyway? You must record the injury or illness on the OSHA 300 Log as a restricted work case. If a physician or other licensed health care professional recommends a job restriction, you should ensure that the employee complies with that restriction. If you receive recommendations from two or more physicians or other licensed health care professionals, you may make a decision as to which recommendation is the most authoritative, and record the case based upon that recommendation.~~

~~((ix) How do I decide if an injury or illness involved a transfer to another job?) (16) To record an injury or illness for which a physician or other licensed health care professional recommends a job restriction, but the employee does all of their routine job functions, you must do the following:~~

(a) Record the injury or illness on the OSHA 300 Log as a restricted work case.

(b) Record this job restriction even if the employee chooses to do all of their routine job functions.

Notes:

1. If you receive recommendations from two or more physicians or other licensed health care professionals, you may make a decision as to which recommendation is the most authoritative and record the case based upon that recommendation.
2. If a physician or other licensed health care professional recommends a job restriction, you should ensure that the employee complies with that restriction.

(17) If you assign an injured or ill employee to a job other than ((his or her)) their regular job for part of the day, ((the case involves transfer to another)) you must record the case as a job transfer.

Notes:

1. This does not include the day on which the injury or illness occurred.

~~((x) Are)~~

2. Transfers to another job are recorded in the same way as restricted work cases((? Yes, both job transfer and restricted-work cases are recorded in the same box)) on the OSHA 300 Log. ((For)) Example((-)): If you assign, or a physician or other licensed health care professional recommends that you assign, an injured or ill worker to ((his or her)) their routine job duties for part of the day and to another job for the rest of the day, the injury or illness involves a job transfer. You must record an injury or illness that involves a job transfer by placing a check in the box for job transfer.

~~((xi) How do I count days of job transfer or restriction?) (18) You count days of job transfer or restriction in the same way you count days away from work((-using (-) through (viii) of this subsection)). The only difference is that, if you permanently assign the injured or ill employee to a job that has been modified or permanently changed in a manner that eliminates the routine functions the employee was restricted from performing, you may stop the day count when~~

the modification or change is made permanent. You must count at least one day of restricted work or job transfer for such cases.

~~((e) How do I record an injury or illness that involves medical treatment beyond first aid?)) (19) If a work-related injury or illness results in medical treatment beyond first aid, you must record ~~((it))~~ the case on the OSHA 300 Log. If the injury or illness did not involve death, one or more days away from work, one or more days of restricted work, or one or more days of job transfer, you enter a check mark in the box for cases where the employee received medical treatment but remained at work and was not transferred or restricted.~~

~~((i) What is the definition of medical treatment? "Medical treatment" means the management and care of a patient to combat disease or disorder. For the purposes of this section, medical treatment does not include:~~

- ~~• Visits to a physician or other licensed health care professional solely for observation or counseling;~~
- ~~• The conduct of diagnostic procedures, such as X rays and blood tests, including the administration of prescription medications used solely for diagnostic purposes (e.g., eye drops to dilate pupils); or~~
- ~~• "First aid" as defined in (e) of this subsection.~~

~~((ii) What is "first aid"? For the purposes of this section, "first aid" means the following:~~

- ~~• Using a nonprescription medication at nonprescription strength (for medications available in both prescription and nonprescription form, a recommendation by a physician or other licensed health care professional to use a nonprescription medication at prescription strength is considered medical treatment for recordkeeping purposes);~~
- ~~• Administering tetanus immunizations (other immunizations, such as Hepatitis B vaccine or rabies vaccine, are considered medical treatment);~~
- ~~• Cleaning, flushing or soaking wounds on the surface of the skin;~~
- ~~• Using wound coverings such as bandages, Band-Aids™, gauze pads, etc.; or using butterfly bandages or Steri-Strips™ (other wound closing devices such as sutures, staples, etc., are considered medical treatment);~~
- ~~• Using hot or cold therapy;~~
- ~~• Using any nonrigid means of support, such as elastic bandages, wraps, nonrigid back belts, etc. (devices with rigid stays or other systems designed to immobilize parts of the body are considered medical treatment for recordkeeping purposes);~~
- ~~• Using temporary immobilization devices while transporting an accident victim (e.g., splints, slings, neck collars, back boards, etc.);~~
- ~~• Drilling of a fingernail or toenail to relieve pressure, or draining fluid from a blister;~~
- ~~• Using eye patches;~~
- ~~• Removing foreign bodies from the eye using only irrigation or a cotton swab;~~
- ~~• Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs or other simple means;~~
- ~~• Using finger guards;~~

~~• Using massages (physical therapy or chiropractic treatment are considered medical treatment for recordkeeping purposes); or~~

~~• Drinking fluids for relief of heat stress.~~

~~((iii) Are any other procedures included in first aid? No, this is a complete list of all treatments considered first aid for the purpose of this section.~~

~~((iv) Does))~~

Note: ~~The professional status of the person providing ~~((the))~~ treatment ~~((have any))~~ has no effect on what is considered first aid or medical treatment~~((2) No, the treatments listed in (e)(ii) of this subsection are considered to be first aid regardless of the professional status of the person providing the treatment. Even when these treatments are provided by a physician or other licensed health care professional, they are considered first aid for the purposes of this section. Similarly, treatment beyond first aid is considered to be medical treatment even when it is provided by someone other than a physician or other licensed health care professional))~~ as defined in WAC 296-27-051.~~

~~((v) What if a physician or other licensed health care professional recommends medical treatment but the employee does not follow the recommendation? If a physician or other licensed health care professional recommends medical treatment, you should encourage the injured or ill employee to follow that recommendation. However,)) (20) You must record ~~((the))~~ a case even if the injured or ill employee does not follow the physician or other licensed health care professional's recommendation for medical treatment.~~

~~((f) Is every work related injury or illness case involving a loss of consciousness recordable? Yes, you must record a work related injury or illness if the worker becomes unconscious, regardless of the length of time the employee remains unconscious.~~

~~((g) What is a)) (21) You must record "significant" diagnosed ~~((injury or illness that is recordable under the general criteria even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness?)) injuries or illnesses, such as work-related cases involving cancer, chronic irreversible disease, a fractured or cracked bone, or a punctured eardrum ~~((must always be recorded under the general criteria))~~ at the time of diagnosis by a physician or other licensed health care professional even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness.~~~~

Note: OSHA believes that most significant injuries and illnesses will result in one of the criteria listed in WAC 296-27-01107(1): Death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness. However, there are some significant injuries, such as a punctured eardrum or a fractured toe or rib, for which neither medical treatment nor work restrictions may be recommended. In addition, there are some significant progressive diseases, such as byssinosis, silicosis, and some types of cancer, for which medical treatment or work restrictions may not be recommended at the time of diagnosis but are likely to be recommended as the disease progresses. Cancer, chronic irreversible diseases, fractured or cracked bones, and punctured eardrums are generally considered significant injuries and illnesses, and

must be recorded at the initial diagnosis, even if medical treatment or work restrictions are not recommended, or are postponed, in a particular case.

AMENDATORY SECTION (Amending WSR 03-09-110, filed 4/22/03, effective 8/1/03)

WAC 296-27-01109 Recording criteria for needlestick and sharps injuries. (1) ~~((Basic requirement.))~~ You must record all work-related needlestick injuries and cuts from sharp objects that are contaminated with another person's blood or other potentially infectious material (as defined in this chapter and by chapter 296-823 WAC, Occupational exposure to bloodborne pathogens). You must enter the case on the OSHA 300 Log as an injury. To protect the employee's privacy, you may not enter the employee's name on the OSHA 300 Log (see the requirements for privacy concern cases in WAC 296-27-01119 (3) and (4)).

(2) ~~((Implementation.~~

~~((a) **What does "other potentially infectious materials" mean?** The term "other potentially infectious materials" is defined in the bloodborne pathogens portion of Part J (Biological Agents) of chapter 296-62 WAC, General occupational health standards. These materials include:~~

~~• The following human body fluids: Semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids;~~

~~• Any unfixed tissue or organ (other than intact skin) from a human (living or dead); and~~

~~• HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV.~~

~~((b) **Does this mean that I must record all cuts, lacerations, punctures, and scratches?** No.)) You ~~((need to))~~ must record cuts, lacerations, punctures, and scratches only if they are work-related and involve contamination with another person's blood or other potentially infectious material. If the cut, laceration, or scratch involves a clean object, or a contaminant other than blood or other potentially infectious material, you need to record the case only if it meets one or more of the general recording criteria in WAC 296-27-01107.~~

~~((c))~~ (3) If ~~((I record an))~~ after recording the initial injury ~~((and))~~, the employee is later diagnosed with an infectious bloodborne disease, ~~((do I need to))~~ you must update ~~((the))~~ both of the following on the OSHA 300 Log ~~((? Yes, you must update the classification of the case on the OSHA 300 Log if the case results))~~ if it resulted in death, days away from work, restricted work, or job transfer ~~((You must also update the))~~:

~~((a) The classification of the case from an injury to an illness; and~~

~~((b) The description to identify the infectious disease ((and change the classification of the case from an injury to an illness.~~

~~((d) **What if one of my employees is splashed or exposed to blood or other potentially infectious material**~~

~~without being cut or scratched? Do I need to record this incident?))~~.

(4) You ~~((need to))~~ must record ~~((such an))~~ incidents where an employee is splashed or exposed to blood or other potentially infectious material without being cut or scratched on the OSHA 300 Log as an illness if:

~~((i))~~ (a) It results in the diagnosis of a bloodborne illness, such as HIV, hepatitis B, or hepatitis C; or

~~((ii))~~ (b) It meets one or more of the general recording criteria in WAC 296-27-01107.

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-01111 Recording criteria for ~~((cases involving))~~ medical removal ~~((under OSHA standards))~~ cases. (1) ~~((Basic requirement. If an employee is medically removed))~~ Under the medical surveillance requirements, you must record ~~((the))~~ any case that involves the medical removal of an employee on the OSHA 300 Log.

(2) ~~((Implementation.~~

~~((a) **How do I classify medical removal cases on the OSHA 300 Log?**)~~ You must enter each medical removal case ~~((on the OSHA 300 Log))~~ as either a case involving days away from work or a case involving restricted work activity ~~((, depending on how you decide to comply with the medical removal requirement. If the))~~. For medical removal ~~((is the result of a))~~ cases that resulted from chemical exposure, you must ~~((enter the case on the OSHA 300 Log by checking))~~ check the "poisoning" column.

~~((b) **Do all standards have medical removal provisions?** No, some OSHA standards, such as the standards covering bloodborne pathogens and noise, do not have medical removal provisions. Many standards that cover specific chemical substances have medical removal provisions. These standards include, but are not limited to, lead, cadmium, methylene chloride, formaldehyde, and benzene.~~

~~((c) **Do I have to record a case where I voluntarily removed the employee from exposure before the medical removal criteria are met?** No, if the case involves voluntary medical removal before the medical removal levels required by this standard, you do not need to record the case on the OSHA 300 Log.))~~

Notes:

- Standards that do not include medical removal provisions include bloodborne pathogens and noise.
- Standards that cover specific chemical substances have medical removal provisions. These standards include, but are not limited to, lead, cadmium, methylene chloride, formaldehyde, and benzene.
- If you voluntarily remove an employee from exposure before the medical removal criteria are met, you do not have to record the case.

AMENDATORY SECTION (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

WAC 296-27-01113 Recording criteria for ~~((cases involving))~~ occupational hearing loss cases. (1) ~~((Basic requirement.))~~ You must record a hearing loss case on the OSHA 300 Log by checking the column for hearing loss if an

employee's hearing test (audiogram) reveals that a recordable threshold shift (RTS) in one or both ears has occurred.

(2) ~~(Implementation.~~

~~(a) **How do I evaluate the current audiogram to determine whether a recordable threshold shift has occurred?**~~

~~(i) If the employee has never previously experienced a recorded hearing loss,)) To determine whether a RTS has occurred, you must ((compare)) evaluate the employee's current audiogram with ((that employee's)) their baseline audiogram. If the employee has previously experienced a recorded hearing loss, you must compare the employee's current audiogram with the ((employee's revised baseline audiogram (the)) audiogram reflecting the employee's previously recorded hearing loss case.((~~

~~(ii) The employee has a recordable threshold shift when:~~

~~• There is a change in the hearing threshold, relative to the baseline audiogram for that employee, of an average of 10 decibels (dB) or greater at 2000, 3000, and 4000 hertz (Hz) in one or both ears.~~

~~AND~~

~~• The employee's overall hearing loss (threshold) is 25 dB or greater (averaged at 2000, 3000, and 4000 Hz) in the same ear as the change.))~~

Note: Audiometric test results reflect the employee's overall hearing ability in comparison to audiometric zero. Therefore, using the employee's current audiogram, you must use the average hearing level at 2000, 3000, and 4000 Hz to determine whether or not the employee's total hearing level is 25 dB or more.

~~((b) **May I adjust the current audiogram to reflect the effects of aging on hearing?** Yes. When you are determining)) (3) To determine whether ((an)) RTS has occurred, you may age adjust the employee's current audiogram results by using Tables A-1 or A-2((, as appropriate,)) in Appendix A of this chapter. You may not use an age adjustment when determining whether the employee's total hearing level is 25 dB or more above audiometric zero.~~

~~((c) **Do I have to record the hearing loss if I am going to retest the employee's hearing?** No, if you retest the employee's hearing within thirty days of the first test, and the retest does not confirm the RTS,)) (4) You are not required to record the hearing loss case on the OSHA 300 Log if you retest the employee's hearing within thirty days of the first test, and the retest does not confirm the RTS. If the retest confirms the RTS, you must record the hearing loss illness within seven calendar days of the retest. If subsequent audiometric testing indicates that an RTS is not persistent, you may erase or line-out the recorded entry.~~

~~((d) **Are there any special rules for determining whether a hearing loss case is work related?** No.)) (5) You must ((use the rules in WAC 296-27-01103 to determine if the hearing loss is)) consider the case to be work-related((:)) if an event or exposure in the work environment either caused or contributed to the hearing loss((:)) or significantly aggravated a preexisting hearing loss((, you must consider the case to be work related)).~~

~~((e) **If a physician or other licensed health care professional determines the hearing loss is not work related, do I still need to record the case?** No.)) (6) You are not required to consider the case work-related or recordable if a physician or other licensed health care professional deter-~~

mines that the hearing loss is not work-related or has not been significantly aggravated by occupational noise exposure((; you are not required to consider the case work-related or to record the case on the OSHA 300 Log.

~~(f) **How do I complete the OSHA 300 Log for hearing loss?** When you enter a recordable hearing loss case on the OSHA 300 Log, you must check the 300 Log column for hearing loss)).~~

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-01115 Recording criteria for work-related tuberculosis cases. ~~((1) **Basic requirement.**)~~ You must record a tuberculosis (TB) case on the OSHA 300 Log by checking the "respiratory condition" column if any ((of your)) employee((s)) has been occupationally exposed to anyone with a known case of active ((tuberculosis(-))TB((+)), and that employee subsequently develops a ((tuberculosis)) TB infection((, as evidenced)) that is confirmed by a positive skin test or diagnosis by a physician or other licensed health care professional((, you must record the case on the OSHA 300 Log by checking the "respiratory condition" column.

~~(2) Implementation.~~

~~(a) **Do I have to record, on the Log, a positive TB skin test result obtained at a preemployment physical?** No, you do not have to record it because the employee was not occupationally exposed to a known case of active tuberculosis in your workplace.~~

~~(b) **May I line out or erase a recorded TB case if I obtain evidence that the case was not caused by occupational exposure?** Yes.))~~

Notes:

1. You do not have to record a positive TB skin test result obtained at a preemployment physical because the employee was not occupationally exposed to a known case of active TB in your workplace.
2. You may line-out or erase ((the)) a TB case from the log under the following circumstances:
 - (*) a. The worker ((is)) contracted TB while living in a household with a person who ((has)) had been previously diagnosed with active TB;
 - (*) b. The public health department has identified the worker as a contact of an individual with a case of active TB unrelated to the workplace; or
 - (*) c. A medical investigation shows that the employee's infection was caused by exposure to TB away from work, or proves that the case was not related to the workplace TB exposure.

AMENDATORY SECTION (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

WAC 296-27-01119 Forms. (1) ~~((Basic requirement.))~~ You must use the following OSHA forms (or equivalent forms), for recording work-related injuries and illnesses:

(a) OSHA 300, Log of Work-Related Injuries and Illnesses;

(b) OSHA 300-A, ((and)) Summary of Work-Related Injuries and Illnesses; and

(c) OSHA 301 ((forms, or equivalent forms, for recordable injuries and illnesses. The OSHA 300 form is called the Log of Work-Related Injuries and Illnesses, the 300-A is the

Summary of Work-Related Injuries and Illnesses, and the OSHA 301 form is called the), Injury and Illness Incident Report.

(2) ~~(Implementation.~~

~~(a) What do I need to do to complete the OSHA 300 Log?~~) You must complete the OSHA forms as follows:

~~(a) At the top of the OSHA 300 Log, enter your business information ((about your business at the top of the OSHA 300 Log,)) and enter a one or two line description for each recordable injury or illness((-and)). Summarize this information on the OSHA 300-A form at the end of the year.~~

~~(b) ((What do I need to do to complete the OSHA 301 Incident Report? You must)) Complete an OSHA 301 Incident Report form, or an equivalent form, for each recordable injury or illness entered on the OSHA 300 Log.~~

~~(c) ((How quickly must each injury or illness be recorded? You must)) Enter each recordable injury or illness on the OSHA 300 Log and 301 Incident Report within seven calendar days of receiving information that a recordable injury or illness has occurred.~~

~~((d) What is an equivalent form? An equivalent form is one that has the same information, is as readable and understandable, and is completed using the same instructions as the OSHA form it replaces. Many employers use an insurance form instead of the OSHA 301 Incident Report, or supplement an insurance form by adding any additional information listed on the OSHA form.~~

~~(e) May I keep my records on a computer? Yes, if the computer can produce equivalent forms when they are needed, as described under WAC 296-27-02111 and 296-27-03103, you may keep your records using the computer system.~~

~~(f) Are there situations where I do not put the employee's name on the forms for privacy reasons? Yes, if you have a "privacy concern case,")~~

Note: You may keep your injury and illness forms on a computer if you can produce equivalent forms when they are needed, as described under WAC 296-27-02111, 296-27-03101(1), and 296-27-03103.

(3) For privacy concern cases, you must follow these requirements when filling out the OSHA 300 Log:

(a) You may not enter the employee's name on the OSHA 300 Log. Instead, enter "privacy case" in the space normally used for the employee's name((-This will)) in order to protect the ((privacy)) identity of the injured or ill employee when another employee, a former employee, or an authorized employee representative is provided access to the OSHA 300 Log under WAC 296-27-02111.

(b) You must keep a separate, confidential list of the case numbers and employee names for your privacy concern cases so you can update the cases and provide the information to the government if asked to do so.

((g) How do I determine if an injury or illness is a privacy concern case? You must consider)) (c) The following injuries or illnesses ((to be)) are the only types of privacy concern cases recognized by this section:

((*) (i) An injury or illness to an intimate body part or the reproductive system;

((*) (ii) An injury or illness resulting from a sexual assault;

((*) (iii) Mental illnesses;

((*) (iv) HIV infection, hepatitis, or tuberculosis;

((*) (v) Needlestick injuries and cuts from sharp objects that are contaminated with another person's blood or other potentially infectious material (see definition in WAC ((296-27-01109 for definitions)) 296-27-051 of this chapter); and

((*) (vi) Other illnesses if the employee independently and voluntarily requests that ((his or her)) their name not be entered on the log.

~~((h) May I classify any other types of injuries and illnesses as privacy concern cases? No, this is a complete list of all injuries and illnesses considered privacy concern cases for the purposes of this section.~~

~~(i) If I have removed the employee's name, but still believe that the employee may be identified from the information on the forms, is there anything else that I can do to further protect the employee's privacy? Yes.)) (4) If you have a reasonable basis to believe that information describing the privacy concern case may be personally identifiable even though the employee's name has been omitted, you may use discretion in describing the injury or illness on both the OSHA 300 and 301 forms. You must enter enough information to identify the cause of the incident and the general severity of the injury or illness, but you do not need to include details of an intimate or private nature. For example, a sexual assault case could be described as "injury from assault," or an injury to a reproductive organ could be described as "lower abdominal injury."~~

~~((j) What must I do to protect employee privacy if I wish to provide access to the OSHA Forms 300 and 301 to persons other than government representatives, employees, former employees or authorized representatives?)) (5) If you decide to voluntarily disclose the forms to persons other than government representatives, employees, former employees or authorized representatives (as required by WAC 296-27-02111 and 296-27-03103), you must remove or hide the employees' names and other personally identifying information, except for the following cases. You may disclose the forms with personally identifying information only:~~

~~((+)) (a) To an auditor or consultant hired by the employer to evaluate the safety and health program;~~

~~((+)) (b) To the extent necessary for processing a claim for workers' compensation or other insurance benefits; or~~

~~((+)) (c) To a public health authority or law enforcement agency for uses and disclosures for which consent, an authorization, or opportunity to agree or object is not required under Department of Health and Human Services Standards for Privacy of Individually Identifiable Health Information, 45 C.F.R. 164.512.~~

~~((+)) (6) Falsification, failure to keep records or reports.~~

~~(a) RCW 49.17.190(2) of the act provides that "whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter shall, upon conviction be guilty of a gross misdemeanor and be punished by a fine of not more than ten thousand dollars, or by imprisonment for not more than six months or by both."~~

(b) Failure to maintain records or file reports required by this chapter, or in the detail required by the forms and instructions issued under this chapter, may result in the issuance of citations and assessment of penalties as provided for in chapter 296-900 WAC, Administrative rules.

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-02101 Multiple business establishments. (1) ~~((Basic requirement.))~~ You must keep a separate OSHA 300 Log for each establishment that is expected to be in operation for one year or longer.

(2) ~~((Implementation.~~

~~(a) Do I need to keep injury and illness records for short term establishments (i.e., establishments that will exist for less than a year)?~~ Yes, however, you do not have to keep You must keep injury and illness records for short-term establishments (i.e., establishments that will exist for less than a year). You do not have to keep a separate OSHA 300 Log for each such establishment. You may keep one OSHA 300 Log that covers all of your short-term establishments. You may also include the short-term establishments' recordable injuries and illnesses on an OSHA 300 Log that covers short-term establishments for individual company divisions or geographic regions.

~~((b) May I keep the records for all of my establishments at my headquarters location or at some other central location?~~ Yes, you may keep the records for an establishment at your headquarters or other central location if you can (3) If you keep records for an establishment at your headquarters or other central location, you must be able to:

~~((a))~~ (a) Transmit information about the injuries and illnesses from the establishment to the central location within seven calendar days of receiving information that a recordable injury or illness has occurred; **and**

~~((b))~~ (b) Produce and send the records from the central location to the establishment within the time frames required by WAC 296-27-02111, 296-27-03101(1), and 296-27-03103 when you are required to provide records to a government representative, employees, former employees, or employee representatives.

~~((c) Some of my employees work at several different locations or do not work at any of my establishments at all. How do I record cases for these employees?)~~ (4) If you have employees that work at different locations or do not work at any of your establishments, you must link each of your employees with one of your establishments(-) for recordkeeping purposes. You must record the injury and illness on the OSHA 300 Log of the injured or ill employee's establishment, or on an OSHA 300 Log that covers that employee's short-term establishment.

~~((d) How do I record an injury or illness when)~~ (5) If an employee of one of ((my)) your establishments is injured or becomes ill while visiting or working at another of ((my)) your establishments, or while working away from any of ((my)) your establishments((? If the injury or illness occurs at one of your establishments)), you must record the injury or illness on the OSHA 300 Log of the establishment at which the injury or illness occurred. If the employee is injured or

becomes ill and is not at one of your establishments, you must record the case on the OSHA 300 Log at the establishment at which the employee normally works.

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-02103 Covered employees. (1) ~~((Basic requirement.))~~ You must record on the OSHA 300 Log the recordable injuries and illnesses of all employees on your payroll, whether they are labor, executive, hourly, salary, part-time, seasonal, or migrant workers. You also must record the recordable injuries and illnesses that occur to employees who are not on your payroll if you supervise these employees on a day-to-day basis. If your business is organized as a sole proprietorship or partnership, the owner or partners are not considered employees for recordkeeping purposes.

~~((2) Implementation.~~

~~(a) If a self-employed person is injured or becomes ill while doing work at my business, do I need to record the injury or illness?~~ No, self-employed individuals are not covered by the WISH Act or this standard.

~~(b) If I obtain employees from a temporary help service, employee leasing service, or personnel supply service, do I have to record an injury or illness occurring to one of those employees?)~~

Note: If a self-employed person is injured or becomes ill while working for you, you are not required to report the injury or illness because they are not covered under WISHA or the recordkeeping requirements.

(2) You must record ((these)) injuries and illnesses of employees from a temporary help service, employee-leasing service, or personnel supply service if you supervise these employees on a day-to-day basis.

~~((c) If an employee in my establishment is a contractor's employee, must I record an injury or illness occurring to that employee?)~~ (3) You must record an injury or illness of a contractor's employee who is working in your establishment if you supervise them on a day-to-day basis. However, if the contractor's employee is under the day-to-day supervision of the contractor, the contractor is responsible for recording the injury or illness. ((If you supervise the contractor employee's work on a day-to-day basis, you must record the injury or illness.

~~(d) Must the personnel supply service, temporary help service, employee leasing service, or contractor also record the injuries or illnesses occurring to temporary, leased or contract employees that I supervise on a day-to-day basis?~~ No, you and the temporary help service, employee leasing service, personnel supply service, or contractor should coordinate your efforts to (4) You must make sure that each injury and illness is recorded only once:

(a) Either on your OSHA 300 Log (if you provide day-to-day supervision); or

(b) On the other employer's OSHA 300 Log (if that company provides day-to-day supervision).

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-02105 Annual summary. (1) (~~Basic requirement.~~) At the end of each calendar year, you must:

((~~•~~) (a) Review the OSHA 300 Log to verify that the entries are complete and accurate, and correct any deficiencies identified;

((~~•~~) (b) Use the OSHA 300-A Log or equivalent form of your recorded injuries and illnesses to create (~~the~~) your annual summary (~~of injuries and illnesses recorded on the OSHA 300 Log~~);

((~~•~~) (c) Certify the annual summary; and

((~~•~~) (d) Post the annual summary.

(2) (~~Implementation.~~

~~(a) How extensively do I have to review the OSHA 300 Log entries at the end of the year? You must review the entries as extensively as necessary to make sure that they are complete and correct.~~

~~(b) How do I complete the annual summary?)~~ You must complete the annual summary by doing the following:

((~~•~~) (a) Total the columns on the OSHA 300 Log (if you had no recordable cases, enter zeros for each column total); and

((~~•~~) (b) Enter the calendar year covered, the company's name, establishment name, establishment address, annual average number of employees covered by the OSHA 300 Log, and the total hours worked by all employees covered by the OSHA 300 Log.

~~((If you are using an equivalent form other than the OSHA 300-A summary form, as permitted under WAC 296-27-01105, the summary you use must also)) (c) Include the employee access and employer penalty statements found on the OSHA 300-A summary form when using an equivalent form as permitted by this chapter. For the definition of "equivalent form" see WAC 296-27-051.~~

~~((e) How do I certify the annual summary?)~~ (3) A company executive must certify that (~~he or she has~~) they have examined the OSHA 300 Log and that (~~he or she~~) they reasonably believe(~~s~~), based on (~~his or her~~) their knowledge of the process by which the information was recorded, that the annual summary is correct and complete.

~~((d) Who is considered a company executive?)~~ (4) The company executive who certifies the log must be one of the following persons:

((~~•~~) (a) An owner of the company (only if the company is a sole proprietorship or partnership);

((~~•~~) (b) An officer of the corporation;

((~~•~~) (c) The highest ranking company official working at the establishment; or

((~~•~~) (d) The immediate supervisor of the highest ranking company official working at the establishment.

~~((e) How do I post the annual summary?)~~ (5) You must post a copy of the annual summary in each establishment in a conspicuous place or places where notices to employees are customarily posted. You must ensure that the posted annual summary is not altered, defaced or covered by other material.

~~((f) When do I have to post the annual summary?)~~

(6) You must post the summary no later than February 1 of

the year following the year covered by the records and keep the posting in place until April 30.

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-02107 Retention and updating. (1) (~~Basic requirement.~~) You must save the OSHA 300 Log, the privacy case list (if one exists), the OSHA 300-A Annual Summary, and the OSHA 301 Incident Report forms for five years following the end of the calendar year that each of these records cover.

(2) (~~Implementation.~~

~~(a) Do I have to update the OSHA 300 Log during the five year storage period? Yes, during the storage period.)~~ You must update your stored OSHA 300 Logs during the five-year retention period to include newly discovered recordable injuries or illnesses and to show any changes that have occurred in the classification of previously recorded injuries and illnesses. If the description or outcome of a case changes, you must remove or line-out the original entry and enter the new information.

~~((b) Do I have to update the annual summary? No, you are not required to update the annual summary, but you may do so if you wish.~~

~~(e) Do I have to update the OSHA 301 Incident Reports? No, you are not required to update the OSHA 301 Incident Reports, but you may do so if you wish.)~~

Note: During the five-year retention period, you are not required to update the OSHA 300-A Annual Summary of Work-Related Injuries or Illnesses, or the OSHA 301 Incident Reports, but you may do so if you wish.

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-02111 Employee involvement. (1) (~~Basic requirement.~~) Your employees and their representatives must be involved in the recordkeeping system in several ways. You must do the following:

(a) (~~You must~~) Establish a process for how employees report work-related injuries and illnesses to you.

(b) Inform each employee of how (~~he or she is~~) they are to report an injury or illness to you.

~~((b) You must)~~ (c) Provide limited access to your injury and illness records for your employees and their representatives.

(2) (~~Implementation.~~

~~(a) What must I do to make sure that employees report work-related injuries and illnesses to me?~~

~~• You must set up a way for employees to report work-related injuries and illnesses promptly; and~~

~~• You must tell each employee how to report work-related injuries and illnesses to you.~~

~~(b) Do I have to give my employees and their representatives access to the OSHA injury and illness records? Yes.)~~ Your employees, former employees, their personal representatives, and their authorized employee representatives have the right to access the OSHA injury and illness records, with some limitations, as discussed (~~below~~) in sub-section (3) through (7) of this section.

~~((Who is an authorized employee representative?~~

An authorized employee representative is an authorized collective bargaining agent of employees.

~~Who is a "personal representative" of an employee or former employee? A personal representative is:~~

Any person that the employee or former employee designates as such, in writing; or

The legal representative of a deceased or legally incapacitated employee or former employee.

~~If an employee or representative asks for access to the OSHA 300 Log, when do I have to provide it?~~

When an employee, former employee, personal representative, or authorized employee representative asks for copies of your current or stored OSHA 300 Log(s) for an establishment the employee or former employee has worked in, you must give the requester a copy of the relevant OSHA 300 Log(s) by the end of the next business day.

~~May I remove the names of the employees or any other information from the OSHA 300 Log before I give copies to an employee, former employee, or employee representative? No.)~~ (4) You must leave the employee names and any other information on the OSHA 300 Log before giving copies to an employee, former employee, or an employee representative. However, to protect the privacy of injured and ill employees, you may not record the employee's name on the OSHA 300 Log for certain "privacy concern cases," as specified in WAC 296-27-01119 ~~((2)(f) through (i))~~ (3).

~~If an employee or representative asks for access to the OSHA 301 Incident Report, when do I have to provide it?~~

When an employee, former employee, or personal representative asks for a copy of the OSHA 301 Incident Report describing an injury or illness to that employee or former employee, you must give the requester a copy of the OSHA 301 Incident Report containing that information by the end of the next business day.

(*) (6) When an authorized employee representative asks for copies of the OSHA 301 Incident Reports for an establishment where the agent represents employees under a collective bargaining agreement, you must give copies of those forms to the authorized employee representative within seven calendar days. You are only required to give the authorized employee representative information from the OSHA 301 Incident Report section titled "Tell us about the case." You must remove all other information from the copy of the OSHA 301 Incident Report or the equivalent substitute form that you give to the authorized employee representative.

~~May I charge for the copies? No.)~~ (7) You may not charge for these copies the first time they are provided. However, if one of the designated persons asks for additional copies, you may assess a reasonable charge for retrieving and copying the records. An example of what a "reasonable charge" would be is what a print company would charge for copying the same documents.

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-02113 Prohibition against discrimination. (1) Employers are prohibited from discriminating against an employee for reporting a work-related fatality, injury or illness. Employees are also protected when they file a safety and health complaint, or ask for records which are required to be maintained by this section or exercise rights extended ~~((by the WISH Act))~~ under WISHA.

~~((1) WISHA))~~ (2) DOSH may not issue ~~((a))~~ an injury and illness recordkeeping variance to a private sector employer ~~((and))~~. However, DOSH must recognize all recordkeeping variances issued by Federal OSHA.

~~((2) WISHA))~~ (3) DOSH may only grant an injury and illness recording and reporting variance to a state or local government employer within the state after obtaining approval to grant the variance from Federal OSHA.

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-02117 Variances from the recordkeeping rule. (1) ~~((Basic requirement-))~~ If you wish to keep records in a different manner from that prescribed in this section, you may submit a variance petition to the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Washington, DC 20210. You can obtain a variance only if you can show that your alternative recordkeeping system:

(*) (a) Collects the same information as this section requires;

(*) (b) Meets the purposes of the federal Occupational Safety and Health Act; and

(*) (c) Does not interfere with the administration of the federal Occupational Safety and Health Act.

(2) ~~((Implementation-~~

~~(a) What do I need to include in my variance petition?))~~ You must include the following items in your variance petition:

(*) (a) Your name and address;

(*) (b) A list of the state(s) where the variance would be used;

(*) (c) The address(es) of the business establishment(s) involved;

(*) (d) A description of why you are seeking a variance;

(*) (e) A description of the different recordkeeping procedures you propose to use;

(*) (f) A description of how your proposed procedures will collect the same information as would be collected by this section and achieve the purpose of the act; and

(*) (g) A statement that you have informed your employees of the petition by giving them or their authorized representative a copy of the petition and by posting a statement summarizing the petition in the same way as notices are posted under 29 C.F.R. 1903.2(a).

~~((b) How will the Assistant Secretary handle my variance petition?))~~ (3) The Assistant Secretary will take the following steps to process your variance petition.

(*) (a) The Assistant Secretary will offer your employees and their authorized representatives an opportunity to

submit written data, views, and arguments about your variance petition.

((*) (b) The Assistant Secretary may allow the public to comment on your variance petition by publishing the petition in the *Federal Register*. If the petition is published, the notice will establish a public comment period and may include a schedule for a public meeting on the petition.

((*) (c) After reviewing your variance petition and any comments from your employees and the public, the Assistant Secretary will decide whether or not your proposed record-keeping procedures will meet the purposes of the act, will not otherwise interfere with the act, and will provide the same information as required by this section. If your procedures meet these criteria, the Assistant Secretary may grant the variance subject to such conditions as he or she finds appropriate.

((*) (d) If the Assistant Secretary grants your variance petition, OSHA will publish a notice in the *Federal Register* to announce the variance. The notice will include the practices the variance allows you to use, any conditions that apply, and the reasons for allowing the variance.

((e) ~~If I apply for a variance, may I use my proposed recordkeeping procedures while the Assistant Secretary is processing the variance petition?~~ No, alternative record-keeping practices are only allowed after the variance is approved.) (4) You must comply with this section's requirements while the Assistant Secretary is reviewing your variance petition.

((d) ~~If I have already been cited for not following the requirements of this section, will my variance petition have any effect on the citation and penalty?~~ No, in addition,) (5) The Assistant Secretary may elect not to review your variance petition if it includes an element for which you have been cited and the citation is still under review by a court, an administrative law judge (ALJ), or the OSH Review Commission.

((e) ~~If I receive a variance, may it be revoked at a later date?~~ Yes,) (6) A variance may be revoked for good cause. The variance revocation procedures are the same as those followed to request the exception. In cases of willfulness or where necessary for public safety, the Assistant Secretary will:

((*) (a) Notify you in writing of the facts or conduct that may warrant revocation of your variance; and

((*) (b) Provide you, your employees, and authorized employee representatives with an opportunity to participate in the revocation procedures.

((f) ~~The department of labor and industries~~) (7) DOSH must recognize any recordkeeping or reporting variance issued by federal OSHA.

AMENDATORY SECTION (Amending WSR 09-01-158, filed 12/23/08, effective 3/1/09)

WAC 296-27-031 Reporting ((fatality, injury, and illness information)) fatalities, inpatient hospitalizations, amputations, and losses of an eye as the result of work-related incidents. (1) ((Basic requirement.)) You must report ((fatalities, injuries and illnesses information as required by

~~WAC 296-800-32005~~) to DOSH within eight hours of a work-related incident that results in:

(a) A fatality; or

(b) An inpatient hospitalization of any employee.

Notes: 1. Secure the scene of work-related events that result in the death or inpatient hospitalization of any worker, refer to WAC 296-800-320.

2. Do not move equipment involved (i.e., personal protective equipment (PPE), tools, machinery or other equipment), unless it is necessary to remove the victim or prevent further injuries, refer to WAC 296-800-32010.

(2) ~~((Implementation-~~

~~(a) If the local L&I office is closed, how do I report the incident?))~~ You must report to DOSH within twenty-four hours of a work-related incident that results in either an amputation or the loss of an eye that does not require inpatient hospitalization.

Notes: 1. If the amputation or loss of an eye requires inpatient hospitalization, follow the eight-hour reporting requirement in WAC 296-27-031(1).

2. Inpatient hospitalization that involves only observation or diagnostic testing is not a reportable inpatient hospitalization.

(3) If you do not learn about a reportable fatality, inpatient hospitalization, amputation, or loss of an eye at the time it takes place, you must make the report to DOSH within the following time periods after the fatality, inpatient hospitalization, amputation, or loss of an eye is reported to you or any of your agents:

(a) Eight hours for a fatality or an inpatient hospitalization of one or more employees.

(b) Twenty-four hours for an amputation or a loss of an eye that does not require inpatient hospitalization.

(4) If you do not learn right away that the reportable fatality, inpatient hospitalization, amputation, or loss of an eye was the result of a work-related incident, you must make the report to DOSH within the following time periods after you or any of your agents learn that the reportable fatality, inpatient hospitalization, amputation, or loss of an eye was the result of a work-related incident:

(a) Eight hours for a fatality or an inpatient hospitalization of one or more employees.

(b) Twenty-four hours for an amputation or a loss of an eye that does not require inpatient hospitalization.

(5) You must report the fatality, inpatient hospitalization, amputation, or loss of an eye in the required time frame using one of the following methods:

(a) By telephone to the department's toll-free telephone number, 1-800-4BE-SAFE (1-800-423-7233) or in person to the Labor and Industries' Division of Occupational Safety and Health (DOSH) office located nearest to the site of the incident;

(b) By telephone to the OSHA toll-free telephone number, 1-800-321-OSHA (1-800-321-6742); or

(c) To DOSH by any other means.

(6) If the local office is closed, you must report a fatality ((or inpatient)), inpatient hospitalization, amputation, or the loss of an eye incident by:

(a) Calling ((either)) the department at 1-800-4BE-SAFE (1-800-423-7233) ((or by contacting the Occupational Safety and Health Administration (OSHA) by calling its central)); or

(b) Calling OSHA's toll-free telephone number at 1-800-321-6742.

~~((b) What information do I need to give about the incident?))~~ (7) You must ~~((give the))~~ provide DOSH with the following information for each fatality ~~((or in-patient)), inpatient hospitalization ((incident)), amputation, or loss of an eye:~~

~~((Name of the work place))~~ (a) The establishment name;

(*) (b) The location of the work-related incident;

(*) (c) The time and date of the work-related incident;

(*) (d) The type of reportable event (i.e., fatality, inpatient hospitalization, amputation, or loss of an eye);

(e) The number of ~~((fatalities or hospitalized))~~ employees who suffered a fatality, inpatient hospitalization, amputation, or loss of an eye;

(*) (f) The names of ~~((injured employees))~~ the employees who suffered a fatality, inpatient hospitalization, amputation, or loss of an eye;

(*) (g) Your contact person and their phone number; and

(*) (h) A brief description of the work-related incident.

(8) If a fatality does not occur during or right after the work-related incident, you must only report it to DOSH if the fatality occurs within thirty days of the work-related incident.

(9) You must report a fatality, inpatient hospitalization, amputation, or loss of an eye that resulted from a motor vehicle accident that occurred in a construction work zone. If the motor vehicle accident occurred on a public street or highway, but not in a construction work zone, you do not have to report the fatality, inpatient hospitalization, amputation, or loss of an eye. However, the fatality, inpatient hospitalization, amputation, or loss of an eye must be recorded on your OSHA injury and illness records, if you are required to keep such records.

(10) You do not have to report an incident that resulted in a fatality, inpatient hospitalization, amputation, or loss of an eye to DOSH if it occurred on a commercial or public transportation system (e.g., airplane, train, subway, or bus). However, the fatality, inpatient hospitalization, amputation, or loss of an eye must be recorded on your OSHA injury and illness records, if you are required to keep such records.

(11) You must report to DOSH when a heart attack occurs in the work environment that results in a fatality or inpatient hospitalization. DOSH will decide whether to investigate the event, depending on the circumstances of the heart attack.

(12) You must only report to DOSH each inpatient hospitalization that involves medical care or treatment. Inpatient hospitalization involving only observation or diagnostic testing need not be reported.

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-03101 Providing records to government representatives. (1) ~~((Basic requirement.))~~ When an authorized government representative asks for the records you keep under this section, you must provide copies of the records within four business hours.

(2) ~~((Implementation.~~

~~((a) What government representatives have the right to get copies of records required by this section? The government representatives authorized to receive the records are:~~

~~• A representative of the Secretary of Labor conducting an inspection or investigation under the act;~~

~~• A representative of the Secretary of Health and Human Services (including the National Institute for Occupational Safety and Health-NIOSH) conducting an investigation under section 20(b) of the act; or~~

~~• A representative of the state department of labor and industries.~~

~~((b) Do I have to produce the records within four hours if my records are kept at a location in a different time zone? Your response will be considered timely if you give the records to the government representative within four business hours of the request.))~~ If you maintain the records at a location in a different time zone, you may use the business hours of the establishment at which the records are located when calculating the deadline.

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-03103 Annual OSHA injury and illness survey. (1) ~~((Basic requirement.))~~ If you receive OSHA's annual survey form, you must fill it out and send it to OSHA or OSHA's designee, as stated on the survey form. You must report the following information for the year described on the form:

(*) (a) The number of workers you employed;

(*) (b) The number of hours worked by your employees; and

(*) (c) The requested information from the records that you keep under this section.

(2) ~~((Implementation.~~

~~((a) Does every employer have to send data to OSHA? No.))~~ Each year, OSHA sends injury and illness survey forms to employers in certain industries. ~~((In any year, some employers will receive an OSHA survey form and others will not.))~~ You do not have to send injury and illness data to OSHA unless you receive a survey form.

~~((b) How quickly do I need to respond to an OSHA survey form?))~~ (3) You must send the survey reports to OSHA, or OSHA's designee, by mail or other means described in the survey form, within thirty calendar days, or by the date stated in the survey form, whichever is later.

~~((c) Do I have to respond to an OSHA survey form if I am normally exempt from keeping OSHA injury and illness records? Yes, even))~~ (4) If you are exempt from keeping injury and illness records under WAC ~~((296-27-001))~~ 296-27-00103 through 296-27-00107, OSHA may inform you in writing that it will be collecting injury and illness information from you in the following year. If you receive such a letter, you must keep the injury and illness records required by WAC 296-27-01103 ~~((to 296-27-01117))~~ through 296-27-01115 and make a survey report for the year covered by the survey.

~~((d) Do employers in))~~ (5) Washington ~~(have to answer))~~ state employers must respond to the OSHA survey form ~~((? Yes))~~ if they receive one.

~~((e) Does this section affect WISHA/OSHA's authority to inspect my workplace? No,))~~ (6) Nothing in this section affects ~~((WISHA/OSHA's))~~ DOSH's or federal OSHA's statutory authority to investigate conditions related to occupational safety and health.

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-03105 Requests from the Bureau of Labor Statistics (BLS) for data. (1) ~~((Basic requirement.))~~ If you receive a Survey of Occupational Injuries and Illnesses form from the ~~((Bureau of Labor Statistics))~~ BLS ~~((,))~~, or a BLS designee, you must promptly complete the form and return it following the instructions contained on the survey form.

(2) ~~((Implementation.))~~

~~((a) Does every employer have to send data to the BLS? No,))~~ Each year, the BLS sends injury and illness survey forms to randomly selected employers and uses the information to create the nation's occupational injury and illness statistics. In any year, some employers will receive a BLS survey form and others will not. You do not have to send injury and illness data to the BLS unless you receive a survey form.

~~((b) If I get a survey form from the BLS, what do I have to do?))~~ (3) If you receive a Survey of Occupational Injuries and Illnesses form from the ~~((Bureau of Labor Statistics))~~ BLS ~~((,))~~, or a BLS designee, you must promptly complete the form and return it, following the instructions contained on the survey form.

~~((c) Do I have to respond to a BLS survey form if I am normally exempt from keeping OSHA injury and illness records? Yes, even))~~ (4) If you are exempt from keeping injury and illness records under WAC 296-27-00103 through 296-27-00107, the BLS may inform you in writing that it will be collecting injury and illness information from you in the coming year. If you receive such a letter, you must keep the injury and illness records required by WAC 296-27-01103 ~~((to 296-27-01117))~~ through 296-27-01115 and make a survey report for the year covered by the survey.

~~((d) Do I have to answer the BLS survey form if I am located in a state plan state? Yes, all employers who receive a survey form))~~ (5) Washington state employers must respond to the BLS survey ~~((, even those in state plan states))~~ form if they receive one.

AMENDATORY SECTION (Amending WSR 02-01-064, filed 12/14/01, effective 1/1/02)

WAC 296-27-05101 Definitions. Amputation. The traumatic loss of an appendage, such as an upper or lower limb (or part of the limb) or other external body part that has been severed or cut off either completely or partially at the time of the injury, or is surgically removed due to irreparable damage. Amputations may or may not include bone loss.

Note: Amputations include fingertip amputations and amputations of body parts that have since been reattached. Amputations do not include loss of an eye, broken or chipped teeth, scalplings, or avulsions, such as degloving, where the skin and tissue have been torn away from the underlying subcutaneous tissue, tendons, muscle, or bone.

Authorized employee representative. An authorized collective bargaining agent of employees.

Authorized government representative. A representative of the Secretary of Labor, conducting an inspection or investigation under the act, a representative of the Secretary of Health and Human Services (including the National Institute for Occupational Safety and Health (NIOSH)) conducting an investigation under section 20(b) of the act, or a DOSH representative of the state department of labor and industries.

Department. The Washington state department of labor and industries.

Employer ((means)). A person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees or who contracts with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations: Provided, That any persons, partnership, or business entity not having employees, and who is covered by the Industrial Insurance Act must be considered both an employer and employee.

Establishment ((means)). A single physical location where business is conducted or where services or industrial operations are performed. For activities where employees do not work at a single physical location, such as construction; transportation; communications, electric, gas and sanitary services; and similar operations, the establishment is represented by main or branch offices, terminals, stations, etc., that either supervise such activities or are the base from which personnel carry out these activities.

(1) ~~((Can one business location include two or more establishments?))~~ Normally, one business location has only one establishment. Under limited conditions, the employer may consider two or more separate businesses that share a single location to be separate establishments. ~~((An employer))~~ You may divide one location into two or more establishments only when:

(*) (a) Each of the establishments represents a distinctly separate business;

(*) (b) Each business is engaged in a different economic activity;

(*) (c) No one industry description in the ~~((Standard Industrial Classification Manual (1987))~~) North American Industrial Classification System applies to the joint activities of the establishments; and

(*) (d) Separate reports are routinely prepared for each establishment on the number of employees, their wages and salaries, sales or receipts, and other business information. For example, if an employer operates a construction company at the same location as a lumber yard, the employer may consider each business to be a separate establishment.

(2) ~~((Can an establishment include more than one physical location? Yes, but only under certain conditions. An employer))~~ You may combine two or more physical locations into a single establishment only when:

~~((The employer))~~ (a) You operate~~((s))~~ the locations as a single business operation under common management;

~~((The employer))~~ (b) The locations are all located in close proximity to each other; and

~~((The employer))~~ (c) You keep~~((s))~~ one set of business records for the locations, such as records on the number of employees, their wages and salaries, sales or receipts, and other kinds of business information. For example, one manufacturing establishment might include the main plant, a warehouse a few blocks away, and an administrative services building across the street.

(3) ~~((If an))~~ For employees who telecommute~~((s))~~ from home, ~~((is his or her))~~ the employee's home ~~((considered))~~ is not a ~~((separate))~~ business establishment~~((? No, for employees who telecommute from home, the employee's home is not a business establishment))~~, and a separate OSHA 300 Log is not required. Employees who telecommute must be linked to one of your establishments under WAC 296-27-02101 ~~((2)(e))~~ (4).

First aid. For the purpose of this chapter, first aid only includes the following:

(a) Using a nonprescription medication at nonprescription strength (for medications available in both prescription and nonprescription form, a recommendation by a physician or other licensed health care professional to use a nonprescription medication at prescription strength is considered medical treatment for recordkeeping purposes);

(b) Administering tetanus immunizations (other immunizations, such as Hepatitis B vaccine or rabies vaccine, are considered medical treatment);

(c) Cleaning, flushing, or soaking wounds on the surface of the skin;

(d) Using wound coverings such as bandages, Band-Aids™, gauze pads, etc., or using butterfly bandages or Steri-Strips™ (other wound closing devices such as sutures, staples, etc., are considered medical treatment);

(e) Using hot or cold therapy;

(f) Using any nonrigid means of support, such as elastic bandages, wraps, nonrigid back belts, etc., (devices with rigid stays or other systems designed to immobilize parts of the body are considered medical treatment for recordkeeping purposes);

(g) Using temporary immobilization devices while transporting an accident victim (e.g., splints, slings, neck collars, back boards, etc.);

(h) Drilling of a fingernail or toenail to relieve pressure, or draining fluid from a blister;

(i) Using eye patches;

(j) Removing foreign bodies from the eye using only irrigation or a cotton swab;

(k) Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs, or other simple means;

(l) Using finger guards;

(m) Using massages (physical therapy or chiropractic treatment are considered medical treatment for recordkeeping purposes); or

(n) Drinking fluids for relief of heat stress.

Injury or illness ~~((means))~~. An abnormal condition or disorder. Injuries include cases such as, but not limited to, a cut, fracture, sprain, or amputation. Illnesses include both acute and chronic illnesses, such as, but not limited to, a skin disease, respiratory disorder, or poisoning. Injuries and illness are recordable only if they are new, work-related cases that meet one or more of this section's recording criteria.

Inpatient hospitalization. To be admitted into a hospital or equivalent facility for medical treatment.

Loss of an eye(s). The physical removal of an eye occurring either at the time of injury or is surgically removed due to irreparable damage. The loss of sight without the removal is not reportable, unless the worker is admitted as an inpatient hospitalization after losing sight as a result of a worker-related incident, then it is reportable within the eight-hour time frame specified in WAC 296-27-031(1).

Medical treatment. The management and care of a patient to combat disease or disorder. For the purposes of this section, medical treatment does not include:

(a) Visits to a physician or other licensed health care professional solely for observation or counseling;

(b) The conduct of diagnostic procedures, such as X rays and blood tests, including the administration of prescription medications used solely for diagnostic purposes (e.g., eye drops to dilate pupils); or

(c) First aid (see definition of first aid).

(Note: Injuries and illnesses are recordable only if they are new, work-related cases that meet one or more of this section's recording criteria.

OSHA ~~((means))~~, Occupational Safety and Health Administration.

Other potentially infectious materials. Includes all of the following:

(a) The following human body fluids: Semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids;

(b) Any unfixed tissue or organ (other than intact skin) from a human (living or dead);

(c) HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV; and

(d) Blood and tissues of experimental animals infected with bloodborne pathogens.

Personal representative. Any person that the employee or former employee designates as such in writing, or the legal representative of a deceased or legally incapacitated employee or former employee.

Physician or other licensed health care professional ~~((means))~~. A physician or other licensed health care professional whose legally permitted scope of practice (i.e., license, registration, or certification) allows ~~((him or her))~~ them to

independently perform, or be delegated the responsibility to perform, the activities described by this regulation.

Preexisting condition. An injury or illness that resulted solely from a nonwork-related event or exposure.

Routine functions. For recordkeeping purposes, routine functions are those work activities the employee regularly performs at least once per week.

WISHA. The Washington Industrial Safety and Health Act.

Work environment. The establishment and other locations where one or more employees are working or are present as a condition of their employment. The work environment includes not only physical locations, but also the equipment or materials used by the employee during the course of their work.

You ((means)). An employer (see definition of employer).

((Table "1"—Private Employer Exemptions

~~SIC Industry description code~~

~~525 Hardware Stores
542 Meat and Fish Markets
544 Candy, Nut, and Confectionary Stores
545 Dairy Products Stores
546 Retail Bakeries
549 Miscellaneous Food Stores
551 New and Used Car Dealers
552 Used Car Dealers
554 Gasoline Service Stations
557 Motorcycle Dealers
56 Apparel and Accessory Stores
573 Radio, Television, & Computer Stores
58 Eating and Drinking Places
591 Drug Stores and Proprietary Stores
592 Liquor Stores
594 Miscellaneous Shopping Goods Stores
599 Retail Stores, Not Elsewhere Classified
60 Depository Institutions (banks & savings institutions)
61 Nondepository
62 Security and Commodity Brokers
63 Insurance Carriers
64 Insurance Agents, Brokers & Services
653 Real Estate Agents and Managers
654 Title Abstract Offices
67 Holding and Other Investment Offices
722 Photographic Studios, Portrait
723 Beauty Shops
724 Barber Shops
725 Shoe Repair and Shoeshine Parlors~~

~~SIC Industry description code~~

~~726 Funeral Service and Crematories
729 Miscellaneous Personal Services
731 Advertising Services
732 Credit Reporting and Collection Services
733 Mailing, Reproduction, & Stenographic Services
737 Computer and Data Processing Services
738 Miscellaneous Business Services
764 Reupholstery and Furniture Repair
78 Motion Picture
791 Dance Studios, Schools, and Halls
792 Producers, Orchestras, Entertainers
793 Bowling Centers
81 Legal Services
82 Educational Services (schools, colleges, universities and libraries)
832 Individual and Family Services
835 Child Day Care Services
839 Social Services, Not Elsewhere Classified
841 Museums and Art Galleries
86 Membership Organizations
87 Engineering, Accounting, Research, Management and Related Services
899 Services, not elsewhere classified~~

Table "2"—Public Employer Exemptions

~~SIC Industry description code~~

~~5821 Public Elementary and Secondary Schools
823 Public Libraries))~~

AMENDATORY SECTION (Amending WSR 03-24-085, filed 12/2/03, effective 1/1/04)

WAC 296-27-061 Nonmandatory Appendix A—Age adjustment calculations for comparing audiograms for recording hearing loss. **IMPORTANT:** These computations may only be used for comparison of audiograms to record hearing loss on the OSHA 300 Log. This appendix is non-mandatory.

(1) In determining whether a recordable threshold shift has occurred, allowance may be made for the contribution of aging to the change in hearing level by adjusting the most recent audiogram. If you choose to adjust the audiogram, you must follow the procedure described below. This procedure and the age correction tables were developed by the National Institute for Occupational Safety and Health in the criteria document entitled "Criteria for a Recommended Standard...Occupational Exposure to Noise," ((HSM)-11001).

(2) For each audiometric test frequency:

((+)) (a) Determine from Tables A-1 or A-2 the age correction values for the employee by:

~~((A))~~ (i) Finding the age at which the most recent audiogram was taken and recording the corresponding values of age corrections at 1000 Hz through 6000 Hz;

~~((B))~~ (ii) Finding the age at which the baseline audiogram was taken and recording the corresponding values of age corrections at 1000 Hz through 6000 Hz.

~~((+))~~ (b) Subtract the values found in step ~~((+)(B))~~ (a)(ii) from the value found in step ~~((+)(A))~~ (a)(i).

~~((+))~~ (c) The differences calculated in step ~~((+))~~ (b) represent that portion of the change in hearing that may be due to aging.

EXAMPLE: Employee is a 32-year-old male. The audiometric history for his right ear is shown in decibels below.

Audiometric Test Frequency (Hz)					
Employee's age	1000	2000	3000	4000	6000
26	10	5	5	10	5
*27	0	0	0	5	5
28	0	0	0	10	5
29	5	0	5	15	5
30	0	5	10	20	10
31	5	10	20	15	15
*32	5	10	10	25	20

The audiogram at age 27 is considered the baseline since it shows the best hearing threshold levels. Asterisks have been used to identify the baseline and most recent audiogram. A threshold shift of 20 dB exists at 4000 Hz between the audiograms taken at ages 27 and 32.

(The threshold shift is computed by subtracting the hearing threshold at age 27, which was 5, from the hearing threshold at age 32, which is 25.) A retest audiogram has confirmed this shift. The contribution of aging to this change in hearing may be estimated in the following manner:

Go to Table A-1 and find the age correction values (in dB) for 4000 Hz at age 27 and age 32.

	Frequency (Hz)				
	1000	2000	3000	4000	6000
Age 32	6	5	7	10	14
Age 27	5	4	6	7	11
Difference	1	1	1	3	3

The difference represents the amount of hearing loss that may be attributed to aging in the time period between the baseline audiogram and the most recent audiogram. In this example, the difference at 4000 Hz is 3 dB. This value is subtracted from the hearing level at 4000 Hz, which in the most recent audiogram is 25, yielding 22 after adjustment. Then the hearing threshold in the baseline audiogram at 4000 Hz (5) is subtracted from the adjusted annual audiogram hearing threshold at 4000 Hz (22). Thus the age-corrected threshold shift would be 17 dB (as opposed to a threshold shift of 20 dB without age correction).

TABLE A-1 - AGE CORRECTION VALUES IN DECIBELS FOR MALES

Age	Audiometric Test Frequency (Hz)				
	1000	2000	3000	4000	6000
20 or younger	5	3	4	5	8
21	5	3	4	5	8
22	5	3	4	5	8
23	5	3	4	6	9
24	5	3	5	6	9
25	5	3	5	7	10
26	5	4	5	7	10
27	5	4	6	7	11
28	6	4	6	8	11
29	6	4	6	8	12
30	6	4	6	9	12
31	6	4	7	9	13
32	6	5	7	10	14
33	6	5	7	10	14
34	6	5	8	11	15
35	7	5	8	11	15
36	7	5	9	12	16
37	7	6	9	12	17
38	7	6	9	13	17
39	7	6	10	14	18
40	7	6	10	14	19
41	7	6	10	14	20
42	8	7	11	16	20
43	8	7	12	16	21
44	8	7	12	17	22
45	8	7	13	18	23
46	8	8	13	19	24
47	8	8	14	19	24
48	9	8	14	20	25
49	9	9	15	21	26
50	9	9	16	22	27
51	9	9	16	23	28
52	9	10	17	24	29
53	9	10	18	25	30
54	10	10	18	26	31
55	10	11	19	27	32
56	10	11	20	28	34
57	10	11	21	29	35
58	10	12	22	31	36

Audiometric Test Frequency (Hz)					
Age	1000	2000	3000	4000	6000
59	11	12	22	32	37
60 or older	11	13	23	33	38

TABLE ((F-2)) A-2 - AGE CORRECTION VALUES IN DECIBELS FOR FEMALES

Audiometric Test Frequency (Hz)					
Age	1000	2000	3000	4000	6000
20 or younger	7	4	3	3	6
21	7	4	4	3	6
22	7	4	4	4	6
23	7	5	4	4	7
24	7	5	4	4	7
25	8	5	4	4	7
26	8	5	5	4	8
27	8	5	5	5	8
28	8	5	5	5	8
29	8	5	5	5	9
30	8	6	5	5	9
31	8	6	6	5	9
32	9	6	6	6	10
33	9	6	6	6	10
34	9	6	6	6	10
35	9	6	7	7	11
36	9	7	7	7	11
37	9	7	7	7	12
38	10	7	7	7	12
39	10	7	8	8	12
40	10	7	8	8	13
41	10	8	8	8	13
42	10	8	9	9	13
43	11	8	9	9	14
44	11	8	9	9	14
45	11	8	10	10	15
46	11	9	10	10	15
47	11	9	10	11	16
48	12	9	11	11	16
49	12	9	11	11	16
50	12	10	11	12	17
51	12	10	12	12	17
52	12	10	12	13	18
53	13	10	13	13	18
54	13	11	13	14	19

Audiometric Test Frequency (Hz)					
Age	1000	2000	3000	4000	6000
55	13	11	14	14	19
56	13	11	14	15	20
57	13	11	15	15	20
58	14	12	15	16	21
59	14	12	16	16	21
60 or older	14	12	16	17	22

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-27-00109 Nonmandatory appendix to this section—Partially exempt industries.
- WAC 296-27-041 Transition from the former rule.
- WAC 296-27-04101 Summary and posting of the 2001 data.
- WAC 296-27-04103 Retention and updating of old forms.

AMENDATORY SECTION (Amending WSR 12-24-071, filed 12/4/12, effective 1/4/13)

WAC 296-37-575 Recordkeeping requirements. (1) Recording and reporting. ~~((a))~~ The employer ~~((shall))~~ must comply with ~~((the requirements of))~~ chapter ~~((s))~~ 296-27 ~~((; 296-800, and 296-900))~~ WAC for recording work-related injuries and illnesses and reporting to the department any work-related fatality, inpatient hospitalization, amputation, or the loss of an eye.

~~((b) The employer shall record the occurrence of any diving-related injury or illness which requires any dive team member to be hospitalized, specifying the circumstances of the incident and the extent of any injuries or illnesses.))~~

(2) Availability of records.

(a) Upon the request of the director of the department of labor and industries or his duly authorized designees, the employer shall make available for inspection and copying any record or document required by this standard.

(b) Records and documents required by this standard shall be provided upon request to employees, designated representatives, and the assistant director in accordance with chapter 296-802 WAC. Safe practices manuals (WAC 296-37-530), depth-time profiles (WAC 296-37-540), recording of dives (WAC 296-37-545), decompression procedure assessment evaluations (WAC 296-37-545), and records of hospitalizations ~~((WAC 296-37-575))~~ chapter 296-27 WAC shall be provided in the same manner as employee exposure records or analyses using exposure or medical records. Equipment inspections and testing records which pertain to employees (WAC 296-37-570) shall also be provided upon request to employees and their designated representatives.

(c) Records and documents required by this standard shall be retained by the employer for the following period:

- (i) Dive team member medical records (physician's reports) (WAC 296-37-525) - Five years;
 - (ii) Safe practices manual (WAC 296-37-530) - Current document only;
 - (iii) Depth-time profile (WAC 296-37-540) - Until completion of the recording of dive, or until completion of decompression procedure assessment where there has been an incident of decompression sickness;
 - (iv) Recording dive (WAC 296-37-545) one year, except five years where there has been an incident of decompression sickness;
 - (v) Decompression procedure assessment evaluations (WAC 296-37-545) - Five years;
 - (vi) Equipment inspections and testing records (WAC 296-37-570) - Current entry or tag, or until equipment is withdrawn from service;
 - (vii) Records of hospitalizations (WAC ~~(296-37-575)~~ 296-27-02107) - Five years.
- (d) After the expiration of the retention period of any record required to be kept for five years, the employer shall forward such records to the National Institute for Occupational Safety and Health, Department of Health and Human Services. The employer shall also comply with any additional requirements set forth in chapter 296-802 WAC.

AMENDATORY SECTION (Amending WSR 14-07-086, filed 3/18/14, effective 5/1/14)

WAC 296-78-515 Management's responsibility. (1) It shall be the responsibility of management to establish, supervise, and enforce, in a manner which is effective in practice:

- (a) A safe and healthful working environment.
- (b) An accident prevention program as required by these standards.
- (c) Training programs to improve the skill and competency of all employees in the field of occupational safety and health. Such training shall include the on-the-job instructions on the safe use of powered materials handling equipment, machine tool operations, use of toxic materials and operation of utility systems prior to assignments to jobs involving such exposures.
- (2) The employer shall develop and maintain a hazard communication program as required by WAC 296-901-140, which will provide information to all employees relative to hazardous chemicals or substances to which they are exposed, or may become exposed, in the course of their employment.
- (3) Management shall not assign mechanics, millwrights, or other persons to work on equipment by themselves when there is a probability that the person could fall from elevated work locations or equipment or that a person could be pinned down by heavy parts or equipment so that they could not call for or obtain assistance if the need arises.

Note: This subsection does not apply to operators of motor vehicles, watchperson or certain other jobs which, by their nature, are singular employee assignments. However, a definite procedure for checking the welfare of all employees during their working hours shall be instituted and all employees so advised.

- (4) After the emergency actions following accidents that cause serious injuries that have immediate symptoms, a pre-

liminary investigation of the cause of the accident shall be conducted. The investigation shall be conducted by a person designated by the employer, the immediate supervisor of the injured employee, witnesses, employee representative if available and any other person with the special expertise required to evaluate the facts relating to the cause of the accident. The findings of the investigation shall be documented by the employer for reference at any following formal investigation.

(5) Reporting ~~(of fatality or hospitalization incidents.~~

~~(a) Within eight hours after the fatality or probable fatality of any employee from a work-related incident or the inpatient hospitalization of any employee as a result of a work-related incident, the employer of any employees so affected shall report the fatality/hospitalization by telephone or in person, to the nearest office of the department or by using the OSHA toll-free central telephone number, 1-800-321-6742.~~

~~(i) This requirement applies to each such fatality or hospitalization which occurs within thirty days of the incident.~~

~~(ii) Exception: If any employer does not learn of a reportable incident at the time it occurs and the incident would otherwise be reportable under this subsection, the employer shall make a report within eight hours of the time the incident is reported to any agent or employee of the employer.~~

~~(iii) Each report required by this subsection shall relate the following information: Establishment name, location of the incident, time of the incident, number of fatalities or hospitalized employees, contact person, phone number, and a brief description of the incident.~~

~~(b) Equipment involved in an incident resulting in an immediate or probable fatality or in the inpatient hospitalization of any employee, shall not be moved, until a representative of the department investigates the incident and releases such equipment, except where removal is essential to prevent further incident. Where necessary to remove the victim, such equipment may be moved only to the extent of making possible such removal.~~

~~(c) Upon arrival of a department investigator, employer shall assign to assist the investigator, the immediate supervisor and all employees who were witnesses to the incident, or whoever the investigator deems necessary to complete the investigation.~~

~~(6) A system for maintaining records of occupational injuries and illnesses as prescribed by chapter 296-27 WAC.~~

Note: Recordable cases include:

- (a) Every occupational death.
- (b) Every industrial illness.
- (c) Every occupational injury that involves one of the following:
 - (i) Unconsciousness.
 - (ii) Inability to perform all phases of regular job.
 - (iii) Inability to work full time on regular job.
 - (iv) Temporary assignment to another job.
 - (v) Medical treatment beyond first aid.

~~All employers with eleven or more employees shall record occupational injury and illness information on forms OSHA 101—supplementary record occupational injuries and illnesses and OSHA 200—log and summary. Forms other than OSHA 101 may be substituted for the supplementary~~

record of occupational injuries and illnesses if they contain the same items.)) and recording requirements. The employer must comply with chapter 296-27 WAC for recording work-related injuries and illnesses and reporting to the department any work-related fatality, inpatient hospitalization, amputation, or the loss of an eye.

(6) The employer must comply with the accident investigation requirements in WAC 296-800-320.

(7) Personal protective equipment required by this standard shall be provided at no cost to employees.

AMENDATORY SECTION (Amending WSR 14-07-086, filed 3/18/14, effective 5/1/14)

WAC 296-115-060 Operations. (1) No person will rent, lease, or hire out a charter boat, carry, advertise for carrying, or arrange for carrying, more than six passengers on a vessel for a fee or other consideration on state waters unless the vessel meets the requirements of this chapter.

(2) Notice of casualty.

(a) The owner or person in charge of any vessel involved in a marine accident or casualty involving any of the following must report the incident immediately to the department:

(i) Damage to property in excess of one thousand five hundred dollars.

(ii) Major damage affecting the seaworthiness or safety of the vessel.

(iii) Loss of life or an injury to a person that requires medical treatment beyond first aid.

(iv) Fire on board the vessel.

(b) The report must be in writing to the assistant director. Upon receipt of the report the assistant director may request an investigation by a marine dock inspector.

(c) For work-related injuries and illness involving any employee that resulted in death, inpatient hospitalization, amputation or loss of an eye, the employer must comply with the recordkeeping and reporting regulations in chapter 296-27 WAC.

(3) Miscellaneous operations.

(a) In the case of collision, accident, or other casualty involving a vessel the operator, must:

(i) So far as possible without serious danger to the vessel or persons aboard, render any necessary assistance to other persons affected by the collision, accident, or casualty to save them from danger.

(ii) Provide the name and address of the vessel owner and the name of the vessel to any person injured and to the owner of any property damaged.

(b) The person in charge of the vessel must see that the provisions of the certificate of inspection are strictly adhered to. This will not limit the person in charge from taking any action in an emergency judged necessary to help vessels in distress or to prevent loss of life.

(c) The operator of a vessel must comply with the provisions of the USCG Navigation Rules International/Inland, Commandants Instruction M16672.2D.

(d) The operator of a vessel must test the vessel's steering gear, signaling whistle, controls, and communication system before getting under way for the day's operation.

(e) Vessels using fuel with a flashpoint of 110°F or lower must not take on fuel when passengers are on board.

(f) All vessels must enforce "no smoking" provisions when fueling. Locations on the vessel where flammable liquids are stored must be posted "no smoking."

(g) All vessels must prepare and post emergency check-off lists in a conspicuous place accessible to crew and passengers, covering the following:

(i) Man overboard.

(ii) Fire.

(h) The persons in charge must conduct emergency drills to ensure that the crew is familiar with their duties in an emergency and must document the drills.

(i) Carrying hazardous substances is prohibited on vessels. However, the assistant director may authorize a vessel to carry specific types and quantities of hazardous substances if the assistant director approves the type, quantity, and manner in which it is carried.

(j) All areas accessible to passengers or crew must be kept in a clean and sanitary condition. All walking surfaces must be free of slipping or tripping hazards and in good repair.

(4) First aid.

(a) All passenger vessels at all times must have a person holding a valid certificate of first-aid/CPR training.

(b) A first-aid kit or first-aid room must be provided on all vessels. The size and quantity of first-aid supplies or equipment required must be determined by the number of persons normally dependent upon each kit or equipment. The first-aid kit or supplies must be in a weatherproof container with individually sealed packages for each type of item. The location of the first-aid station or kit must be posted or marked "first aid" on the container.

AMENDATORY SECTION (Amending WSR 05-01-166, filed 12/21/04, effective 4/2/05)

WAC 296-307-018 What are the employer's responsibilities?

You must:

(1) Provide a safe and healthful working environment.

(2) Ensure that employees do not use defective or unsafe tools and equipment, including tools and equipment that may be furnished by the employee.

(3) Implement a written accident prevention program as required by these standards.

(4) Implement a hazard communication program as required by WAC 296-307-550.

(5) Establish a system for ((reporting and)) complying with chapter 296-27 WAC for recording ((accidents on the OSHA 200 log. (See chapter 296-27 WAC.)) work-related injuries and illnesses and reporting to the department any work-related fatality, inpatient hospitalization, amputation, or loss of an eye. In addition, you must also report to the department within eight hours after any work-related incident that results in injury or illness from acute pesticide exposure.

(6) Follow the requirements for accident investigations in WAC 296-800-320.

(7) Provide safety education and training programs.

~~((7))~~ (8) Implement the requirements of WAC 296-62-074 through 296-62-07451 to ensure the safety of employees who are exposed to cadmium in the workplace.

~~((8))~~ (9) Implement the requirements of WAC 296-307-642 through 296-307-656 to ensure the safety of employees who are exposed to confined spaces in the workplace.

~~((9))~~ (10) Control chemical agents.

You must:

- Control chemical agents in a manner that they will not present a hazard to your workers; or
- Protect workers from the hazard of contact with, or exposure to, chemical agents.

Reference: Pesticides are chemical agents and are covered by chapter 296-307 WAC Part I, Pesticides (worker protection standard). Pesticides may also be covered by WAC 296-307-594, Respirators.

~~((10))~~ (11) Protect employees from biological agents.

You must:

- Protect employees from exposure to hazardous concentrations of biological agents that may result from processing, handling or using materials or waste.

Note: Examples of biological agents include:

- Animals or animal waste
- Body fluids
- Biological agents in a medical research lab
- Mold or mildew.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-307-015 What must an employer do if a serious injury occurs?

AMENDATORY SECTION (Amending WSR 09-01-158, filed 12/23/08, effective 3/1/09)

WAC 296-800-320 Summary. Your responsibility:

To ~~((report and))~~ conduct an investigation of certain types of accidents.

You must:

~~((Report the death, or probable death, of any employee, or the in-patient hospitalization of any employee within 8 hours~~

~~WAC 296-800-32005))~~

Make sure ~~((that any))~~ equipment involved in ~~((an))~~ a work-related accident is not moved.

WAC 296-800-32010

Assign people to assist the department of labor and industries

WAC 296-800-32015

Conduct a preliminary investigation for all serious injuries

WAC 296-800-32020

Document the investigation findings

WAC 296-800-32025

AMENDATORY SECTION (Amending WSR 08-05-012, filed 2/8/08, effective 4/1/08)

WAC 296-800-32010 Make sure ~~((that any))~~ equipment involved in ~~((an))~~ a work-related accident is not moved. You must:

- Not move equipment involved in a ~~((work or))~~ work-related accident ~~((or incident))~~ if any of the following results:

- A death

~~((A probable death))~~

- An ~~((employee's))~~ inpatient hospitalization

- An amputation

- The loss of an eye

- Not move the equipment until a representative of the department of labor and industries investigates the incident and releases the equipment unless:

- Moving the equipment is necessary to:

~~((♦))~~ Remove any victims

~~((♦))~~ Prevent further incidents and injuries

AMENDATORY SECTION (Amending WSR 08-05-012, filed 2/8/08, effective 4/1/08)

WAC 296-800-32015 Assign people to assist the department of labor and industries. You must:

- Assign witnesses and other employees to assist department of labor and industries personnel who arrive at the scene to investigate the incident involving:

- A death

~~((Probable death))~~

- An ~~((employee's))~~ inpatient hospitalization

- An amputation

- The loss of an eye

Include:

- The immediate supervisor

- Employees who were witnesses to the incident

- Other employees the investigator feels are necessary to complete the investigation.

AMENDATORY SECTION (Amending WSR 14-07-086, filed 3/18/14, effective 5/1/14)

WAC 296-800-370 Definitions.

Abatement action plans

Refers to your written plans for correcting a WISHA violation.

Abatement date

The date on the citation when you must comply with specific safety and health standards listed on the citation and notice of assessment or the corrective notice of redetermination.

Acceptable

As used in **Electrical, WAC 296-800-280** means an installation or equipment is acceptable to the director of labor and industries, and approved:

- If it is accepted, or certified, or listed, or labeled, or otherwise determined to be safe by a nationally recognized testing laboratory; or

• With respect to an installation or equipment of a kind which no nationally recognized testing laboratory accepts, certifies, lists, labels, or determines to be safe, if it is

inspected or tested by another federal agency, or by a state, municipal, or other local authority responsible for enforcing occupational safety provisions of the National Electrical Code, and found in compliance with the provisions of the National Electrical Code as applied in this section;

OR

- With respect to custom-made equipment or related installations which are designed, fabricated for, and intended for use by a particular customer, if it is determined to be safe for its intended use by its manufacturer on the basis of test data which the employer keeps and makes available for inspection to the director and his/her authorized representatives. Refer to federal regulation 29 C.F.R. 1910.7 for definition of nationally recognized testing laboratory.

Accepted

As used in Electrical, WAC 296-800-280 means an installation is accepted if it has been inspected and found by a nationally recognized testing laboratory to conform to specified plans or to procedures of applicable codes.

Access

As used in safety data sheets (SDSs) as exposure records, WAC 296-901-14014 means the right and opportunity to examine and copy exposure records.

Affected employees

As used in WISHA appeals, penalties and other procedural rules, WAC 296-800-350 means employees exposed to hazards identified as violations in a citation.

Analysis using exposure or medical records

- An analysis using exposure records or medical records can be any collection of data or a statistical study. It can be based on either:

- Partial or complete information from individual employee exposure or medical records or
- Information collected from health insurance claim records

- The analysis is not final until it has been:

- Reported to the employer or
- Completed by the person responsible for the analysis

ANSI

This is an acronym for the American National Standards Institute.

Approved means:

- Approved by the director of the department of labor and industries or their authorized representative, or by an organization that is specifically named in a rule, such as Underwriters' Laboratories (UL), Mine Safety and Health Administration (MSHA), or the National Institute for Occupational Safety and Health (NIOSH).

- As used in Electrical, WAC 296-800-280 means acceptable to the authority enforcing this section. The authority enforcing this section is the director of labor and industries. The definition of acceptable indicates what is acceptable to the director and therefore approved.

Assistant director

The assistant director for the WISHA services division at the department of labor and industries or his/her designated representative.

ASTM

This is an acronym for American Society for Testing and Materials.

Attachment plug or plug

As used in the basic electrical rules, WAC 296-800-280 means the attachment at the end of a flexible cord or cable that is part of a piece of electrical equipment. When it is inserted into an outlet or receptacle, it connects the conductors supplying electrical power from the outlet to the flexible cable.

Bare conductor

A conductor that does not have any covering or insulation.

Bathroom

A room maintained within or on the premises of any place of employment, containing toilets that flush for use by employees.

Biological agents

Organisms or their by-products.

Board

As used in WISHA appeals, penalties and other procedural rules, WAC 296-800-350 means the board of industrial insurance appeals.

Ceiling

An exposure limit that must not be exceeded during any part of the employee's workday. The ceiling must be determined over the shortest time period feasible and should not exceed fifteen minutes.

Certification

As used in WISHA appeals, penalties and other procedural rules, WAC 296-800-350 means refers to an employer's written statement describing when and how a citation violation was corrected.

C.F.R.

This is an acronym for Code of Federal Regulations.

Chemical

Any element, chemical compound, or mixture of elements and/or compounds.

Chemical agents (airborne or contact)

A chemical agent is any of the following:

- Airborne chemical agent which is any of the following:
 - Dust - Solid particles suspended in air, that are created by actions such as:

- Handling.
- Drilling.
- Crushing.
- Grinding.
- Rapid impact.
- Detonation.
- Decrepitation of organic or inorganic materials such as rock, ore, metal, coal, wood, and grain.

- Fume - Solid particles suspended in air, that are created by condensation from the gaseous state.

- Gas - A normally formless fluid, such as air, which can be changed to the liquid or solid state by the effect of increased pressure or decreased temperature or both.

- Mist - Liquid droplets suspended in air. Mist is created by:

- Condensation from the gaseous to the liquid state;

OR

- Converting a liquid into a dispersed state with actions such as splashing, foaming, spraying or atomizing.

- Vapor - The gaseous form of a substance that is normally in the solid or liquid state.

- Contact chemical agent which is any of the following:

- Corrosive - A substance that, upon contact, causes destruction of living tissue by chemical action, including acids with a pH of 2.5 or below or caustics with a pH of 11.0 or above.

- Irritant - A substance that will induce a local inflammatory reaction upon immediate, prolonged, or repeated contact with normal living tissue.

- Toxicant - A substance that has the inherent capacity to produce personal injury or illness to individuals by absorption through any body surface.

Chemical manufacturer

An employer with a workplace where one or more chemicals are produced for use or distribution.

Chemical name

The scientific designation of a chemical in accordance with one of the following:

- The nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC)

- The Chemical Abstracts Service (CAS) rules of nomenclature

- A name which will clearly identify the chemical for the purpose of conducting a hazard evaluation.

Circuit breaker

- Is a device used to manually open or close a circuit. This device will also open the circuit automatically and without damage to the breaker when a predetermined overcurrent is applied. (600 volts nominal or less)

- Is a switching device capable of making, carrying, and breaking currents under normal circuit conditions, and also making, carrying for a specified time, and breaking currents under specified abnormal circuit conditions, such as those of short circuit. (Over 600 volts nominal)

Citation

Refers to the citation and notice issued to an employer for any violation of WISHA safety and health rules. A citation and notice may be referred to as a citation and notice of assessment but is more commonly referred to as a citation.

Commercial account

As used in Hazard communication, WAC 296-901-140 means an arrangement in which a retail distributor sells hazardous chemical(s) to an employer, generally in large quantities over time, and/or at costs that are below the regular retail price.

Common name

As used in Hazard communication, WAC 296-901-140 means any designation or identification such as:

- Code name
- Code number
- Trade name
- Brand name

- Generic name used to identify a chemical other than by its chemical name.

Compressed gas

A gas or mixture of gases that, when in a container, has an absolute pressure exceeding:

- 40 psi at 70°F (21.1°C)

OR

- 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C)

Compressed gas can also mean a liquid with a vapor pressure that exceeds 40 psi at 100°F (37.8°C)

Conductor

A wire that transfers electric power.

Container

As used in Hazard communication, WAC 296-901-140 means any container, except for pipes or piping systems, that contains a hazardous chemical. It can be any of the following:

- Bag
- Barrel
- Bottle
- Box
- Can
- Cylinder
- Drum
- Reaction vessel
- Storage tank

Correction date

The date by which a violation must be corrected. Final orders or extensions that give additional time to make corrections establish correction dates. A correction date established by an order of the board of industrial insurance appeals remains in effect during any court appeal unless the court suspends the date.

Corrective notice

Refers to a notice changing a citation and is issued by the department after a citation has been appealed.

Corrosive

A substance that, upon contact, causes destruction of living tissue by chemical action, including acids with a pH of 2.5 or below or caustics with a pH of 11.0 or above.

Covered conductor

A conductor that is covered by something else besides electrical insulation.

Damp location

As used in basic electrical rules, WAC 296-800-280 means partially protected areas that are exposed to moderate moisture. Outdoor examples include roofed open porches and marquees. Interior examples include basements and barns.

Department

Those portions of the department of labor and industries responsible for enforcing the Washington Industrial Safety Act (WISHA).

Designated representative

- Any individual or organization to which an employee gives written authorization.

- A recognized or certified collective bargaining agent without regard to written authorization.

- The legal representative of a deceased or legally incapacitated employee.

Director

The director means the director of the department of labor and industries or their designee.

Distributor

A business, other than a chemical manufacturer or importer, that supplies hazardous chemicals to other distributors or to employers.

Documentation

As used in WISHA appeals, penalties and other procedural rules, WAC 296-800-350 means material that you submit to prove that a correction is completed. Documentation includes, but is not limited to, photographs, receipts for materials and/or labor.

Dry location

As used in basic electrical rules, WAC 296-800-280 means areas not normally subjected to damp or wet conditions. Dry locations may become temporarily damp or wet, such as when constructing a building.

Dust

Solid particles suspended in air that are created by actions such as:

- Handling.
- Drilling.
- Crushing.
- Grinding.
- Rapid impact.
- Detonation.

• Decrepitation of organic or inorganic materials such as rock, ore, metal, coal, wood, and grain.

Emergency washing facilities

Emergency washing facilities are emergency showers, eyewashes, eye/face washes, hand-held drench hoses, or other similar units.

Electrical outlets

Places on an electric circuit where power is supplied to equipment through receptacles, sockets, and outlets for attachment plugs.

Employee

Based on chapter 49.17 RCW, the term employee and other terms of like meaning, unless the context of the provision containing such term indicates otherwise, means an employee of an employer who is employed in the business of his or her employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is personal labor for an employer under this standard whether by way of manual labor or otherwise.

Employee exposure record

As used in safety data sheets (SDSs) as exposure records, WAC 296-901-14014 means a record containing any of the following kinds of information:

- Environmental (workplace) monitoring or measuring of a toxic substance or harmful physical agent, including personal, area, grab, wipe, or other form of sampling, as well as related collection and analytical methodologies, calculations, and other background data relevant to interpretation of the results obtained;
- Biological monitoring results which directly assess the absorption of a toxic substance or harmful physical agent by body systems (e.g., the level of a chemical in the blood, urine, breath, hair, fingernails, etc.) but not including results which assess the biological effect of a substance or agent or which assess an employee's use of alcohol or drugs;
- Safety data sheets indicating that the material may pose a hazard to human health;

OR

- In the absence of the above, a chemical inventory or any other record which reveals where and when used and the identity (e.g., chemical, common or trade name) of a toxic substance or harmful physical agent.

Employer

Based on chapter 49.17 RCW, an employer is any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees or who contracts with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations: Provided, That any persons, partnership, or business entity not having employees, and who is covered by the Industrial Insurance Act must be considered both an employer and an employee.

Exit

Provides a way of travel out of the workplace.

Exit route

A continuous and unobstructed path of exit travel from any point within a workplace to safety outside.

Explosive

A chemical that causes a sudden, almost instant release of pressure, gas, and heat when exposed to a sudden shock, pressure, or high temperature.

Exposed live parts

Electrical parts that are:

- Not suitably guarded, isolated, or insulated

AND

- Capable of being accidentally touched or approached closer than a safe distance.

Exposed wiring methods

Involve working with electrical wires that are attached to surfaces or behind panels designed to allow access to the wires.

Exposure or exposed

As used in Hazard communication, WAC 296-901-140 and safety data sheets (SDSs) as exposure records, WAC 296-901-14014. An employee has been, or may have possibly been, subjected to a hazardous chemical, toxic substance or harmful physical agent while working. An employee could have been exposed to hazardous chemicals, toxic substances, or harmful physical agents in any of the following ways:

- Inhalation
- Ingestion
- Skin contact
- Absorption
- Related means.

The terms exposure and exposed only cover workplace exposure involving a toxic substance or harmful physical agent in the workplace different from typical nonoccupational situations in the way it is:

- Used
- Handled
- Stored
- Generated
- Present

Exposure record

See definition for employee exposure record.

Extension ladder

A portable ladder with 2 or more sections and is not self-supporting. The 2 or more sections travel in guides or brackets that let you change the length. The size of a portable ladder is determined by adding together the length of each section.

Failure-to-abate

Any violation(s) resulting from not complying with an abatement date.

Final order

Any of the following (unless an employer or other party files a timely appeal):

- Citation and notice;
- Corrective notice;
- Decision and order from the board of industrial insurance appeals;
- Denial of petition for review from the board of industrial insurance appeals; or
- Decision from a Washington State superior court, court of appeals, or the state supreme court.

Final order date

The date a final order is issued.

First aid

The extent of treatment you would expect from a person trained in basic first aid, using supplies from a first-aid kit.

Tests, such as X rays, must not be confused with treatment.

Flammable

A chemical covered by one of the following categories:

- Aerosol flammable means a flammable aerosol as defined by WAC 296-901-14024, Appendix B—Physical hazard criteria;
- Gas, flammable means:
 - A gas that, at temperature and pressure of the surrounding area, forms a flammable mixture with air at a concentration of 13% by volume or less or
 - A gas that, at temperature and pressure of the surrounding area, forms a range of flammable mixtures with air wider than 12% by volume, regardless of the lower limit.
- Liquid, flammable means 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 shall include liquids having flashpoints below 73.4°F (23°C) and having a boiling point at or below 95°F (35°C).

(b) Category 2 shall include liquids having flashpoints below 73.4°F (23°C) and having a boiling point above 95°F (35°C).

(c) Category 3 shall include 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 shall be handled in accordance with the requirements for a Category 3 liquid with a flashpoint below 100°F (37.8°C).

(d) Category 4 shall include 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 shall 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 shall be handled in accordance with the requirements for a Category 4 flammable liquid.

- Solid, flammable means a solid, other than a blasting agent or explosive as defined in 29 C.F.R. 1910.109(a), that is likely to cause fire through friction, moisture absorption, spontaneous chemical change, or retained heat from manufacturing or processing, or which can be ignited readily. Solid, inflammable also means that when the substance is ignited, it burns so powerfully and persistently that it creates a serious hazard. A chemical must be considered to be a flammable solid if, when tested by the method described in 16 C.F.R. 1500.44, it ignites and burns with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.

Flashpoint

- The minimum temperature at which a liquid gives off a 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:

- The flashpoint of liquids having a viscosity less than 45 Saybolt Universal Second(s) at 100°F (37.8°C) and a flashpoint below 175°F (79.4°C) shall be determined in accordance with the Standard Method of Test for Flash Point by the Tag Closed Tester, ASTM D-56-69, or an equivalent method as defined by WAC 296-901-14024, Appendix B—Physical hazard criteria.

Flexible cords and cables

Typically used to connect electrical equipment to an outlet or receptacle. These cords can have an attachment plug to connect to a power source or can be permanently wired into the power source. Flexible cords, extension cords, cables and electrical cords are all examples of flexible cord.

Floor hole

An opening in any floor, platform, pavement, or yard that measures at least one inch but less than 12 inches at its smallest dimension and through which materials and tools (but not people) can fall.

Examples of floor holes are:

- Belt holes
- Pipe openings
- Slot openings

Floor opening

An opening in any floor, platform, pavement, or yard that measures at least 12 inches in its smallest dimension and through which a person can fall.

Examples of floor openings are:

- Hatchways
- Stair or ladder openings
- Pits
- Large manholes

The following are NOT considered floor openings:

- Openings occupied by elevators
- Dumbwaiters
- Conveyors
- Machinery

- Containers

Foreseeable emergency

As used in Hazard communication, WAC 296-901-140 means any potential event that could result in an uncontrolled release of a hazardous chemical into the workplace. Examples of foreseeable emergencies include equipment failure, rupture of containers, or failure of control equipment.

Fume

Solid particles suspended in air that are created by condensation from the gaseous state.

Gas

A normally formless fluid, such as air, which can be changed to the liquid or solid state by the effect of increased pressure or decreased temperature or both.

Ground

As used in Electrical, WAC 296-800-280, a connection between an electrical circuit or equipment and the earth or other conducting body besides the earth. This connection can be intentional or accidental.

Grounded

A connection has been made between an electrical circuit or equipment and the earth or another conducting body besides the earth.

Grounded conductor

A system or circuit conductor that is intentionally grounded.

Ground-fault circuit-interrupter

A device whose function is to interrupt the electric circuit to the load when a fault current to ground exceeds some predetermined value that is less than that required to operate the overcurrent protective device of the supply circuit.

Grounding conductor

Is used to connect equipment or the grounded circuit of a wiring system to a grounding electrode or electrodes.

Grounding conductor, equipment

A conductor used to connect noncurrent-carrying metal parts of equipment, raceways, and other enclosures to the system grounded conductor and/or the grounding electrode conductor at the service equipment or at the source of a separately derived system.

Guarded

Covered, shielded, fenced, enclosed, or otherwise protected by means of suitable covers, casings, barriers, rails, screens, mats, or platforms to remove the likelihood of being accidentally touched or approached closer than a safe distance.

Hand-held drench hoses

Hand-held drench hoses are single-headed emergency washing devices connected to a flexible hose that can be used to irrigate and flush the face or other body parts.

Handrail

A single bar or pipe supported on brackets from a wall or partition to provide a continuous handhold for persons using a stair.

Harmful physical agent

Any physical stress such as noise, vibration, repetitive motion, heat, cold, ionizing and nonionizing radiation, and hypo- or hyperbaric pressure which:

- Is listed in the latest edition of the National Institute for Occupational Safety and Health (NIOSH) *Registry of Toxic Effects of Chemical Substances* (RTECS); or

- Has shown positive evidence of an acute or chronic health hazard in testing conducted by, or known to, the employer;

OR

- Is the subject of a safety data sheet kept by or known to the employer showing that the material may pose a hazard to human health.

Hazard

Any condition, potential or inherent, which can cause injury, death, or occupational disease.

Hazard warning

As used in Hazard communication, WAC 296-901-140 can be a combination of words, pictures, symbols, or combination appearing on a label or other appropriate form of warning which shows the specific physical and health hazard(s), including target organ effects, of the chemical(s) in the container(s).

Note: See definition for physical hazard and health hazard to determine which hazards must be covered.

Hazardous chemical

Any chemical that is a physical or health hazard.

Health hazard

A chemical, mixture, biological agent, or physical agent that may cause health effects in short- or long-term exposed employees. Based on statistically significant evidence from at least one study conducted using established scientific principles. Health hazards include:

- Carcinogens
- Toxic or highly toxic agents
- Reproductive toxins
- Irritants
- Corrosives
- Sensitizers
- Hepatotoxins (liver toxins)
- Nephrotoxins (kidney toxins)
- Neurotoxins (nervous system toxins)
- Substances that act on the hematopoietic system (blood or blood-forming system)
- Substances that can damage the lungs, skin, eyes, or mucous membranes
- Hot or cold conditions.

~~Hospitalization~~

~~To be admitted to a hospital or an equivalent medical facility on an emergent in-patient basis requiring an overnight stay.)~~

Identity

As used in Hazard communication, WAC 296-901-140 means any chemical or common name listed on the safety data sheet (SDS) for the specific chemical. Each identity used must allow cross-references among the:

- Required list of hazardous chemicals
- Chemical label
- MSDSs

Imminent danger violation

Any violation(s) resulting from conditions or practices in any place of employment, which are such that a danger exists which could reasonably be expected to cause death or serious

physical harm, immediately or before such danger can be eliminated through the enforcement procedures otherwise provided by the Washington Industrial Safety and Health Act.

Importer

The first business within the Customs Territory of the USA that:

- Receives hazardous chemicals produced in other countries

AND

- Supplies them to distributors or employers within the USA

Inpatient hospitalization

To be admitted into a hospital or equivalent facility for medical treatment.

Insulated

A conductor has been completely covered by a material that is recognized as electrical insulation and is thick enough based on:

- The amount of voltage involved

AND

- The type of covering material

Interim waiver

An order granted by the department allowing an employer to vary from WISHA requirements until the department decides to grant a permanent or temporary waiver.

Irritant

A substance that will induce a local inflammatory reaction upon immediate, prolonged, or repeated contact with normal living tissue.

Ladder

Consists of 2 side rails joined at regular intervals by crosspieces called steps, rungs, or cleats. These steps are used to climb up or down.

Listed

Equipment is listed if it:

- Is listed in a publication by a nationally recognized laboratory (such as UL, underwriters laboratory) that inspects the production of that type of equipment,

AND

- States the equipment meets nationally recognized standards or has been tested and found safe to use in a specific manner.

Medical treatment

Treatment provided by a physician or by registered professional personnel under the standing orders of a physician. Medical treatment does not include first-aid treatment even if provided by a physician or registered professional personnel.

Mist

Liquid droplets suspended in air. Mist is created by:

- Condensation from the gaseous to the liquid state;

OR

- Converting a liquid into a dispersed state with actions such as splashing, foaming, spraying or atomizing.

Mixture

As used in Hazard communication, WAC 296-901-140, any combination of 2 or more chemicals (if that combination did not result from a chemical reaction).

Movable equipment

As used in WAC 296-800-35052, a hand-held or non-hand-held machine or device;

- That is powered or nonpowered;

AND

- Can be moved within or between worksites

Must

Must means mandatory.

NEMA

These initials stand for National Electrical Manufacturing Association.

NFPA

This is an acronym for National Fire Protection Association.

Nose

The portion of the stair tread that projects over the face of the riser below it.

Occupational Safety and Health Administration (OSHA)

Created in 1970 when the U.S. Congress passed the Occupational Safety and Health Act, the Occupational Safety and Health Administration (OSHA) provides safety on the job for workers. OSHA oversees state plans (such as WISHA in Washington) that have elected to administer the safety and health program for their state. OSHA requires WISHA rules to be at least as effective as OSHA rules.

Office work environment

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.

Open riser

A stair step with an air space between treads has an open riser.

Organic peroxide

This is an organic compound containing the bivalent-O-O-structure. It may be considered a structural derivative of hydrogen peroxide if one or both of the hydrogen atoms has been replaced by an organic radical.

Outlet

See definition for electrical outlets.

Oxidizer

A chemical other than a blasting agent or explosive as defined in WAC 296-52-60130 or C.F.R. 1910.109(a), that starts or promotes combustion in other materials, causing fire either of itself or through the release of oxygen or other gases.

Permissible exposure limits (PELs)

Permissible exposure limits (PELs) are employee exposures to toxic substances or harmful physical agents that must not be exceeded. PELs are specified in applicable WISHA rules.

Person

Based on chapter 49.17 RCW, one or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any organized group of persons.

Personal eyewash units

Personal eyewash units are portable, supplementary units that support plumbed units or self-contained units, or both, by delivering immediate flushing for less than fifteen minutes.

Personal service room

Used for activities not directly connected with a business' production or service function such as:

- First aid
- Medical services
- Dressing
- Showering
- Bathrooms
- Washing
- Eating

Personnel

See the definition for employees.

Physical hazard

Means a chemical that is classified as posing one of the following hazardous effects: Explosive; flammable (gases, aerosols, liquids, or solids); oxidizer (liquid, solid or gas); self-reactive; pyrophoric (liquid or solid); self-heating; organic peroxide; corrosive to metal; gas under pressure; or in contact with water emits flammable gas. WAC 296-901-14024, Appendix B—Physical hazard criteria.

Platform

Platform means an extended step or landing that breaks a continuous run of stairs.

Plug

See definition for attachment plug.

Potable water

Water that is suitable for drinking by the public and meets the requirements of chapter 246-290 or 246-291 WAC.

Predictable and regular basis

Employee functions such as, but not limited to, inspection, service, repair and maintenance which are performed

- At least once every 2 weeks

OR

• 4 man-hours or more during any sequential 4-week period (to calculate man-hours multiply the number of employees by the number of hours during a 4-week period).

Produce

As used in Hazard communication, WAC 296-901-140, any one of the following:

- Manufacture
- Process
- Formulate
- Blend
- Extract
- Generate
- Emit
- Repackage

Purchaser

As used in Hazard communication, WAC 296-901-140, an employer who buys one or more hazardous chemicals to use in their workplace.

Pyrophoric

A chemical is pyrophoric if it will ignite spontaneously in the air when the temperature is 130°F (54.4°C) or below.

Qualified person

A person who has successfully demonstrated the ability to solve problems relating to the subject matter, work, or project, either by:

- Possession of a recognized degree, certificate, or professional standing;

OR

- Extensive knowledge, training and experience.

Railing or standard railing

A vertical barrier erected along exposed edges of a floor opening, wall opening, ramp, platform, or runway to prevent falls of persons.

Reassume jurisdiction

The department has decided to take back its control over a citation and notice being appealed.

Receptacle or receptacle outlet

As used in basic electrical rules, WAC 296-800-280 means outlets that accept a plug to supply electric power to equipment through a cord or cable.

Record

A record is any item, collection, or grouping of information. Examples include:

- Paper document
- Microfiche
- Microfilm
- X-ray film
- Computer record

Refuge area

• A protected space along an exit route that is separated from other spaces inside the building by a barrier with at least a one-hour fire resistance rating;

OR

• A floor in a building with an automatic sprinkler system that has at least two spaces that are separated by smoke-resistant partitions. See WAC 296-24-607 for requirements for automatic sprinkler systems.

Repeat violation

A violation is a repeat violation if the employer has been cited one or more times previously for a substantially similar hazard.

((Refuge area

~~• A protected space along an exit route that is separated from other spaces inside the building by a barrier with at least a one-hour fire resistance rating;~~

OR

~~• A floor in a building with an automatic sprinkler system that has at least two spaces that are separated by smoke-resistant partitions. See WAC 296-24-607 for requirements for automatic sprinkler systems.))~~

Responsible party

As used in Hazard communication, WAC 296-901-140. Someone who can provide appropriate information about the hazardous chemical and emergency procedures.

Rise

The vertical distance from the top of a tread to the top of the next higher tread.

Riser

The vertical part of the step at the back of a tread that rises to the front of the tread above.

Rungs

Rungs are the cross pieces on ladders that are used to climb up and down the ladder.

Runway

An elevated walkway above the surrounding floor or ground level. Examples of runways are footwalks along shafting or walkways between buildings.

Safety data sheet (SDS)

Written, printed, or electronic information (on paper, microfiche, or on-screen) that informs manufacturers, distributors, employers or employees about a hazardous chemical, its hazards, and protective measures as required by safety data sheet and label preparation, WAC 296-901-140.

Safety factor

The term safety factor means the ratio of when something will break versus the actual working stress or safe load when it is used.

Self-lighting or self-luminous

A light source that:

- Is illuminated by a self-contained power source other than batteries;

AND

- Operates independently from external power sources.

Serious violation

Serious violation must be deemed to exist in a workplace if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use in such workplace, unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

Short-term exposure limit (STEL)

An exposure limit, averaged over a short time period (usually measured for 15 minutes) that must not be exceeded during any part of an employee's workday.

Should

Should means recommended.

Single ladder

A type of portable ladder with one section.

It is distinguished by all of the following:

- It has one section
- It cannot support itself
- Its length cannot be adjusted

Smoking

A person is smoking if they are:

- Lighting up
- Inhaling
- Exhaling
- Carrying a pipe, cigar or cigarette of any kind that is burning

Specific chemical identity

This term applies to chemical substances. It can mean the:

- Chemical name
- Chemical Abstracts Service (CAS) registry number

- Any other information that reveals the precise chemical designation of the substance.

Stair railing

A vertical barrier attached to a stairway with an open side to prevent falls. The top surface of the stair railing is used as a handrail

Stairs or stairway

A series of steps and landings:

- Leading from one level or floor to another
- Leading to platforms, pits, boiler rooms, crossovers, or around machinery, tanks, and other equipment
- Used more or less continuously or routinely by employees, or only occasionally by specific individuals
- With three or more risers

Standard safeguard

Safety devices that prevent hazards by their attachment to:

- Machinery
- Appliances
- Tools
- Buildings
- Equipment

These safeguards must be constructed of:

- Metal
- Wood
- Other suitable materials

The department makes the final determination about whether a safeguard is sufficient for its use.

Step ladder

A portable ladder with:

- Flat steps
- A hinge at the top allowing the ladder to fold out and support itself
- Its length that cannot be adjusted.

Time weighted average (TWA₈)

An exposure limit, averaged over 8 hours, that must not be exceeded during an employee's work shift.

Toeboard

A barrier at floor level along exposed edges of a floor opening, wall opening, platform, runway, or ramp, to prevent falls of materials.

Toxic chemical

As used in first aid, WAC 296-800-150, is a chemical that produces serious injury or illness when absorbed through any body surface.

Toxic substance

Any chemical substance or biological agent, such as bacteria, virus, and fungus, which is any of the following:

- Listed in the latest edition of the National Institute for Occupational Safety and Health (NIOSH) *Registry of Toxic Effects of Chemical Substances* (RTECS)
- Shows positive evidence of an acute or chronic health hazard in testing conducted by, or known to, the employer
- The subject of a safety data sheet kept by or known to the employer showing the material may pose a hazard to human health.

Toxicant

A substance that has the inherent capacity to produce personal injury or illness to individuals by absorption through any body surface.

Trade secret

Any confidential:

- Formula
- Pattern
- Process
- Device
- Information
- Collection of information

The trade secret is used in an employer's business and gives an opportunity to gain an advantage over competitors who do not know or use it.

See WAC 296-901-14018 for requirements dealing with trade secrets.

Tread

As used in stairs and stair railings, WAC 296-800-250 means the horizontal part of the stair step.

Tread run

As used in stairs and stair railings, WAC 296-800-250 means the distance from the front of one stair tread to the front of an adjacent tread.

Tread width

The distance from front to rear of the same tread including the nose, if used.

UL (Underwriters' Laboratories, Inc.)

You will find these initials on electrical cords and equipment. The initials mean the cord or equipment meets the standards set by the Underwriters' Laboratories, Inc.

Unstable (reactive)

As used in Hazard communication, WAC 296-901-140. An unstable or reactive chemical is one that in its pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shocks, pressure or temperature.

Use

As used in Hazard communication, WAC 296-901-140, means to:

- Package
- Handle
- React
- Emit
- Extract
- Generate as a by-product
- Transfer.

Vapor

The gaseous form of a substance that is normally in the solid or liquid state.

Voltage of a circuit

The greatest effective potential difference between any two conductors or between a conductor and ground.

Voltage to ground

The voltage between a conductor and the point or conductor of the grounded circuit. For undergrounded circuits, it is the greatest voltage between the conductor and any other conductor of the circuit.

Voltage, nominal

Nominal voltage is a value assigned to a circuit or system to designate its voltage class (120/240, 480Y/277, 600, etc.). The actual circuit voltage can vary from the value if it is within a range that permits the equipment to continue operating in a satisfactory manner.

WAC

This is an acronym for **Washington Administrative Code**, which are rules developed to address state law.

Water-reactive

As used in Hazard communication, WAC 296-901-140, a water-reactive chemical reacts with water to release a gas that is either flammable or presents a health hazard.

Watertight

Constructed so that moisture will not enter the enclosure or container.

Weatherproof

Constructed or protected so that exposure to the weather will not interfere with successful operation. Rainproof, rain-tight, or watertight equipment can fulfill the requirements for weatherproof where varying weather conditions other than wetness, such as snow, ice, dust, or temperature extremes, are not a factor.

Wet location

As used in basic electrical rules, WAC 296-800-280 means:

- Underground installations or in concrete slabs or masonry that are in direct contact with the earth
- Locations that can be saturated by water or other liquids
- Unprotected locations exposed to the weather (like vehicle washing areas)

WISHA

This is an acronym for the Washington Industrial Safety and Health Act.

Work area

As used in Hazard communication, WAC 296-901-140, a room or defined space in a workplace where hazardous chemicals are produced or used, and where employees are present.

Working days

Means a calendar day, except Saturdays, Sundays, and legal holidays. Legal holidays include:

- New Year's Day - January 1
- Martin Luther King, Jr. Day
- Presidents' Day
- Memorial Day
- Independence Day - July 4
- Labor Day
- Veterans' Day - November 11
- Thanksgiving Day
- The day after Thanksgiving Day; and
- Christmas Day - December 25

The number of working days must be calculated by not counting the first working day and counting the last working day.

Worker

See the definition for employee.

Workplace

- The term workplace means:
 - Any plant, yard, premises, room, or other place where an employee or employees are employed for the performance of labor or service over which the employer has the right of access or control, and includes, but is not limited to, all workplaces covered by industrial insurance under Title 51 RCW, as now or hereafter amended.

- As used in Hazard communication, WAC 296-901-140 means an establishment, job site, or project, at one geographical location containing one or more work areas.

You

See definition of employer.

Your representative

Your representative is the person selected to act in your behalf.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-800-32005 Report the death, probable death of any employee, or the in-patient hospitalization of any employee within 8 hours.

**WSR 15-11-069
PERMANENT RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD**

[Filed May 19, 2015, 9:58 a.m., effective June 19, 2015]

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

Purpose: Technical amendment to WAC 181-86-013. Corrects language in citation.

Citation of Existing Rules Affected by this Order: Amending WAC 181-86-013.

Statutory Authority for Adoption: RCW 28A.410.210.

Adopted under notice filed as WSR 15-07-016 on March 9, 2015.

A final cost-benefit analysis is available by contacting David Brenna, 600 Washington Street South, Room 400, Olympia, WA 98504-7236, phone (360) 725-6238, fax (360) 586-4548, e-mail david.brenna@k12.wa.us.

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 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 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: May 19, 2015.

David Brenna
Senior Policy Analyst

AMENDATORY SECTION (Amending WSR 06-14-010, filed 6/22/06, effective 7/23/06)

WAC 181-86-013 Good moral character and personal fitness—Definition. As used in this chapter, the terms "good moral character and personal fitness" means character and personal fitness necessary to serve as a certificated employee in schools in the state of Washington, including character and personal fitness to have contact with, to teach, and to perform supervision of children. Good moral character and personal fitness includes, but is not limited to, the following:

- (1) No conviction of any felony crime involving:
 - (a) The physical neglect of a child under chapter 9A.42 RCW;
 - (b) The physical injury or death of a child under chapter 9A.32 or 9A.36 RCW, excepting motor vehicle violations under chapter 46.61 RCW;
 - (c) The sexual exploitation of a child under chapter 9.68A RCW;
 - (d) Sexual offenses where a child is the victim under chapter 9A.44 RCW;
 - (e) The promotion of prostitution (~~(of a child)~~) under chapter 9A.88 RCW;
 - (f) The sale or purchase of a child under RCW 9A.64.030;
 - (g) Provided, That the general classes of felony crimes referenced within this subsection shall include equivalent federal and crimes in other states committed against a child;
 - (h) Provided further, That for the purpose of this subsection "child" means a minor as defined by the applicable state or federal law;
 - (i) Provided further, That for the purpose of this subsection "conviction" shall include a guilty plea.
- (2) No conviction of any crime within the last ten years, including motor vehicle violations, which would materially and substantially impair the individual's worthiness and ability to serve as a professional within the public and private schools of the state. In determining whether a particular conviction would materially and substantially impair the individual's worthiness and ability to practice, the following and any other relevant considerations shall be weighed:
 - (a) Age and maturity at the time the criminal act was committed;
 - (b) The degree of culpability required for conviction of the crime and any mitigating factors, including motive for commission of the crime;
 - (c) The classification of the criminal act and the seriousness of the actual and potential harm to persons or property;
 - (d) Criminal history and the likelihood that a criminal conduct will be repeated;
 - (e) The permissibility of service as a professional educator within the terms of any parole or probation;
 - (f) Proximity or remoteness in time of the criminal conviction;
 - (g) Any evidence offered which would support good moral character and personal fitness;
 - (h) If this subsection is applied to a person certified under the laws of the state of Washington in a suspension or revocation action, the effect on the education profession, including any chilling effect, shall be weighed; and

(i) In order to establish good moral character and personal fitness despite the criminal conviction, the applicant or certificate holder has the duty to provide available evidence relative to the above considerations. The superintendent of public instruction has the right to gather and present additional evidence which may corroborate or negate that provided by the applicant or certificate holder.

(3) No behavioral problem which endangers the educational welfare or personal safety of students, teachers, or other colleagues within the educational setting.

(4) No practice within the state of Washington within the previous five school years with an expired, lapsed, suspended, surrendered, or revoked certificate in a professional position for which certification is required under the rules of the professional educator standards board.

WSR 15-11-075
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed May 19, 2015, 1:16 p.m., effective June 19, 2015]

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

Purpose: Revisions have been made to this chapter to define and include student transportation for charter schools.

Citation of Existing Rules Affected by this Order: Amending WAC 392-141-300, 392-141-310, 392-141-320, 392-141-330, 392-141-340, 392-141-360, 392-141-380, 392-141-390, 392-141-400, and 392-141-420.

Statutory Authority for Adoption: RCW 28A.150.290.

Adopted under notice filed as WSR 15-07-104 on March 18, 2015.

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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: May 6, 2015.

Randy Dorn
State Superintendent
of Public Instruction

AMENDATORY SECTION (Amending WSR 11-15-007, filed 7/7/11, effective 8/7/11)

WAC 392-141-300 Authority and purpose. The authority for this chapter is RCW 28A.150.290 which autho-

rizes the superintendent of public instruction to adopt rules and regulations for the administration of chapter 28A.150 RCW, which includes student transportation programs, RCW 28A.160.030, which includes individual and in lieu transportation arrangements, RCW 28A.160.160 which includes hazardous walking conditions, and RCW 28A.160.1921 which includes the transportation reporting requirements. The purpose of this chapter is to establish the method for the allocation of funding for the operation of public school (~~district~~) student transportation programs.

AMENDATORY SECTION (Amending WSR 13-17-110, filed 8/21/13, effective 9/21/13)

WAC 392-141-310 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Superintendent" means the superintendent of public instruction.

(2) "District" means either a school district or an educational service district.

(3) "Charter school" means a public school operating under the provisions of chapter 28A.710 RCW.

(4) The definition of "school" includes learning centers or other agencies where educational services are provided.

~~((4))~~ (5) "Eligible student" means any student served by a district or charter school transportation program either by bus, district car, or individual arrangements meeting one or more of the following criteria:

(a) A student whose route stop is outside the walk area of the student's enrollment school site; or

(b) A student whose disability is defined by RCW 28A.155.020 and who is either not ambulatory or not capable of protecting his or her own welfare while traveling to or from school.

Districts determine which students are provided with transportation services; however, only eligible students qualify for funding under the operations allocation.

~~((5))~~ (6) "To and from transportation" means all transportation between route stops and schools both before and after the school day. To and from transportation includes transportation between home and school and transportation between schools, commonly referred to as shuttles. Transportation not authorized for state allocations under this definition includes, but is not limited to, transportation for students participating in nonacademic extended day programs, field trips, and extracurricular activities.

~~((6))~~ (7) "Home to school transportation" means all student transportation between route stops and schools both before and after the school day. Home to school transportation does not include transportation between schools.

~~((7))~~ (8) "Basic program transportation" means students transported between home and school for their basic education. Basic program transportation includes those students who qualify under RCW 28A.155.020 for special services and are capable of protecting his or her own welfare while traveling to or from school and those students who are enrolled in gifted or bilingual programs or homeless students that do not require specialized transportation. Also included in basic program transportation is transportation required to

comply with the school choice provisions of the Elementary Secondary Education Act.

~~((8))~~ (9) "Special program transportation" means home to school transportation for one of the following specialized programs:

(a) Special education programs provided for by chapter 28A.155 RCW and where transportation as a related service is included on the student's individual education plan or where transportation is required under the provisions of Section 504 of the Rehabilitation Act of 1973; or

(b) Students who require special transportation to a bilingual program in a centralized location; or

(c) Students who require special transportation to a gifted program in a centralized location; or

(d) Students who require special transportation to their school of origin as required by the provisions of the McKinney-Vento Homeless Assistance Act; or

(e) Students who require special transportation to a district operated head start, district operated early childhood education assistance program, or other district operated early education program.

~~((9))~~ (10) "Kindergarten route" means a school bus providing home to school transportation for basic education kindergarten students operated between the beginning and end of the school day.

~~((10))~~ (11) "Private party contract" means the provision of home to school transportation service using a private provider (not in a school bus). Private party contracts shall require criminal background checks of drivers and other adults with unsupervised access to students and assurances that any students transported be provided with child safety restraint systems that are age and weight appropriate. Vehicles used must meet school bus specifications established in chapter 392-143 WAC if they have a manufacturer's design capacity of greater than ten passengers, including the driver. However, a vehicle manufactured to meet the federal specifications of a multifunction school activity bus may be used.

~~((11))~~ (12) "In lieu transportation" means a contract to provide home to school transportation with a parent, guardian or adult student, including transportation on rural roads to access a school bus stop.

~~((12))~~ (13) "Count period" is the three consecutive school day window used for establishing the reported student count on home to school routes.

~~((13))~~ (14) The school year is divided into three "report periods," as follows: September - October, November - January, and February - April. These report periods are also referred to respectively as the fall, winter and spring reports. The count period must not fall within five school days of the end of the report period.

~~((14))~~ (15) "Combined student count" is the total number of basic program or special program eligible student riders reported during each report period. The combined student counts for the determination of funding consist of the prorated basic program and special program student counts from the prior year's spring report and the current year's fall and winter reports. The prior school year's fall, winter and spring student counts are used for the determination of the efficiency rating. The combined student counts are prorated based on the number of months in the respective report

period. For a charter school in the first year of operation, the current year fall count shall be used as the prior year spring count to determine the combined student count.

~~((15))~~ (16) "Average distance to school" means the average of the distances from each school bus stop measured by the shortest road path to the assigned student's school of enrollment.

~~((16))~~ (17) "Prorated average distance" is calculated by taking the average distance to school weighted by the number of months in the corresponding report period. The prorated average distance used in calculating district allocation consists of the prorated average distance from the prior year's spring report and the current year's fall and winter reports. The prior school year's fall, winter and spring average distances are used for the determination of the efficiency rating.

~~((17))~~ (18) "Prorated number of destinations" is calculated by taking the number of learning centers a school district provides with home-to-school transportation service weighted by the number of months in the corresponding report period. The prorated number of destinations used in calculating district allocation consists of the prorated number of destinations from the prior year's spring report and the current year's fall and winter reports. The prior school year's fall, winter, and spring number of destinations are used for the determination of the efficiency rating.

~~((18))~~ (19) "Land area" is the area of the school district in square miles, excluding water and public lands, as determined by the superintendent. For educational service districts, the land area value will be determined by the superintendent from the contiguous area provided with transportation service.

~~((19))~~ (20) "Roadway miles" refers to the number of public roadway miles within the land area of the school district, as determined by the superintendent. For educational service districts, the roadway mile value will be determined by the superintendent from the roadway miles within the contiguous area provided with transportation service.

~~((20))~~ (21) "Walk area" is defined as the area around a school where the shortest safe walking route to school is less than one mile.

~~((21))~~ (22) "District car route" means home to school transportation where a district motor pool vehicle (not a school bus) is used to transport an eligible student or students. Any regularly scheduled home to school transportation in a district car is required to be driven by an authorized school bus driver.

~~((22))~~ (23) "District car allocation" is calculated by multiplying the total annual district car route mileage by the rate of reimbursement per mile that is authorized for state employees for the use of private motor vehicles in connection with state business in effect on September 1st of each year.

~~((23))~~ (24) A "low ridership district" is defined as a district with an annual student count less than two hundred eighteen students.

~~((24))~~ (25) A "nonhigh" district is defined as a district meeting the eligibility requirements for a nonhigh district as established by the superintendent of public instruction's school apportionment and financial services section.

~~((25))~~ (26) A "transportation cooperative" is defined as two or more districts sharing transportation operations

administrative functions. An interdistrict agreement for the provision of maintenance services on school buses does not constitute a transportation cooperative for the purposes of this chapter, regardless if the agreement qualifies as a transportation cooperative under the provisions of chapter 392-346 WAC, unless shared operations administrative functions are also included in the interdistrict agreement. A transportation cooperative has the option of reporting as a single entity.

~~((26))~~ (27) "Alternate funding system" means an additional funding system as provided in RCW 28A.160.191, defined by OSPI to adjust the allocation for low enrollment school districts, nonhigh school districts, school districts participating in interdistrict transportation cooperatives, and educational service districts operating special transportation services.

~~((27))~~ (28) "Expected allocation" means the initial amount of funding resulting from the regression analysis calculation.

~~((28))~~ (29) "Adjusted allocation" means the expected allocation plus any alternate funding system, calendar, or legislative adjustments.

~~((29))~~ (30) For a district, "actual allocation" means the lesser of the previous year's actual reported transportation expenditures including adjustments by the legislature or the adjusted allocation. For a charter school, the actual allocation is a final amount to be allocated for transportation services using the process described in this chapter, plus any funding provided under chapter 392-142 WAC.

~~((30))~~ (31) "Efficiency evaluation" refers to the statistical evaluation of efficiency of a district's transportation operation using linear programming of the data required by the funding formula and the number of buses used on home-to-school routes. Each district is separately compared to an individualized statistical model of a district having similar site characteristics. The efficiency evaluation is expressed as a percentage efficiency rating.

~~((31))~~ (32) A ~~(school)~~ district's "transportation funding percentage" is calculated by dividing the district's actual allocation by the district's approved to-and-from transportation expenditures.

~~((32))~~ (33) The "state median percent funded" is determined by calculating each ~~(school)~~ district's transportation funding percentage and taking the median value by sorting the total number of reporting districts in descending order and selecting the middle value. If there is an even number of districts, the bottom value in the top half shall be used.

AMENDATORY SECTION (Amending WSR 13-17-110, filed 8/21/13, effective 9/21/13)

WAC 392-141-320 ((District)) Reporting requirements. (1) Reports shall be submitted by each district or charter school to the superintendent no later than the last business day in October, the first business day in February, and the first business day in May. These reports shall reflect to the extent practical the planned student transportation program for the entire report period and which is in operation during the ridership count period. The superintendent shall have the authority to make modifications or adjustments in accordance with the intent of RCW 28A.160.150. Each dis-

trict or charter school shall submit the data required on a timely basis as a condition to the continuing receipt of student transportation allocations.

(2) In each report period, districts shall report such operational data and descriptions, as required by the superintendent to determine the operations allocation for each district, including:

(a) School bus route information;

(b) Student count information; and

(c) An update to the estimated total car mileage for the current school year.

(3) For the fall report, districts shall report to the superintendent as required:

(a) An annual school bus mileage report including the total to and from school bus miles for the previous school year, and other categories as requested;

(b) An annual report of each type of fuel purchased for student transportation service for the previous school year, including quantity and cost; and

(c) An annual report as required by RCW 28A.300.540 of the number of students transported to their school of origin as required by the McKinney-Vento Homeless Assistance Act for the previous school year, and the total mileage and additional cost of such transportation. These costs may include, but are not limited to:

(i) Transportation service that serves only student(s) under McKinney-Vento. Districts may determine costs based upon route mileage and an average per mile cost for operation of the bus or vehicle. Driver time may be taken from actual driver costs records if such records are maintained, or may be determined using an average driver costs factor.

(ii) Incremental revisions in route at the start or end of a route to accommodate McKinney-Vento transportation, if separately identified, may be included based upon route mileage and an average per mile cost for operation of the bus or vehicle.

(iii) Costs for public transportation or other contracted services for transporting McKinney-Vento student(s).

(iv) Nondriver transportation staff positions whose job duties are predominately overseeing or routing services to McKinney-Vento students. If the position duties encompass other non-McKinney-Vento areas, then only the costs directly related to McKinney-Vento transportation shall be included and such costs shall be determined using federal time and effort reporting procedures.

No indirect or allocated costs may be included in this reporting.

(4) In each report period, charter schools shall report student counts.

AMENDATORY SECTION (Amending WSR 11-15-007, filed 7/7/11, effective 8/7/11)

WAC 392-141-330 School bus driver daily logs. Districts shall require drivers to maintain a daily route log that includes the school bus driver's name, bus number, route number, destinations and student counts by destination, pre-trip and ~~((post-trip))~~ posttrip verification, with the date and school bus driver's signature. These daily route logs shall be completed in ink and shall be maintained in the ~~((school))~~

district files in accordance with the ((~~school~~)) district record retention schedule. Electronic data collection systems or files may be used for any of this information.

Daily route logs are required to be completed at least once each week. If a district does not require daily route logs on a daily basis, the district must ensure that during each report period a daily log is collected on at least one additional weekday corresponding to each of the days of the count period.

AMENDATORY SECTION (Amending WSR 11-15-007, filed 7/7/11, effective 8/7/11)

WAC 392-141-340 Determination of the walk area.

(1) Each district or charter school shall determine the walk area for each school building or learning center where students are enrolled, attend class and transportation is provided. The district or charter school is required to use a process to determine the walk area that involves as many of the following groups as possible: Parents, school administrators, law enforcement representatives, traffic engineers, public health or walking advocates and other interested parties. Hazardous conditions requiring transportation service will be documented and will include all roadways, environmental and social conditions included in the evaluation process. The ((~~district~~)) process will be consistent with the one described in *School Walk and Bike Routes: A Guide for Planning and Improving Walk and Bike to School Options for Students* published by the Washington state department of transportation.

(2) The process will identify preferred walking routes from each neighborhood to each elementary school as required by RCW 28A.160.160(5). Walk areas will be reviewed as conditions change or every two years.

(3) ((~~School~~)) Districts and charter schools are allowed to provide transportation service within the walk area, but basic program students who are provided transportation from school bus stops within the walk area are not eligible for funding. It is the responsibility of each ((~~school~~)) district or charter school to ensure that noneligible students who are provided with transportation service within the walk area are correctly reported during the count period.

(4) A ((~~school~~)) district or charter school is not required to document the process used to determine that transportation will not be provided from an area. ((~~School~~)) Districts and charter schools are only required to document the process used to make a decision to transport within one road mile of a school if ((~~the district is providing~~)) such transportation is provided due to hazardous conditions and ((~~reports~~)) those students are reported for funding.

AMENDATORY SECTION (Amending WSR 13-17-110, filed 8/21/13, effective 9/21/13)

WAC 392-141-360 Operation allocation computation. (1) The operation allocation shall be calculated using the following factors:

- (a) The combined student count of basic program students;
- (b) The combined student count of special program students;

- (c) The district's prorated average distance;
- (d) The district's total land area;
- (e) The district's prorated number of destinations;
- (f) If the ((~~school~~)) district is a nonhigh district, the answer to the following question: Does the district provide transportation service for the high school students residing in the district?

(g) Any other district data element as described by the superintendent in the annual operations bulletin. In order for a data element to be included, it must be found to be statistically significant for two consecutive school years.

For each district, an expected allocation is determined using the coefficients resulting from a regression analysis of (a) through (g) of this subsection, evaluated statewide against the prior school year's total to and from transportation expenditures. If a data element is determined not to be statistically significant, it shall not be included in the calculation of the allocation. The coefficients will be determined using the prior school year fall, winter, and spring reports and prior school year expenditures.

(2) For the calculation of the regression analysis coefficients, the allowable transportation expenditures for each district shall be adjusted as required by the legislature.

(3) The adjusted allocation is the result of modifying the expected allocation by:

- (a) Adding any district car mileage reimbursement; and
- (b) Adding any adjustment resulting from the alternate funding systems identified in WAC 392-141-380; and
- (c) Making any deduction resulting from an alternate school year calendar approved by the state board of education under the provisions of RCW 28A.305.141; and
- (d) Making any adjustment as required by the legislature.

(4) Each district's actual allocation for student transportation operations is the lesser of the prior school year's total allowable student transportation expenditures adjusted as required by the legislature or the adjusted allocation. ((~~School~~)) Districts contracting for student transportation operations shall have any payments in lieu of depreciation under the provisions of WAC 392-142-245 deducted from the district's allowable transportation expenditures.

(5) The funding assumption for the transportation operation allocation is that kindergarten through twelfth grade (K-12, or whatever grades are enrolled in district schools) school transportation services are provided by the district five days per week, to and from school, before and after the regular school day and operating one hundred eighty days per school year. K-12 service being provided on any other basis is subject to corresponding proration of the operation allocation.

NEW SECTION

WAC 392-141-375 Funding calculation for charter schools. For a charter school, the per-student allocation for student transportation is calculated using the actual allocation for the previous school year for the district in which the charter school is located, divided by the district's prior year's combined student count. This per-student amount is provided to the charter school based on the charter school's current year combined student count.

AMENDATORY SECTION (Amending WSR 13-17-110, filed 8/21/13, effective 9/21/13)

WAC 392-141-380 Alternate funding systems for low enrollment districts, nonhigh districts, districts participating in interdistrict transportation cooperatives, and educational service districts operating special transportation services. After the transition period described in WAC 392-141-370, the superintendent shall adjust the amount of the transportation operation allocation for low ridership, non-high, districts in interdistrict transportation cooperatives, and educational service districts operating special transportation services in the following manner:

- (1) The ((school)) district's prior school year's transportation funding percentage is compared to the state median percent funded;
- (2) If the district's prior year transportation funding percentage is greater than the state median percent funded no adjustment is made; and
- (3) If the district's prior year transportation funding percentage is less than the state median percent funded, the allocation shall be adjusted by the difference between the state median percent funded and the district's prior year transportation funding percentage.

AMENDATORY SECTION (Amending WSR 11-15-007, filed 7/7/11, effective 8/7/11)

WAC 392-141-390 Allocation schedule for state payments. The superintendent shall apportion the transportation operation allocation according to the schedule in RCW 28A.510.250. Such allocation may be based on estimated amounts for payments made in September, October, November, December, and January. Prior to the 15th of January of each year the superintendent shall notify ((school)) districts of the regression analysis coefficients to be used in the calculation of district transportation allocation.

AMENDATORY SECTION (Amending WSR 11-15-007, filed 7/7/11, effective 8/7/11)

WAC 392-141-400 Efficiency evaluation review. (1) Each district's efficiency evaluation will be reviewed annually by the regional transportation coordinators. If a ((school)) district's efficiency rating is less than ninety percent, the regional transportation coordinator shall review the district's transportation operation to identify the factors impacting the ability of the district to operate an efficient student transportation system. Such factors will include those within the district's controls and those factors that are beyond the district's control.

(2) Completed regional transportation coordinator reports on the review of ((school)) district efficiency evaluation will be provided to the legislature prior to December 1st of each year. Districts will be provided an opportunity to respond to the conclusions of the regional transportation coordinator evaluation and such comments will be included in the report to the legislature. Also included in the report are any actions identified by a district in response to the regional transportation coordinator evaluation.

AMENDATORY SECTION (Amending WSR 11-15-007, filed 7/7/11, effective 8/7/11)

WAC 392-141-420 District recordkeeping requirements. All data and forms necessary to develop the district's student transportation report shall be maintained in accordance with the district record retention schedule and shall include the following:

- (1) All school bus route logs and school bus driver daily logs including those required in WAC 392-141-330. If student lists are maintained for each school bus route, a copy (electronic or paper) of the list in effect for each count period;
- (2) All documentation used to verify the number of students boarding the bus at bus stops within the walk area of their school of enrollment;
- (3) All documentation used to report and verify the location of school bus stops used in home to school transportation, including school destinations and transfer points;
- (4) All documentation used to develop the annual school bus mileage report;
- (5) All documentation used to develop the annual fuel report;
- (6) All documentation used to develop the annual report of McKinney-Vento Homeless Act transportation;
- (7) All documentation used to develop the district car mileage report;
- (8) Copies of any and all correspondence, publications, or other materials distributed to parents describing the transportation funding process. ((School)) Districts may provide educational material regarding the funding process for student transportation. However, ((school)) districts may not promote or publicize specific count periods. Districts shall not utilize incentive programs that provide tangible gifts to reward increases in ridership counts; and
- (9) Other operational data and descriptions, as required by the superintendent to determine the operation allocation requirements for each district.

NEW SECTION

WAC 392-141-430 Charter school recordkeeping requirements. All data and forms necessary to develop the charter school's student transportation report shall be maintained in accordance with the charter school's record retention schedule and shall include the following:

- (1) Any school bus route logs or school bus driver daily logs for each count period;
- (2) All documentation used to calculate the combined student count for each report period; and
- (3) All documentation used to calculate the number of students boarding the bus at bus stops within the walk area of their school of enrollment.

Charter schools shall not promote or publicize specific count periods or utilize incentive programs that provide tangible gifts to reward ridership during specific time periods.

WSR 15-11-076
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed May 19, 2015, 1:16 p.m., effective June 19, 2015]

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

Purpose: Revisions have been made to this chapter to define and include student transportation for charter schools.

Citation of Existing Rules Affected by this Order: Amending WAC 392-142-100, 392-142-214, 392-142-240, 392-142-250, 392-142-255, 392-142-260, 392-142-265, and 392-142-270.

Statutory Authority for Adoption: RCW 28A.150.290.

Adopted under notice filed as WSR 15-07-103 on March 18, 2015.

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Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 8, 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: May 6, 2015.

Randy Dorn
State Superintendent
of Public Instruction

AMENDATORY SECTION (Amending WSR 12-19-098, filed 9/19/12, effective 10/20/12)

WAC 392-142-100 Definitions. For the purposes of this chapter, the following definitions apply:

(1) **"Superintendent"** means the superintendent of public instruction.

(2) **"((School)) District"** means a public school district or educational service district.

(3) **"Charter school"** means a public school operating under the provisions of chapter 28A.710 RCW.

(4) **"School bus"** means a vehicle:

(a) With a seating capacity of more than ten persons including the driver;

(b) Used for transportation of students to and from school or in connection with school activities; and

(c) That meets the requirements of the school bus specifications manual published by the superintendent.

((4)) (5) **"Replacement system"** is the reimbursement process used for school buses when a ((school)) district is the legal owner.

((5)) (6) **"Depreciation system"** is the reimbursement process used for contractor-owned school buses operated under a contract with a ((school)) district to provide regularly scheduled to-and-from student transportation services.

((6)) (7) **"Charter school system"** is the reimbursement process used when a charter school is contracting transportation services.

(8) **"School bus categories"** are defined annually by the superintendent, taking into account such factors as student capacity, fuel type, and special equipment.

((7)) (9) **"System lifetime"** means the minimum number of months that a category of school bus is expected to be in use as determined by the superintendent.

((8)) (10) **"Eligible months"** are defined as the number of months a school bus is eligible for reimbursement payments within a school year. If a newly acquired school bus is eligible for reimbursement, such eligibility is determined by the issue date of the school bus operation permit as defined in WAC 392-143-010(4). If the issue date is prior to the 15th of any month, eligibility begins with the first of the month; otherwise eligibility begins with the first of the following month. The total number of eligible months in all school years shall not be more than the system lifetime.

((9)) (11) A school bus is defined as **"improperly maintained or operated"** when it is unable to pass the Washington state patrol inspection process within ninety days of the date requested for presentation. The school district may request the superintendent for an additional ninety days to arrange for repairs to the school bus. Improper operation includes use of a school bus without a valid school bus operation permit issued by the superintendent.

((10)) (12) The **"state school bus quote"** means the annual sealed bid process used by the superintendent as authorized by RCW 28A.160.195 to establish prices for ((school)) districts to purchase school buses for a school year. ((School)) Districts may purchase school buses from any school bus dealer's accepted bid.

((11)) (13) The **"low price quote"** means the lowest competitive price quote for each category of school bus received from school bus dealers in the state school bus quote. The low price quote is determined prior to the inclusion of any sales or use tax. Included in the low price quote are:

(a) Freight to the ((school)) district; and

(b) Cost associated with full payment within thirty days of delivery.

In the state school bus quote process, the superintendent may include options for ((school)) districts to purchase that are not included in the low price quote.

((12)) (14) **"State-determined purchase price"** is defined as the low price quote including any sales and use taxes at the highest rate that could be charged to any ((school)) district in the state by the school bus dealer submitting that quote.

((13)) (15) **"Average price"** is defined as the five-year average of the low price quote for each school bus category. The average price is determined using the current and four previous school years' state school bus quote.

~~((14))~~ (16) "**System price**" means the price used to calculate the payment in a given school year, as follows:

(a) For the replacement system, the system price for a school bus for all years except the final year is the average price. For the final year, the system price is the current state determined purchase price.

(b) For the depreciation system, the system price for a school bus for all years is the first year's state determined purchase price.

~~((15))~~ (17) "**Total school bus replacement payments**" means the sum of all replacement payments for a school bus for prior school years.

~~((16))~~ (18) "**Assumed interest earnings**" means the sum of interest which is assumed to be earned on money assumed to be available in the transportation vehicle fund from any prior replacement payments and any previous interest earnings for a school bus. The rate used to calculate assumed interest earnings shall be the average of the ninety-day treasury bill rate during the previous state fiscal year calculated on the basis of simple interest.

~~((17))~~ (19) The "**salvage value**" of a school bus is defined as twenty-five percent of the first year's state determined purchase price divided by the system lifetime in years.

AMENDATORY SECTION (Amending WSR 12-19-098, filed 9/19/12, effective 10/20/12)

WAC 392-142-214 Alternative bid process. ~~((School))~~ Districts are not required to use the state school bus quote process to purchase a school bus. However, a ~~((school))~~ district using another process shall only be reimbursed for a school bus if the school district uses a lowest-price competitive bid process conducted in accordance with the requirements of RCW 28A.335.190. Regardless of purchase process, all school buses must meet the requirements established in the school bus specifications manual.

AMENDATORY SECTION (Amending WSR 12-19-098, filed 9/19/12, effective 10/20/12)

WAC 392-142-240 Calculation of replacement system payments. To calculate the replacement system payment for a ~~((school))~~ district-owned school bus, the superintendent shall:

- (1) Assign the school bus to the appropriate category;
- (2) Divide the current year system price by the system lifetime;
- (3) Multiply by the total number of past and current year eligible months;
- (4) Subtract the total amount of all school bus replacement payments made in prior school years (if any);
- (5) Subtract the assumed interest earnings (if any); and
- (6) Subtract the salvage value if the current school year is the final year of the school bus's system life.

NEW SECTION

WAC 392-142-248 Calculation of charter school system payments. To calculate the charter school system payment for a charter school, the superintendent shall:

(1) Calculate the total amount of replacement system and depreciation system payments for the prior school year for the district in which the charter school is located.

(2) Calculate the combined student count for the prior year as defined in chapter 392-141 WAC for the district in which the charter school is located.

(3) Divide the amount in subsection (1) of this section by the number in subsection (2) of this section.

(4) Multiply the amount in subsection (3) of this section by the charter school's current year combined student count.

AMENDATORY SECTION (Amending WSR 12-19-098, filed 9/19/12, effective 10/20/12)

WAC 392-142-250 Calculation and allocation schedule. The superintendent shall calculate annual school bus reimbursement payments for existing school buses by September 15th of each year. Calculation of reimbursement for a school bus entering the system during a school year shall be based on the number of remaining eligible months in the school year. The superintendent shall apportion school bus reimbursement payments as follows:

(1) Replacement system payments shall be distributed to school districts on the final business day of August of each year; ~~((and))~~

(2) Depreciation system payments shall be distributed to school districts in accordance with the schedule set forth in RCW 28A.510.250; and

(3) Charter school system payments shall be distributed in accordance with the schedule set forth in RCW 28A.510.250.

AMENDATORY SECTION (Amending WSR 12-19-098, filed 9/19/12, effective 10/20/12)

WAC 392-142-255 Deposit of payments in the transportation vehicle fund. ~~((School))~~ Districts shall deposit net proceeds for the rent, sale, lease, or other disposition of school buses and replacement payments for school district-owned vehicles in the transportation vehicle fund. Depreciation system and charter system payments are not required to be deposited in the transportation vehicle fund.

AMENDATORY SECTION (Amending WSR 12-19-098, filed 9/19/12, effective 10/20/12)

WAC 392-142-260 Allowable uses of the transportation vehicle fund. ~~((School))~~ Districts shall only use money in the transportation vehicle fund for the following purposes:

- (1) The purchase of school buses;
- (2) Performing major repairs to a school bus receiving prior approval by the superintendent.

Funds may be transferred from the transportation vehicle fund to the debt service fund for the payment of debt and interest associated with purchase agreements for school buses, including lease purchase agreements.

AMENDATORY SECTION (Amending WSR 12-19-098, filed 9/19/12, effective 10/20/12)

WAC 392-142-265 Improper maintenance and operation. (1) If a school bus is otherwise eligible for reimbursement payments and is determined to have been improperly maintained or operated, the superintendent shall discontinue reimbursement system payments effective the first of the month following the initial determination. The superintendent shall use the following process for any future payments:

(a) For school buses that are restored to operational condition, the superintendent shall:

(i) Return the school bus to the reimbursement system effective the first of the month following the date of the Washington state patrol inspection; and

(ii) Not provide reimbursement for any months the school bus was determined to have been improperly maintained or operated. However, such months shall be included as eligible months in the calculation of the system lifetime of the vehicle.

(b) For school buses that the ((school)) district disposes of without returning the vehicle to operational condition, the superintendent shall:

(i) Divide the total number of eligible months by the system life;

(ii) Multiplying the result by the current state-determined purchase price;

(iii) Subtract the total of all previous school bus replacement payments;

(iv) Subtract the total assumed interest earnings; and

(v) Subtract the salvage value.

(2) Such factors as fire, flood, explosion, storm, earthquake, or volcanic eruption shall not result in a school bus being determined to have been improperly maintained or operated. However, reimbursement payments shall be discontinued effective the first of the month following any such occurrence. Any future payments shall be calculated using the procedures listed in subsection (1) of this section. The superintendent shall assume any such school bus will be returned to service until such time as the ((school)) district disposes of the school bus.

(3) If a ((school)) district disposes of a school bus prior to the end of its useful lifetime, the superintendent shall discontinue reimbursement system payments as of the month of the sale of the school bus and adjust any final payment using the process in subsection (1) of this section.

(4) If a ((school)) district operates a school bus without an operation permit, the superintendent shall not provide reimbursement for that time period. However, any such months shall be included as eligible months in the calculation of the system lifetime of the vehicle.

AMENDATORY SECTION (Amending WSR 12-19-098, filed 9/19/12, effective 10/20/12)

WAC 392-142-270 Disposition of school buses. When a ((school)) district sells or otherwise disposes of a school bus, the ((school)) district shall notify the superintendent within thirty days using SPI Form 1020B.

WSR 15-11-079
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed May 19, 2015, 1:18 p.m., effective June 19, 2015]

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

Purpose: This amended rule provides further clarification for tribal compact application deadlines.

Citation of Existing Rules Affected by this Order: Amending WAC 392-800-825 Application—Approval process—Timeline.

Statutory Authority for Adoption: RCW 28A.715.010.

Adopted under notice filed as WSR 15-08-085 on March 31, 2015.

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 Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

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

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

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

Date Adopted: May 15, 2015.

Randy Dorn
 Superintendent of
 Public Instruction

AMENDATORY SECTION (Amending WSR 14-04-001, filed 1/22/14, effective 2/22/14)

WAC 392-800-825 Application—Approval process—Timeline. (1) Beginning in February 2014, eligible federally recognized tribes or BIE schools may apply to the superintendent of public instruction to initiate negotiations to enact a state-tribal education compact.

(2) Federally recognized tribes or BIE schools seeking approval of a state-tribal education compact must submit the application to the superintendent of public instruction by February 1st of the school year preceding the year in which the federally recognized tribes or BIE school seeks to commence operation of a compact school. ((Federally recognized tribes or BIE schools seeking to commence operation of a compact school in 2014 must submit an application by April 15, 2014.))

(3) The application must be hand delivered or mailed to the superintendent of public instruction at the following address:

Superintendent of Public Instruction
 600 Washington Street S.E.
 P.O. Box 47200
 Olympia, WA 98504

(4) Within ninety days of his or her receipt of the application, the superintendent of public instruction will convene a government-to-government meeting for the purpose of considering the application and initiating negotiations.

(5) The superintendent of public instruction will approve or disapprove state-tribal education compact applications no later than April 15th of the school year, as defined by WAC 392-121-031, in which the federally recognized tribe or BIE school intends to commence operation of a compact school. The superintendent of public instruction's approval or disapproval of the application shall constitute final agency action.

(6) State-tribal education compacts must be executed by the superintendent of public instruction and the federally recognized tribe or BIE school governing body on or before June 30th prior to the operation of a compact school commences.

WSR 15-11-102
PERMANENT RULES
OFFICE OF

FINANCIAL MANAGEMENT

[Filed May 20, 2015, 10:53 a.m., effective June 22, 2015]

Effective Date of Rule: June 22, 2015.

Purpose: ESSB 5860 was passed during the 2011 legislative session. Under this bill, employees who earned a full-time salary of more than \$2500.00 per month were subject to a three percent reduction in salary and in exchange received temporary salary reduction (TSR) leave. We are revising these rules to remove language that specifically applies to the TSR leave which was effective July 1, 2011, through June 29, 2013. In addition to removing the language that pertains to TSR, we are also proposing removing the temporary layoff language in WAC 357-31-390. This language was in effect during the 2009-2011 fiscal biennium only.

Citation of Existing Rules Affected by this Order: Repealing WAC 357-31-740 and 357-31-745; and amending WAC 357-28-260, 357-28-285, 357-31-150, 357-31-225, 357-31-245, 357-31-255, 357-31-265, 357-31-390, 357-31-435, and 357-31-530.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 15-03-005 on January 7, 2015.

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 10, Repealed 2.

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 10, Repealed 2.

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 10, Repealed 2.

Date Adopted: May 20, 2015.

Roselyn Marcus
Assistant Director for
Legal and Legislative Affairs

AMENDATORY SECTION (Amending WSR 11-19-091, filed 9/20/11, effective 10/24/11)

WAC 357-28-260 At what rate must overtime be compensated? Overtime worked by an overtime eligible employee must be compensated at a rate of one and one-half times the employee's regular rate. ~~((Compensation for overtime worked between July 1, 2011, and June 29, 2013, will not be subject to the three percent temporary salary reduction under chapter 39, Laws of 2011-))~~

AMENDATORY SECTION (Amending WSR 11-19-091, filed 9/20/11, effective 10/24/11)

WAC 357-28-285 When must compensatory time be paid in cash? (1) The accumulation of unused compensatory time of any amount that exceeds two hundred forty hours, or four hundred eighty hours for employees engaged in public safety or emergency response activity, must be paid in cash at the regular rate earned by the employee at the time the employee receives such payment. ~~((Payments made between July 1, 2011, and June 29, 2013, will not be subject to the three percent temporary salary reduction under chapter 39, Laws of 2011-))~~

(2) Upon termination of employment, an employee must be paid for unused compensatory time in accordance with applicable state and federal law. ~~((Payments made between July 1, 2011, and June 29, 2013, will not be subject to the three percent temporary salary reduction under chapter 39, Laws of 2011-))~~

AMENDATORY SECTION (Amending WSR 11-19-091, filed 9/20/11, effective 10/24/11)

WAC 357-31-150 Can an employee be paid for accrued sick leave? In accordance with the attendance incentive program established by RCW 41.04.340, employees are eligible to be paid for accrued sick leave as follows:

(1) In January of each year, an employee whose sick leave balance at the end of the previous year exceeds four hundred eighty hours may elect to convert the sick leave hours earned in the previous calendar year, minus those hours used during the year, to monetary compensation.

(a) No sick leave hours may be converted which would reduce the calendar year-end balance below four hundred eighty hours.

(b) Monetary compensation for converted hours is paid at the rate of twenty-five percent and is based on the employee's current salary. ~~((Monetary compensation for converted hours which is paid between July 1, 2011, and June 29, 2013, will not be subject to a temporary salary reduction.))~~

(c) All converted hours are deducted from the employee's sick leave balance.

(d) Hours which are accrued, donated and returned from the shared leave program in the same calendar year may be included in the converted hours for monetary compensation.

(e) For the purpose of this section, hours which are contributed to a sick leave pool per WAC 357-31-570 are considered hours used.

(2) Employees who separate from state service because of retirement or death must be compensated for their total unused sick leave accumulation at the rate of twenty-five percent. The employer may deposit equivalent funds for a retiring employee in a medical expense plan as provided in WAC 357-31-375. Compensation must be based on the employee's salary at the time of separation. ~~((Compensation for unused sick leave which is paid between July 1, 2011, and June 29, 2013, will not be subject to a temporary salary reduction.))~~ For the purpose of this subsection, retirement does not include "vested out-of-service" employees who leave funds on deposit with the department of retirement systems (DRS).

(3) No contributions are to be made to the department of retirement systems (DRS) for payments under subsection (1) or (2) of this section, nor are such payments reported to DRS as compensation.

AMENDATORY SECTION (Amending WSR 11-19-091, filed 9/20/11, effective 10/24/11)

WAC 357-31-225 When employees separate from state service, are they entitled to a lump sum payment of unused vacation leave? (1) When an employee who has completed six continuous months of employment separates from service by reason of resignation with adequate notice, layoff, trial service reversion, separation, dismissal, retirement, or death, the employee is entitled to a lump sum payment of unused vacation leave. The payment is computed by using the formula published by the office of financial management. ~~((Payments made between July 1, 2011, and June 29, 2013, will not be subject to a temporary salary reduction.))~~ No contributions are to be made to the department of retirement systems (DRS) for lump sum payment of excess vacation leave accumulated under the provisions of WAC 357-31-215(2), nor shall such payment be reported to the DRS as compensation.

(2) General government permanent employees may defer the payment of accumulated vacation leave to which they are entitled for a period of thirty calendar days in any of these circumstances:

(a) If the separation resulted from a layoff, trial service reversion, or conclusion of a project or nonpermanent appointment and there is a reasonable probability of reemployment; or

(b) If the separation resulted from an employee returning to a classified position from an exempt position under the provision of RCW 41.06.070.

AMENDATORY SECTION (Amending WSR 11-19-091, filed 9/20/11, effective 10/24/11)

WAC 357-31-245 What happens if an employee uses accrued vacation leave, accrued sick leave, accrued compensatory time, recognition leave, ~~((accrued temporary salary reduction leave,))~~ or receives holiday pay during a

period when he/she is receiving time loss compensation?

An employee who uses accrued vacation leave, accrued sick leave, accrued compensatory time, recognition leave, ~~((accrued temporary salary reduction leave,))~~ or receives holiday pay during a period when he/she is receiving time loss compensation is entitled to time-loss compensation and full pay for vacation leave, sick leave, compensatory time, recognition leave, ~~((temporary salary reduction leave,))~~ and holiday pay.

AMENDATORY SECTION (Amending WSR 11-19-091, filed 9/20/11, effective 10/24/11)

WAC 357-31-255 What types of leave may an employee use when absent from work or arriving late to work because of inclement weather? When the employer determines inclement weather conditions exist, the employer's leave policy governs the order in which accrued leave and compensatory time may be used to account for the time an employee is absent from work due to the inclement weather. The employer's policy must allow the use of accrued vacation leave, accrued sick leave up to a maximum of three days in any calendar year, ~~((accrued temporary salary reduction leave,))~~ and the use of leave without pay in lieu of paid leave at the request of the employee. The employer's policy may allow leave with pay when an employee is absent due to inclement weather.

AMENDATORY SECTION (Amending WSR 11-19-091, filed 9/20/11, effective 10/24/11)

WAC 357-31-265 What is the effect of suspended operations on employees who are not required to work during the closure? At a minimum, employees not required to work during suspended operations must be allowed to use their personal holiday, or accrued vacation leave ~~((or accrued temporary salary reduction leave))~~. Overtime eligible employees must also be allowed to use accrued compensatory time to account for the time lost due to the closure. Overtime eligible employees may be allowed to use leave without pay and given an opportunity to make up work time lost (as a result of suspended operations) within the work week. For overtime eligible employees, compensation for making up lost work time must be in accordance with WAC 357-28-255, 357-28-260, and 357-28-265 if it causes the employee to work in excess of forty hours in the workweek, and must be part of the employer's suspended operations procedures. The amount of compensation earned under this section must not exceed the amount of salary lost by the employee due to suspended operation.

If the employer's suspended operations procedure allows, employees may be released without a loss in pay.

AMENDATORY SECTION (Amending WSR 11-19-091, filed 9/20/11, effective 10/24/11)

WAC 357-31-390 What criteria does an employee have to meet to be eligible to receive shared leave? An employee may be eligible to receive shared leave if the agency head or higher education institution president has determined the employee meets the following criteria:

(1) The employee:

(a) Suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature;

(b) The employee has been called to service in the uniformed services;

(c) A state of emergency has been declared anywhere within the United States by the federal or any state government and the employee has the needed skills to assist in responding to the emergency or its aftermath and volunteers their services to either a governmental agency or to a non-profit organization engaged in humanitarian relief in the devastated area, and the governmental agency or nonprofit organization accepts the employee's offer of volunteer services; or

(d) The employee is a victim of domestic violence, sexual assault, or stalking as defined in RCW 41.04.655(~~;-or~~

~~(e) During the 2009-2011 fiscal biennium only, an employee whose monthly full-time equivalent base salary is two thousand five hundred dollars or less is eligible to use shared leave in lieu of temporary layoff as described in chapter 32, Laws of 2010).~~

(2) The illness, injury, impairment, condition, call to service, emergency volunteer service, consequence of domestic violence, sexual assault, or stalking, ~~((or temporary layoff under chapter 32, Laws of 2010, has caused,))~~ or is likely to cause, the employee to:

(a) Go on leave without pay status; or

(b) Terminate state employment.

(3) The employee's absence and the use of shared leave are justified.

(4) The employee has depleted or will shortly deplete their:

(a) Compensatory time, recognition leave as described in WAC 357-31-565, personal holiday, accrued vacation leave, ~~((accrued temporary salary reduction leave,))~~ and accrued sick leave if the employee qualifies under subsection (1)(a) of this section; or

(b) Compensatory time, recognition leave as described in WAC 357-31-565, personal holiday, accrued vacation leave, ~~((accrued temporary salary reduction leave,))~~ and paid military leave allowed under RCW 38.40.060 if the employee qualifies under subsection (1)(b) of this section; or

(c) Compensatory time, recognition leave as described in WAC 357-31-565, personal holiday, ~~((accrued temporary salary reduction leave,))~~ and accrued vacation leave if the employee qualifies under (1)(c) ~~((or (d)))~~ of this section~~(;-or~~

~~(d) Compensatory time, recognition leave as described in WAC 357-31-565, accrued temporary salary reduction leave, and accrued vacation leave if the employee qualifies under subsection (1)(e) of this section).~~

(5) The employee has abided by employer rules regarding:

(a) Sick leave use if the employee qualifies under subsection (1)(a) of this section; or

(b) Military leave if the employee qualifies under subsection (1)(b) of this section.

(6) If the illness or injury is work-related and the employee has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW if the employee qualifies under subsection (1)(a) of this section.

AMENDATORY SECTION (Amending WSR 11-23-052, filed 11/10/11, effective 12/13/11)

WAC 357-31-435 Must employees use their own leave before using shared leave? Employees who qualify for shared leave under WAC 357-31-390 (1)(a) must first use all compensatory time, recognition leave as described in WAC 357-31-565, personal holiday, sick leave, ~~((temporary salary reduction leave,))~~ and vacation leave that they have accrued before using shared leave. Employees who qualify under WAC 357-31-390 (1)(b) must first use all of their compensatory time, recognition leave as described in WAC 357-31-565, personal holiday, accrued vacation leave, ~~((accrued temporary salary reduction leave,))~~ and paid military leave allowed under RCW 38.40.060 before using shared leave. Employees who qualify under WAC 357-31-390 (1)(c) and (d) must first use all compensatory time, recognition leave as described in WAC 357-31-565, personal holiday, ~~((temporary salary reduction leave,))~~ and vacation leave that they have accrued before using shared leave. ~~((Employees who qualify for shared leave under WAC 357-31-390 (1)(e) must first use all compensatory time, recognition leave as described in WAC 357-31-565, temporary salary reduction leave, and vacation leave that they have accrued before using shared leave.))~~

AMENDATORY SECTION (Amending WSR 14-06-008, filed 2/20/14, effective 3/24/14)

WAC 357-31-530 Under the Family and Medical Leave Act of 1993, how is an eligible employee defined? In accordance with 29 C.F.R. Part 825, an eligible employee is an employee who has worked for the state for at least twelve months and for at least one thousand two hundred fifty hours during the previous twelve-month period. Paid time off such as vacation leave, sick leave, ~~((temporary salary reduction leave,))~~ personal holiday, compensatory time off, or shared leave and unpaid leave is not counted towards the one thousand two hundred and fifty hour eligibility requirement.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 357-31-740 What is temporary salary reduction (TSR) leave and which employees are eligible to earn TSR leave?

WAC 357-31-745 What provisions apply to temporary salary reduction (TSR) leave?

WSR 15-11-103
PERMANENT RULES
OFFICE OF
FINANCIAL MANAGEMENT

[Filed May 20, 2015, 10:54 a.m., effective June 22, 2015]

Effective Date of Rule: June 22, 2015.

Purpose: The following rule change is necessary to clarify the persons with disabilities definition so that responding employees interpret the definition more broadly. The definition revision should expand the number of employees who self-report as meeting the definition.

NOTE: This definition only applies to affirmative action. The definition of persons with disabilities for purposes of nondiscrimination and reasonable accommodation are addressed elsewhere.

Citation of Existing Rules Affected by this Order: Amending WAC 357-01-235.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 15-08-004 on March 20, 2015.

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 Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 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: May 20, 2015.

Roselyn Marcus
Assistant Director for
Legal and Legislative Affairs

AMENDATORY SECTION (Amending WSR 05-01-204, filed 12/21/04, effective 7/1/05)

WAC 357-01-235 Persons with disabilities. For affirmative action purposes, ~~((a person))~~ an individual with a permanent physical, mental, or sensory impairment ~~((which))~~ that substantially limits one or more major life ~~((activity-Physical, mental, or sensory impairment means: (a) Any physiological or neurological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the body systems or functions; or (b) any mental or psychological disorders such as mental retardation, organic brain syndrome, emotional or mental illness, or any specific learning disability))~~ activities. The impairment must be both permanent and material rather than slight, ~~((and permanent in that it is seldom fully corrected by medical replacement, therapy, or surgical means))~~ but not necessarily require a workplace accommodation. An impairment that is episodic or in remis-

sion is still a disability if it would substantially limit a major life activity when active. The determination of whether an impairment substantially limits a major life activity shall be made without considering temporary improvements made through mitigating measures such as medication, therapy, reasonable accommodation, prosthetics, technology, equipment, or adaptive devices (but not to include ordinary eyeglasses or contact lenses).

WSR 15-11-106
PERMANENT RULES
LIQUOR CONTROL BOARD

[Filed May 20, 2015, 11:30 a.m., effective June 20, 2015]

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

Purpose: The purpose of this rule making is to review the chapter as part of the board's ongoing rules review process. Chapter 314-07 WAC has been reviewed for relevance, clarity, and accuracy.

Citation of Existing Rules Affected by this Order: Amending WAC 314-07-010, 314-07-015, 314-07-020, 314-07-035, 314-07-040, 314-07-045, 314-07-055, 314-07-060, 314-07-065, 314-07-070, 314-07-090, 314-07-095, 314-07-100, 314-07-110, and 314-07-121.

Statutory Authority for Adoption: RCW 66.08.030, 66.24.010.

Adopted under notice filed as WSR 15-08-034 on March 25, 2015.

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 Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 15, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 15, 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: May 20, 2015.

Jane Rushford
Chairman

AMENDATORY SECTION (Amending WSR 10-10-126, filed 5/5/10, effective 6/5/10)

WAC 314-07-010 Definitions. Following are definitions for the purpose of this title. Other definitions are in WAC 314-01-005 and RCW 66.08.010.

(1) "Applicant" or "liquor license applicant" means any person or business entity who is considered by the board as a true party of interest in a liquor license or permit application, as outlined in WAC 314-07-035.

(2) "Building" means a structure with floor to ceiling solid walls and a roof.

(3) "Business name" or "trade name" means the name of a licensed business as used by the licensee on signs, advertising, etc.

~~((3))~~ (4) "Financier" means any person or entity who has made or will make an investment in the licensed business of more than ten thousand dollars. A "financier" can be someone who provides money as a gift, someone who loans money to the business and expects to be paid back the amount of the loan without interest, or someone who invests money into the business expecting a percentage of the profits, but accepts the risk that there may not be a full return on the investment. These persons or entities shall submit appropriate investigation level "financier" financial documents.

~~((4))~~ (5) "Licensee" or "liquor licensee" means any person or entity that holds a liquor license or permit, or any person or entity who is a true party of interest in a liquor license or permit, as outlined in WAC 314-07-035.

~~((5))~~ (6) "Public institution" means a public college or university. (See WAC 314-07-020 regarding the liquor control board notifying public institutions of liquor license applications.)

AMENDATORY SECTION (Amending WSR 10-10-126, filed 5/5/10, effective 6/5/10)

WAC 314-07-015 General information about liquor licenses. (1) A person or entity must meet ~~((ertain))~~ required qualifications to receive a liquor license, which are continuing qualifications in order to maintain the license.

(2) A liquor license applicant may not exercise any of the privileges of a liquor license until the board approves the license application (see WAC 314-07-055 regarding temporary licenses).

(3) In approving a liquor license, the board reserves the right to impose special conditions as to the involvement in the operations of the licensed business of any former licensees, their former employees, or any person who does not qualify for a liquor license.

AMENDATORY SECTION (Amending WSR 10-10-126, filed 5/5/10, effective 6/5/10)

WAC 314-07-020 Liquor license qualifications and application process. Each liquor license application is unique and investigated individually. The board may inquire and request documents regarding all matters in connection with the liquor license application. Following is a general outline of the liquor license application process.

(1) Per RCW 66.24.010, the board shall send a notice to the local authority regarding the liquor license application. The local authority has twenty days to respond with a recommendation to approve or an objection to the applicant, location, or both.

(a) The local authority may submit a written request to the board for an extension for good cause shown.

(b) If the application is within a board-recognized alcohol impact area, the board will give the local authority sixty days to comment on the liquor license application or assumption (see WAC 314-12-215(7) for more information).

(2) For an application for a new liquor license privilege, the board may require a public posting notice to be posted at the site for fourteen days.

(3) For an application for a new liquor license privilege, the board shall notify ~~((any))~~ schools, churches, or public colleges or universities within five hundred feet of the business (see RCW 66.24.010(9) for more information).

(4) The board will verify that the proposed business meets the minimum requirements for the type of license or privilege requested.

(5) The board may conduct an investigation of the applicants' criminal history and administrative violation history, per WAC 314-07-040 and 314-07-045.

(6) The board may conduct a financial investigation in order to verify the source of funds used for the acquisition and startup of the business ~~((the applicants' right to the real and personal property, and to verify the true party(ies) of interest)).~~

(7) The board will conduct an investigation to establish the applicant's exclusive right to the real and personal property and to verify the true party(ies) of interest.

(8) The board may provide a briefing on liquor laws and rules.

~~((8))~~ (9) The board may conduct a final inspection of the proposed licensed business, in order to determine if the applicant has complied with all the requirements of the license or privilege requested.

~~((9))~~ (10) Per RCW 66.24.010 (2)(a), all applicants must have resided in the state of Washington for at least one month prior to issuance of a liquor license. For a corporation or a limited liability company, the entity meets this residency requirement if the entity was formed in Washington or has a certificate of authority to do business in Washington.

~~((10))~~ (11) All applicants and true parties of interest must be at least twenty-one years of age.

(12) Upon failure to respond to the board licensing and regulation division's requests for information within the timeline provided, the application will be administratively closed.

AMENDATORY SECTION (Amending WSR 10-10-126, filed 5/5/10, effective 6/5/10)

WAC 314-07-035 What persons or entities have to qualify for a liquor license? Per RCW 66.24.010(1), a liquor license must be issued in the name(s) of the true party(ies) of interest.

(1) **True parties of interest** - For purposes of this title, "true party of interest" means:

True party of interest	Persons to be qualified
Sole proprietorship	Sole proprietor and spouse.
General partnership	All partners and spouses.

True party of interest	Persons to be qualified
Limited partnership, limited liability partnership, or limited liability limited partnership	<ul style="list-style-type: none"> • All general partners and spouses; • All limited partners that have more than 10% interest in the partnership and their spouses.
Limited liability company	<ul style="list-style-type: none"> • All members <u>(or persons with equivalent title)</u> with more than 10% interest in the LLC and spouses. (Note: In order for the liquor control board to identify the persons to be qualified, we will need to know all parties that have an interest in the limited liability company or have a pending interest.) • All managers <u>(or persons with equivalent title)</u> and their spouses.
Privately held corporation	<ul style="list-style-type: none"> • All corporate officers (or persons with equivalent title) <u>and their spouses.</u> • All stockholders <u>(or persons with equivalent title) and their spouses</u> who hold more than 10% of the issued or outstanding stock. (Note: In order for the liquor control board to identify the persons to be qualified, we will need to know all parties who have been issued or will be issued corporate stock.)
Publicly held corporation	All corporate officers (or persons with equivalent title).
Multi-level ownership structures	The liquor control board will review each entity to determine which individuals are to qualify according to the guidelines in this rule.
Any entity	Any person who is in receipt of, or has the right to receive, more than ten percent of the gross or net sales from the licensed business during any full or partial calendar or fiscal year. For the purposes of this chapter:

True party of interest	Persons to be qualified
	<p>((■)) "Gross sales" includes the entire gross receipts from all sales and services made in, upon, or from the licensed business.</p> <p>((■)) "Net sales" means gross sales minus cost of goods sold.</p>

(2) For purposes of this section, "true party of interest" does not mean:

(a) A person or entity receiving reasonable payment for rent (as determined by the board) on a fixed or percentage basis under a bona fide lease or rental obligation, unless the lessor or property manager exercises control over or participates in the management of the business.

(b) A person who receives a bonus as an employee, if: The employee is on a fixed wage or salary and the bonus is not more than twenty-five percent of the employee's prebonus annual compensation; or the bonus is based on a written incentive/bonus program that is not out of the ordinary for the services rendered.

(c) A person or entity contracting with the applicant(s) to sell the property, unless the contract holder exercises control over or participates in the management of the licensed business.

(d) A person or entity receiving payment of franchise fees on a fixed or percentage basis under a bona fide franchise agreement, unless the person or entity receiving payment of franchise fees exercises control over or participates in the management of the licensed business.

(3) **Financiers** - The board may conduct a financial investigation of financiers.

(4) **Persons who exercise control of business** - The board may conduct an investigation of any person or entity who exercises any control over the applicant's business operations.

In cases where there is an entity who is in control of the day-to-day business operation (other than the owner) because of an agreement between the owner and the operator, the operating party becomes a true party of interest. The operator must meet all the qualifications of any other true party of interest and if approved, must be the licensee. The owner may be required to be named on the license as a party of interest based on the terms of the agreement, but will not normally be required to meet all the qualifications of a true party of interest.

AMENDATORY SECTION (Amending WSR 05-07-012, filed 3/4/05, effective 4/4/05)

WAC 314-07-040 What criminal history might prevent a liquor license applicant from receiving or keeping a liquor license? (1) When the board processes a criminal history check on an applicant, it uses a point system to determine if the person qualifies for a license. The board will not

normally issue a liquor license to an applicant who has accumulated eight or more points as indicated below:

Description	Time period during which points will be assigned	Points assigned
Felony conviction	Ten years	12 points
Gross misdemeanor conviction	Three years	5 points
Misdemeanor conviction	Three years	4 points
Currently under federal or state supervision for a felony conviction	n/a	8 points
Nondisclosure of any of the above	n/a	4 points each

(2) If a case is pending for an alleged offense that would earn eight or more points, the board will hold the application for the disposition of the case. If the disposition is not settled within ninety days, the board ~~((will))~~ may administratively close the application.

(3) The board will not normally issue a liquor license to any person who has demonstrated a pattern of disregard for laws and rules.

AMENDATORY SECTION (Amending WSR 05-07-012, filed 3/4/05, effective 4/4/05)

WAC 314-07-045 What liquor law or rule violation history might prevent an applicant from receiving a liquor license? (1) The board will conduct an investigation of all applicants' liquor law or rule administrative violation history. The board will not normally issue a liquor license to a person, or to an entity with a true party of interest, who has the following administrative violation notice history(~~(; or to any person who has demonstrated a pattern of disregard for laws or rules))~~).

Violation Type (see WAC 314-29-020 through 314-29-035)	Period of Consideration
((■)) Three or more public safety violations((;));	((■)) Violations issued within two years of the date the application is received by the board's licensing and regulation division.
((■)) Four or more conduct violations((;)); or	((■)) Violations issued within the last two years the true party(ies) of interest were licensed.
((■)) Five or more regulatory violations.	

(2) The board will not normally issue a liquor license to a person who has demonstrated a pattern of disregard for laws or rules including, but not limited to, written and/or verbal warnings.

AMENDATORY SECTION (Amending WSR 10-10-126, filed 5/5/10, effective 6/5/10)

WAC 314-07-055 Temporary retail license. Applicants may ~~((apply for))~~ request a temporary retail liquor license in addition to an annual license for the same business. If granted, the temporary license allows the applicant to operate for a period of up to ~~((sixty))~~ one hundred twenty days while the annual license application is being processed.

Type of Application	Qualification and process to receive a temporary retail license
<p>(1) New business, existing licensed business, or new license type:</p> <ul style="list-style-type: none"> Applicant is applying for a license at a business location that does not hold a current, valid liquor license. Applicant is applying for the same license privilege at a location that has a valid license that has not expired. Applicant is applying for a license or a business that has an existing license at the location, but the applicant is applying for a different license privilege(s). 	<p>In order to receive a temporary license, the applicant(s) must:</p> <ul style="list-style-type: none"> Sign the acknowledgment form. Clear a criminal history check, per WAC 314-07-040. Complete a briefing on liquor laws and regulations, per WAC 314-07-020(7). The local authority and any churches, schools, or public colleges or universities within 500 feet of the proposed licensed business must have responded to the liquor control board's notice of liquor license application, or the time period must have passed. See WAC 314-07-020, subsections (1), (2), and (3) for more information.

Type of Application	Qualification and process to receive a temporary retail license
	<ul style="list-style-type: none"> When the annual liquor license is issued, the fee will be pro-rated back to the date of issuance of the temporary license.

(2) For the purposes of this section, "retail liquor license" shall include all classes of liquor licenses that allow the holder to sell liquor directly to the public.

(3) The privilege of having a temporary license issued upon an application for license does not apply to breweries or wineries.

(4) A temporary license under subsection (1) above may be issued for a distributor license applicant.

AMENDATORY SECTION (Amending WSR 10-10-126, filed 5/5/10, effective 6/5/10)

WAC 314-07-060 Reasons for denial or cancellation of a temporary license. Following is a list of reasons a temporary permit may not be issued or can be revoked. Per RCW 66.24.010, the board has broad discretionary authority to approve or deny a liquor license or permit application. Refusal by the board to issue or extend a temporary license shall not entitle the applicant to request a hearing.

(1) An applicant who has received a temporary license and their application is later administratively closed, and they reapply for a liquor license at the same location.

(2) The local authority objects for any reason.

(3) The applicant affirmatively refuses to submit documents requested by the board to conduct the application investigation.

(4) The applicant accrues or is involved in ~~((#))~~ an administrative violation committed while operating under a temporary license.

(5) The investigator is unable to determine the true party of interest.

(6) The applicant fails to meet the basic requirements of the license.

(7) ~~((Denial of the permanent license is recommended to the board.))~~ An objection is received from a privately or publicly funded elementary or secondary school within five hundred feet of the proposed location.

(8) Violation history of the applicant is found to be sufficient to raise the application to threshold decision.

(9) Upon denial of the permanent license, the temporary license will be immediately revoked.

AMENDATORY SECTION (Amending WSR 10-10-126, filed 5/5/10, effective 6/5/10)

WAC 314-07-065 Reasons the board may deny a liquor license application. Following is a list of reasons the board may deny a liquor license application. Per RCW 66.24.010, the board has broad discretionary authority to approve or deny a liquor license or permit application.

(1) Failure to meet qualifications or requirements for the specific liquor license or privilege, as outlined in this Title 314 WAC and Title 66 RCW.

(2) Failure by any applicant or financier to submit information or documentation requested by the board.

(3) Refusal by any applicant or financier to submit information or documentation requested by the board.

~~((4))~~ (4) Misrepresentation of fact by any applicant or financier.

~~((4))~~ ~~((5))~~ (5) Failure to meet the criminal history standards outlined in WAC 314-07-040.

~~((5))~~ ~~((6))~~ (6) Failure to meet the liquor law or rule violation history standards outlined in WAC 314-07-045.

~~((6))~~ ~~((7))~~ (7) Source of funds used for the acquisition, startup and operation of the business is questionable or unverified.

~~((7))~~ ~~((8))~~ (8) Objection from the local authority or from the public (see WAC 314-09-010 and RCW 66.24.010(8)).

~~((8))~~ ~~((9))~~ (9) Objection from the following entities if they are within five hundred feet of the proposed business: A public school, a private school that meets the requirements of chapter 28A.195 RCW, a church, or a public college or university. See WAC 314-09-010 and RCW 66.24.010(9) for more information. Note: Per RCW 66.24.010(9), the board may not issue a new liquor license if the board receives objection from a public school within five hundred feet of the proposed licensed business.

~~((9))~~ ~~((10))~~ (10) The board determines that the issuance of the liquor license will not be in the best interest of the welfare, health, or safety of the people of the state.

AMENDATORY SECTION (Amending WSR 05-07-012, filed 3/4/05, effective 4/4/05)

WAC 314-07-070 Process if the board denies a liquor license application. If the board denies a liquor license application, the applicants may:

(1) Request an administrative hearing per chapter 34.05 RCW, the Administrative Procedure Act.

(2) ~~((Reapply for the license no sooner than one year from the original denial date.))~~ Not apply for any license for one year from the date of the board's final order. Exceptions may be granted on a case-by-case basis at the sole discretion of the board or their delegated staff.

AMENDATORY SECTION (Amending WSR 05-07-012, filed 3/4/05, effective 4/4/05)

WAC 314-07-090 Change of business name. (1) If you wish to change the name of your business, you must apply for a change of trade name with the department of ~~((licensing, master))~~ revenue, business license service.

(2) If you wish to ~~((change))~~ amend your corporation or limited liability company name, you must apply for a change of name through the secretary of state.

(3) See WAC 434-12 for guidelines for trade names.

AMENDATORY SECTION (Amending WSR 05-07-012, filed 3/4/05, effective 4/4/05)

WAC 314-07-095 Discontinue liquor sales. You must notify the board's enforcement and education division if you plan to stop (~~doing business~~) liquor sales for more than thirty days, or if you plan to permanently discontinue liquor sales.

AMENDATORY SECTION (Amending WSR 05-07-012, filed 3/4/05, effective 4/4/05)

WAC 314-07-100 Death or incapacity of licensee. (1) The appointed guardian, executor, administrator, receiver, trustee, or assignee must notify the board's licensing and regulation division in the event of the death, incapacity, receivership, bankruptcy, or assignment for benefit of creditors of any licensee.

(2) Subject to a criminal background check, the board may give the appointed guardian, executor, administrator, receiver, trustee, or assignee written approval to continue liquor sales on the licensed business premises for the duration of the existing license and to renew the license when it expires.

(3) When the matter is resolved by the court, the true party(ies) of interest must apply for a liquor license for the business.

AMENDATORY SECTION (Amending WSR 05-07-012, filed 3/4/05, effective 4/4/05)

WAC 314-07-110 Are liquor license fees refundable? When a license is suspended, revoked, or (~~cancelled~~) cancelled, or the licensed business is discontinued, the unused portion of the liquor license fee will not be refunded. There are two exceptions:

(1) Per RCW 66.24.420 (1)(b), a spirits, beer, and wine restaurant that is located in an unincorporated city or town may receive a refund of the unused portion of their license fees, calculated per calendar quarter.

(2) Per RCW 66.24.015, if a liquor license application is denied or is administratively closed by the board, the application fee will be refunded less a seventy-five dollar (~~non-refundable~~) nonrefundable processing fee.

AMENDATORY SECTION (Amending WSR 09-21-048, filed 10/14/09, effective 11/14/09)

WAC 314-07-121 Board delegation of authority to make initial threshold determinations. (1) The board may delegate to the licensing and regulation division director the authority to make initial threshold determinations on liquor license applications and renewals where:

(a) Objections have been submitted; or

(b) The applicant/licensee appears to be ineligible for a license due to failure to meet requirements under statute or rule. Failure to meet eligibility requirements includes data obtained through a criminal background check or criminal history record information (CHRI) report.

(2) Threshold determinations will be made in accordance with the provisions of RCW 66.24.010 as well as all other rel-

evant sections of state law and Title 314 WAC. The licensing and regulation division director shall:

(a) Give substantial weight to objections from a local authority where objections are based on chronic illegal activity;

(b) Give due consideration to the location of a new liquor license application as it relates to the proximity to churches, schools, and public institutions as well as (~~either~~) any considerations raised by the local authority.

(3) If the licensing and regulation director determines that the board will seek denial of a license application or non-renewal of an existing license, an aggrieved applicant/licensee may request an adjudicative hearing before an administrative law judge (see chapter 314-09 WAC).

(4) If the licensing and regulation director determines that the board will seek to approve a license or renewal over the objection of the local authority, the local authority may request an adjudicative hearing before an administrative law judge (see chapter 314-09 WAC). The licensing and regulation director will determine whether an adjudicative hearing will be granted to the local authority.

An adjudicative hearing will be granted where the objection is based on alleged conduct related to public safety within the jurisdiction of the board under Title 66 RCW.

WSR 15-11-107

PERMANENT RULES

LIQUOR CONTROL BOARD

[Filed May 20, 2015, 11:58 a.m., effective June 20, 2015]

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

Purpose: Current marijuana rules need to be revised and new rules need to be adopted to provide additional clarity to marijuana applicants and licensees.

Citation of Existing Rules Affected by this Order: Amending WAC 314-55-010, 314-55-015, 314-55-020, 314-55-040, 314-55-075, 314-55-077, 314-55-079, 314-55-083, 314-55-085, 314-55-086, 314-55-089, 314-55-095, 314-55-097, 314-55-102, 314-55-104, 314-55-105, 314-55-135, 314-55-210, 314-55-510, 314-55-515, 314-55-520, 314-55-525, 314-55-530, and 314-55-535.

Statutory Authority for Adoption: RCW 69.50.342, 69.50.345.

Adopted under notice filed as WSR 15-08-035 on March 25, 2015.

Changes Other than Editing from Proposed to Adopted Version: There were two edits:

WAC 314-55-077(1), removed the language that was added "A marijuana processor also allows the licensee to process and package marijuana into intermediate products for sale at wholesale to other marijuana processors." This language was in conflict with the statute. Added the words "to marijuana processors" in this subsection to mimic the statute.

WAC 314-55-102 (9)(a), added the words "that will not be extracted" as it was left off originally.

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 Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 3, Amended 23, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, Amended 23, 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: May 20, 2015.

Jane Rushford
Chairman

AMENDATORY SECTION (Amending WSR 13-21-104, filed 10/21/13, effective 11/21/13)

WAC 314-55-010 Definitions. Following are definitions for the purpose of this chapter. Other definitions are in RCW 69.50.101.

(1) "Applicant" or "marijuana license applicant" means any person or business entity who is considered by the board as a true party of interest in a marijuana license, as outlined in WAC 314-55-035.

(2) "Batch" means a quantity of marijuana-infused product containing material from one or more lots of marijuana.

(3) "Business name" or "trade name" means the name of a licensed business as used by the licensee on signs and advertising.

(4) "Child care center" means an entity that regularly provides child day care and early learning services for a group of children for periods of less than twenty-four hours licensed by the Washington state department of early learning under chapter 170-295 WAC.

(5) "Consultant" means an expert who provides advice or services in a particular field, whether a fee is charged or not. A consultant who is in receipt of, or has the right to receive, a percentage of the gross or net profit from the licensed business during any full or partial calendar or fiscal year is a true party of interest and subject to the requirements of WAC 314-55-035. A consultant who exercises any control over an applicant's or licensee's business operations is also subject to the requirements of WAC 314-55-035(4).

(6) "Elementary school" means a school for early education that provides the first four to eight years of basic education and recognized by the Washington state superintendent of public instruction.

~~((6))~~ (7) "Employee" means any person performing services on a licensed premises for the benefit of the licensee.

(8) "Financier" means any person or entity, other than a banking institution, that has made or will make an investment in the licensed business. A financier can be a person or entity that provides money as a gift, loans money to the applicant/business and expects to be paid back the amount of the loan with or without interest, or expects any percentage of the profits from the business in exchange for a loan or expertise.

~~((7))~~ (9) "Game arcade" means an entertainment venue featuring primarily video games, simulators, and/or other amusement devices where persons under twenty-one years of age are not restricted.

~~((8))~~ (10) "Intermediate product" means marijuana flower lots or other material lots that have been converted by a marijuana processor to a marijuana concentrate or marijuana-infused product that must be further processed prior to retail sale.

(11) "Library" means an organized collection of resources made accessible to the public for reference or borrowing supported with money derived from taxation.

~~((9))~~ (12) "Licensee" or "marijuana licensee" means any person or entity that holds a marijuana license, or any person or entity who is a true party of interest in a marijuana license, as outlined in WAC 314-55-035.

~~((10))~~ (13) "Lot" means either of the following:

(a) The flowers from one or more marijuana plants of the same strain. A single lot of flowers cannot weigh more than five pounds; or

(b) The trim, leaves, or other plant matter from one or more marijuana plants. A single lot of trim, leaves, or other plant matter cannot weigh more than fifteen pounds.

~~((11))~~ (14) "Marijuana strain" means a pure breed or hybrid variety of Cannabis reflecting similar or identical combinations of properties such as appearance, taste, color, smell, cannabinoid profile, and potency.

~~((12))~~ (15) "Member" means a principal or governing person of a given entity, including but not limited to: LLC member/manager, president, vice-president, secretary, treasurer, CEO, director, stockholder, partner, general partner, limited partner. This includes all spouses of all principals or governing persons named in this definition and referenced in WAC 314-55-035.

~~((13))~~ (16) "Paraphernalia" means items used for the storage or use of usable marijuana, marijuana concentrates, or marijuana-infused products, such as, but not limited to, lighters, roach clips, pipes, rolling papers, bongs, and storage containers. Items for growing, cultivating, and processing marijuana, such as, but not limited to, butane, lights, and chemicals are not considered "paraphernalia."

(17) "Pesticide" means, but is not limited to: (a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, snail, slug, fungus, weed, and any other form of plant or animal life or virus, except virus on or in a living person or other animal which is normally considered to be a pest; (b) any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant; and (c) any spray adjuvant. Pesticides include substances commonly referred to as herbicides, fungicides, ~~(and)~~ insecticides, and cloning agents.

~~((14))~~ (18) "Perimeter" means a property line that encloses an area.

~~((15))~~ (19) "Plant canopy" means the square footage dedicated to live plant production, such as maintaining mother plants, propagating plants from seed to plant tissue, clones, vegetative or flowering area. Plant canopy does not include areas such as space used for the storage of fertilizers, pesticides, or other products, quarantine, office space, etc.

~~((16))~~ (20) "Playground" means a public outdoor recreation area for children, usually equipped with swings, slides, and other playground equipment, owned and/or managed by a city, county, state, or federal government.

~~((17))~~ (21) "Public park" means an area of land for the enjoyment of the public, having facilities for rest and/or recreation, such as a baseball diamond or basketball court, owned and/or managed by a city, county, state, federal government, or metropolitan park district. Public park does not include trails.

~~((18))~~ (22) "Public transit center" means a facility located outside of the public right of way that is owned and managed by a transit agency or city, county, state, or federal government for the express purpose of staging people and vehicles where several bus or other transit routes converge. They serve as efficient hubs to allow bus riders from various locations to assemble at a central point to take advantage of express trips or other route to route transfers.

~~((19))~~ (23) "Recreation center or facility" means a supervised center that provides a broad range of activities and events intended primarily for use by persons under twenty-one years of age, owned and/or managed by a charitable non-profit organization, city, county, state, or federal government.

~~((20))~~ (24) "Residence" means a person's address where he or she physically resides and maintains his or her abode.

~~((21))~~ (25) "Secondary school" means a high and/or middle school: A school for students who have completed their primary education, usually attended by children in grades seven to twelve and recognized by the Washington state superintendent of public instruction.

~~((22))~~ (26) "Selling price" means the same meaning as in RCW 82.08.010, except that when the product is sold under circumstances where the total amount of consideration paid for the product is not indicative of its true value. Selling price means the true value of the product sold as determined or agreed to by the board. For purposes of this subsection:

(a) "Product" means marijuana, marijuana concentrates, usable marijuana, and marijuana-infused products; and

(b) "True value" means market value based on sales at comparable locations in the state of the same or similar product of like quality and character sold under comparable conditions of sale to comparable purchasers. In the absence of such sales of the same or similar product, true value means the value of the product sold as determined by all of the seller's direct and indirect costs attributed to the product.

(27) "Unit" means an individually packaged marijuana-infused solid or liquid product meant to be eaten or swallowed, not to exceed ten servings or one hundred milligrams of active tetrahydrocannabinol (THC), or Delta 9.

AMENDATORY SECTION (Amending WSR 13-21-104, filed 10/21/13, effective 11/21/13)

WAC 314-55-015 General information about marijuana licenses. (1) A person or entity must meet certain qualifications to receive a marijuana license, which are continuing qualifications in order to maintain the license.

(2) All applicants and employees working in each licensed establishment must be at least twenty-one years of age.

(3) Minors restricted signs must be posted at all marijuana licensed premises.

(4) A marijuana license applicant may not exercise any of the privileges of a marijuana license until the board approves the license application.

(5) The board will not approve any marijuana license for a location where law enforcement access, without notice or cause, is limited. This includes a personal residence.

(6) The board will not approve any marijuana license for a location on federal lands.

(7) The board will not approve any marijuana retailer license for a location within another business. More than one license could be located in the same building if each licensee has their own area separated by full walls with their own entrance. Product may not be commingled.

(8) Every marijuana licensee must post and keep posted its license, or licenses, and any additional correspondence containing conditions and restrictions imposed by the board in a conspicuous place on the premises.

(9) In approving a marijuana license, the board reserves the right to impose special conditions as to the involvement in the operations of the licensed business of any former licensees, their former employees, or any person who does not qualify for a marijuana license.

(10) A marijuana processor or retailer licensed by the board shall conduct the processing, storage, and sale of marijuana-infused products using sanitary practices and ensure marijuana-infused edible processing facilities are constructed, kept, and maintained in a clean and sanitary condition in accordance with rules and as prescribed by the Washington state department of agriculture under chapters 16-165 and 16-167 WAC.

(11) Marijuana licensees may not allow the consumption of marijuana or marijuana-infused products on the licensed premises.

NEW SECTION

WAC 314-55-017 Conditional sales prohibited. Conditional sales of marijuana products are prohibited.

(1) Marijuana producers and processors are prohibited from requiring the purchase of other products and/or services by another marijuana licensee as a condition of a transaction of marijuana product. Products and services include, but are not limited to, paraphernalia, lighters, promotional items, unreasonable processing and/or packaging charges.

(2) Marijuana retailers are prohibited from requiring a customer to purchase other products and/or services as a condition to purchasing a marijuana product. Products and services include, but are not limited to, paraphernalia, lighters, promotional items, memberships, and bags, boxes, or containers.

(3) The selling price of marijuana product must be indicative of the true value when sold without any other products or services.

NEW SECTION

WAC 314-55-018 Prohibited practices—Money advances—Contracts—Gifts—Rebates, etc. (1) No industry member or marijuana retailer shall enter into any agreement which causes undue influence over another retailer or industry member. This rule shall not be construed as prohibiting the placing and accepting of orders for the purchase and delivery of marijuana that are made in accordance with usual and common business practice and that are otherwise in compliance with the rules.

(2) No marijuana producer or processor shall advance and no marijuana retailer shall receive money or moneys' worth under an agreement written or unwritten or by means of any other business practice or arrangement such as:

- (a) Gifts;
- (b) Discounts;
- (c) Loans of money;
- (d) Premiums;
- (e) Rebates;
- (f) Free product of any kind except as allowed by WAC 314-55-083; or

(g) Treats or services of any nature whatsoever except such services as are authorized in this rule.

(3) "Industry member" means a licensed marijuana producer, marijuana processor, marijuana retailer, their authorized representatives, and any affiliates, subsidiaries, officers, partners, financiers, agents, employees, and representatives of any industry member.

(4) No industry member or employee thereof shall sell to any retail licensee or solicit from any such licensee any order for any marijuana tied in with, or contingent upon, the retailer's purchase of some other marijuana, or any other merchandise, paraphernalia, property, or service.

(5) If the board finds in any instance that any licensee has violated this regulation, then all licensees involved shall be held equally responsible for such violation.

AMENDATORY SECTION (Amending WSR 13-21-104, filed 10/21/13, effective 11/21/13)

WAC 314-55-020 Marijuana license qualifications and application process. Each marijuana license application is unique and investigated individually. The board may inquire and request documents regarding all matters in connection with the marijuana license application. The application requirements for a marijuana license include, but are not necessarily limited to, the following:

(1) Per RCW 69.50.331, the board shall send a notice to cities and counties, and may send a notice to tribal governments or port authorities regarding the marijuana license application. The local authority has twenty days to respond with a recommendation to approve or an objection to the applicant, location, or both.

(2) The board will verify that the proposed business meets the minimum requirements for the type of marijuana license requested.

(3) The board will conduct an investigation of the applicants' criminal history and administrative violation history, per WAC 314-55-040 and 314-55-045.

(a) The criminal history background check will consist of completion of a personal/criminal history form provided by the board and submission of fingerprints to a vendor approved by the board. The applicant will be responsible for paying all fees required by the vendor for fingerprinting. These fingerprints will be submitted to the Washington state patrol and the Federal Bureau of Investigation for comparison to their criminal records. The applicant will be responsible for paying all fees required by the Washington state patrol and the Federal Bureau of Investigation.

(b) Financiers will also be subject to criminal history investigations equivalent to that of the license applicant. Financiers will also be responsible for paying all fees required for the criminal history check. Financiers must meet the three month residency requirement.

(4) The board will conduct a financial investigation in order to verify the source of funds used for the acquisition and startup of the business, the applicants' right to the real and personal property, and to verify the true party(ies) of interest.

(5) The board may require a demonstration by the applicant that they are familiar with marijuana laws and rules.

(6) The board may conduct a final inspection of the proposed licensed business, in order to determine if the applicant has complied with all the requirements of the license requested.

(7) Per RCW 69.50.331 (1)(b), all applicants applying for a marijuana license must have resided in the state of Washington for at least three months prior to application for a marijuana license. All partnerships, employee cooperatives, associations, nonprofit corporations, corporations and limited liability companies applying for a marijuana license must be formed in Washington. All members must also meet the three month residency requirement. Managers or agents who manage a licensee's place of business must also meet the three month residency requirement.

(8) Submission of an operating plan that demonstrates the applicant is qualified to hold the marijuana license applied for to the satisfaction of the board. The operating plan shall include the following elements in accordance with the applicable standards in the Washington Administrative Code (WAC).

(9) As part of the application process, each applicant must submit in a format supplied by the board an operating plan detailing the following as it pertains to the license type being sought. This operating plan must also include a floor plan or site plan drawn to scale which illustrates the entire operation being proposed. The operating plan must include the following information:

Producer	Processor	Retailer
Security	Security	Security
Traceability	Traceability	Traceability

Producer	Processor	Retailer
Employee qualifications and training	Employee qualifications and training	Employee qualifications and training
Transportation of product including packaging of product for transportation	Transportation of product	<u>Transportation of product</u>
Destruction of waste product	Destruction of waste product	Destruction of waste product
Description of growing operation including growing media, size of grow space allocated for plant production, space allocated for any other business activity, description of all equipment used in the production process, and a list of soil amendments, fertilizers, other crop production aids, or pesticides, utilized in the production process	Description of the types of products to be processed at this location together with a complete description of all equipment <u>to include all marijuana-infused edible processing facility equipment</u> and solvents, gases, chemicals and other compounds used to create extracts and for processing of marijuana-infused products	
Testing procedures and protocols	Testing procedures and protocols	
	Description of the types of products to be processed at this location together with a complete description of processing of marijuana-infused products	
	Description of packaging and labeling of products to be processed	
		What array of products are to be sold and how are the products to be displayed to consumers

After obtaining a license, the license holder must notify the board in advance of any substantial change in their operating plan. Depending on the degree of change, prior approval may be required before the change is implemented.

(10) Applicants applying for a marijuana license must be current in any tax obligations to the Washington state department of revenue, as an individual or as part of any entity in which they have an ownership interest. Applicants must sign an attestation that, under penalty of denial or loss of licensure, that representation is correct.

(11) The issuance or approval of a license shall not be construed as a license for, or an approval of, any violations of local rules or ordinances including, but not limited to: Building and fire codes, zoning ordinances, and business licensing requirements.

(12) Upon failure to respond to the board licensing and regulation division's requests for information within the timeline provided, the application may be administratively closed or denial of the application will be sought.

AMENDATORY SECTION (Amending WSR 13-21-104, filed 10/21/13, effective 11/21/13)

WAC 314-55-040 What criminal history might prevent a marijuana license applicant from receiving or keeping a marijuana license? (1) When the board processes a criminal history check on an applicant, it uses a point system to determine if the person qualifies for a license. The board will not normally issue a marijuana license or renew a

license to an applicant who has accumulated eight or more points as indicated below:

Description	Time period during which points will be assigned	Points assigned
Felony conviction	Ten years	12 points
Gross misdemeanor conviction	Three years	5 points
Misdemeanor conviction	Three years	4 points
Currently under federal or state supervision for a felony conviction	n/a	8 points
Nondisclosure of any of the above	n/a	4 points each

(2) If a case is pending for an alleged offense that would earn eight or more points, the board will hold the application for the disposition of the case. If the disposition is not settled within ninety days, the board will administratively close the application.

(3) The board may not issue a marijuana license to anyone who has accumulated eight or more points as referenced above. This is a discretionary threshold and it is further recommended that the following exceptions to this standard be applied:

Exception to criminal history point assignment. (~~(This exception to the criminal history point assignment will expire on July 1, 2014.)~~)

(a) Prior to initial license application, two federal or state misdemeanor convictions for the possession only of marijuana within the previous three years may not be applicable to the criminal history points accumulated. All criminal history must be reported on the personal/criminal history form.

(i) Regardless of applicability, failure to disclose full criminal history will result in point accumulation;

(ii) State misdemeanor possession convictions accrued after December 6, 2013, exceeding the allowable amounts of marijuana, usable marijuana, and marijuana-infused products described in chapter 69.50 RCW shall count toward criminal history point accumulation.

(b) Prior to initial license application, any single state or federal conviction for the growing, possession, or sale of marijuana will be considered for mitigation on an individual basis. Mitigation will be considered based on the quantity of product involved and other circumstances surrounding the conviction.

(4) Once licensed, marijuana licensees must report any criminal convictions to the board within fourteen days.

AMENDATORY SECTION (Amending WSR 14-10-044, filed 4/30/14, effective 5/31/14)

WAC 314-55-075 What is a marijuana producer license and what are the requirements and fees related to a marijuana producer license? (1) A marijuana producer license allows the licensee to produce, harvest, trim, dry, cure, and package marijuana into lots for sale at wholesale to marijuana processor licensees and to other marijuana producer licensees. A marijuana producer can also produce and sell marijuana plants, seed, and plant tissue culture to other marijuana producer licensees. Marijuana production must take place within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors. Outdoor production may take place in nonrigid greenhouses, other structures, or an expanse of open or cleared ground fully enclosed by a physical barrier. To obscure public view of the premises, outdoor production must be enclosed by a sight obscure wall or fence at least eight feet high. Outdoor producers must meet security requirements described in WAC 314-55-083.

(2) The application fee for a marijuana producer license is two hundred fifty dollars. The applicant is also responsible for paying the fees required by the approved vendor for fingerprint evaluation.

(3) The annual fee for issuance and renewal of a marijuana producer license is one thousand dollars. The board will conduct random criminal history checks at the time of renewal that will require the licensee to submit fingerprints for evaluation from the approved vendor. The licensee will be responsible for all fees required for the criminal history checks.

(4) The board will initially limit the opportunity to apply for a marijuana producer license to a thirty-day calendar window beginning with the effective date of this section. In order for a marijuana producer application license to be considered it must be received no later than thirty days after the effective

date of the rules adopted by the board. The board may reopen the marijuana producer application window after the initial evaluation of the applications received and at subsequent times when the board deems necessary.

(5) Any entity and/or principals within any entity are limited to no more than three marijuana producer licenses.

(6) The maximum amount of space for marijuana production is initially limited to two million square feet, to be increased based on marketplace demand, but not to exceed eight and one-half million square feet without board approval. Applicants must designate on their operating plan the size category of the production premises and the amount of actual square footage in their premises that will be designated as plant canopy. There are three categories as follows:

(a) Tier 1 - Less than two thousand square feet;

(b) Tier 2 - Two thousand square feet to ten thousand square feet; and

(c) Tier 3 - Ten thousand square feet to thirty thousand square feet.

(7) The board may reduce a licensee's or applicant's square footage designated to plant canopy for the following reasons:

(a) If the amount of square feet of production of all licensees exceeds the maximum of two million square feet the board will reduce the allowed square footage by the same percentage.

(b) If fifty percent production space used for plant canopy in the licensee's operating plan is not met by the end of the first year of operation the board may reduce the tier of licensure.

(8) If the total amount of square feet of marijuana production exceeds two million square feet, the board reserves the right to reduce all licensee's production by the same percentage or reduce licensee production by one or more tiers by the same percentage.

(9) The maximum allowed amount of marijuana on a producer's premises at any time is as follows:

(a) Outdoor or greenhouse grows - One and one-quarter of a year's harvest; or

(b) Indoor grows - Six months of their annual harvest.

AMENDATORY SECTION (Amending WSR 14-10-044, filed 4/30/14, effective 5/31/14)

WAC 314-55-077 What is a marijuana processor license and what are the requirements and fees related to a marijuana processor license? (1) A marijuana processor license allows the licensee to process, dry, cure, package, and label usable marijuana, marijuana concentrates, and marijuana-infused products for sale at wholesale to marijuana processors and marijuana retailers.

(2) A marijuana processor is allowed to blend tested (~~(usable)~~) usable marijuana from multiple lots into a single package for sale to a marijuana retail licensee providing the label requirements for each lot used in the blend are met and the percentage by weight of each lot is also included on the label.

(3) A marijuana processor licensee must obtain approval from the liquor control board for all marijuana-infused products, labeling, and packaging prior to offering these items for

sale to a marijuana retailer. The marijuana processor licensee must submit a picture of the product, labeling, and packaging to the liquor control board for approval.

If the liquor control board denies a marijuana-infused product for sale in marijuana retail outlets, the marijuana processor licensee may request an administrative hearing per chapter 34.05 RCW, Administrative Procedure Act.

(4) Marijuana-infused edible products in solid form must meet the following requirements:

(a) If there is more than one serving in the package, each serving must be packaged individually in childproof packaging (see WAC 314-55-105(7)) and placed in the outer package.

(b) The label must prominently display the number of servings in the package.

(c) Marijuana-infused solid edible products must be homogenized to ensure uniform disbursement of cannabinoids throughout the product.

(d) All marijuana-infused solid edibles must prominently display on the label "This product contains marijuana."

(5) Marijuana-infused edible products in liquid form must meet the following requirements:

(a) If there is more than one serving in the package, a measuring device must be included in the package with the product.

(b) The label must prominently display the number of servings in the package and the amount of product per serving.

(c) Marijuana-infused liquid edibles must be homogenized to ensure uniform disbursement of cannabinoids throughout the product.

(d) All marijuana-infused liquid edibles must prominently display on the label "This product contains marijuana."

(6) A marijuana processor is limited in the types of food or drinks they may infuse with marijuana (~~to create an infused edible product~~). Marijuana-infused products that are especially appealing to children are prohibited. Marijuana-infused edible products such as, but not limited to, gummy candies, lollipops, cotton candy, or brightly colored products, are prohibited.

(a) To reduce the risk to public health, (~~food defined as~~) potentially hazardous foods as defined in WAC (~~246-215-0115(88)~~) 246-215-01115 may not be infused with marijuana. (~~These foods are~~) Potentially hazardous (~~as they~~) foods require time-temperature control to keep them safe for human consumption and prevent the growth of pathogenic microorganisms or the production of toxins. (~~The board may designate other food items that may not be infused with marijuana.~~) Any food that requires refrigeration, freezing, or a hot holding unit to keep it safe for human consumption may not be infused with marijuana.

(~~(4)~~) (b) Other food items that may not be infused with marijuana to be sold in a retail store are:

(i) Any food that has to be acidified to make it shelf stable;

(ii) Food items made shelf stable by canning or retorting;

(iii) Fruit or vegetable juices (this does not include shelf stable concentrates);

(iv) Fruit or vegetable butters;

(v) Pumpkin pies, custard pies, or any pies that contain egg;

(vi) Dairy products of any kind such as butter, cheese, ice cream, or milk; and

(vii) Dried or cured meats.

(c) Vinegars and oils derived from natural sources may be infused with dried marijuana if all plant material is subsequently removed from the final product. Vinegars and oils may not be infused with any other substance, including herbs and garlic.

(d) Marijuana-infused jams and jellies made from scratch must utilize a standardized recipe in accordance with 21 C.F.R. Part 150, revised as of April 1, 2013.

(e) Per WAC 314-55-104, a marijuana processor may infuse dairy butter or fats derived from natural sources and use that extraction to prepare allowable marijuana-infused solid or liquid products meant to be ingested orally, but the dairy butter or fats derived from natural sources may not be sold as stand-alone products.

(f) The liquor control board may designate other food items that may not be infused with marijuana.

(7) The recipe for any (~~food infused with marijuana to make an edible product~~) marijuana-infused solid or liquid products meant to be ingested orally must be kept on file at the marijuana (~~producer's~~) processor's licensed premises and made available for inspection by the (~~WSLCB or their~~) liquor control board or its designee.

(~~(5)~~) (8) The application fee for a marijuana processor license is two hundred fifty dollars. The applicant is also responsible for paying the fees required by the approved vendor for fingerprint evaluation.

(~~(6)~~) (9) The annual fee for issuance and renewal of a marijuana processor license is one thousand dollars. The board will conduct random criminal history checks at the time of renewal that will require the licensee to submit fingerprints for evaluation from the approved vendor. The licensee will be responsible for all fees required for the criminal history checks.

(~~(7)~~) (10) A marijuana processor producing a marijuana-infused solid or liquid product meant to be ingested orally in a processing facility as required in WAC 314-55-015(10) must pass a processing facility inspection. Ongoing annual processing facility compliance inspections may be required. The liquor control board will contract with the department of agriculture to conduct required processing facility inspections. All costs of inspections are borne by the licensee and the hourly rate for inspection is sixty dollars. A licensee must allow the liquor control board or their designee to conduct physical visits and inspect the processing facility, recipes and required records per WAC 314-55-087 during normal business hours or at any time of apparent operation without advance notice. Failure to pay for the processing facility inspection or to follow the processing facility requirements outlined in this section and WAC 314-55-015 will be sufficient grounds for the board to suspend or revoke a marijuana license.

(11) The board will initially limit the opportunity to apply for a marijuana processor license to a thirty-day calendar window beginning with the effective date of this section. In order for a marijuana processor application license to be

considered it must be received no later than thirty days after the effective date of the rules adopted by the board. The board may reopen the marijuana processor application window after the initial evaluation of the applications that are received and processed, and at subsequent times when the board deems necessary.

~~((8))~~ (12) Any entity and/or principals within any entity are limited to no more than three marijuana processor licenses.

~~((9))~~ (13) Marijuana processor licensees are allowed to have a maximum of six months of their average ~~((useable))~~ usable marijuana and six months average of their total production on their licensed premises at any time.

~~((10))~~ (14) A marijuana processor must accept returns of products and sample jars from marijuana retailers for destruction, but is not required to provide refunds to the retailer. It is the responsibility of the retailer to ensure the product or sample jar is returned to the processor.

AMENDATORY SECTION (Amending WSR 14-10-044, filed 4/30/14, effective 5/31/14)

WAC 314-55-079 What is a marijuana retailer license and what are the requirements and fees related to a marijuana retailer license? (1) A marijuana retailer license allows the licensee to sell only usable marijuana, marijuana concentrates, marijuana-infused products, and marijuana paraphernalia at retail in retail outlets to persons twenty-one years of age and older.

(2) ~~((Marijuana extracts, such as hash, hash oil, shatter, and wax can be infused in products sold in a marijuana retail store, but RCW 69.50.354 does not allow the sale of extracts that are not infused in products. A marijuana extract does not meet the definition of a marijuana infused product per RCW 69.50.101.))~~ Marijuana-infused products listed in WAC 314-55-077(6) are prohibited for sale by a marijuana retail licensee.

(3) Internet sales and delivery of product to customers is prohibited.

(4) The application fee for a marijuana retailer's license is two hundred fifty dollars. The applicant is also responsible for paying the fees required by the approved vendor for fingerprint evaluation.

(5) The annual fee for issuance and renewal of a marijuana retailer's license is one thousand dollars. The board will conduct random criminal history checks at the time of renewal that will require the licensee to submit fingerprints for evaluation from the approved vendor. The licensee will be responsible for all fees required for the criminal history checks.

(6) Marijuana retailers may not sell marijuana products below ~~((their))~~ the current acquisition cost.

(7) Marijuana retailer licensees are allowed to have a maximum of four months of their average inventory on their licensed premises at any given time.

(8) A marijuana retailer may transport product to other locations operated by the licensee or to return product to a marijuana processor as outlined in the transportation rules in WAC 314-55-085.

(9) A marijuana retailer may ~~((not))~~ only accept ~~((#))~~ returns of ~~((product that has been opened))~~ marijuana products containing defective electronic components. Products must be returned in their original packaging with the lot, batch, or inventory ID number fully legible.

AMENDATORY SECTION (Amending WSR 14-07-116, filed 3/19/14, effective 4/19/14)

WAC 314-55-083 What are the security requirements for a marijuana licensee? The security requirements for a marijuana licensee are as follows:

(1) **Display of identification badge.** All employees on the licensed premises shall be required to hold and properly display an identification badge issued by the licensed employer at all times while on the licensed premises. All non-employee visitors to the licensed premises, other than retail store customers, shall be required to hold and properly display an identification badge issued by the licensee at all times while on the licensed premises. A log must be kept and maintained showing the full name of each visitor entering the licensed premises, badge number issued, the time of arrival, time of departure, and the purpose of the visit. All log records must be maintained on the licensed premises for a period of three years and are subject to inspection by any liquor control board employee or law enforcement officer, and must be copied and provided to the liquor control board or law enforcement officer upon request.

(2) **Alarm systems.** At a minimum, each licensed premises must have a security alarm system on all perimeter entry points and perimeter windows. Motion detectors, pressure switches, duress, panic, and hold-up alarms may also be utilized.

(3) **Surveillance system.** At a minimum, a licensed premises must have a complete video surveillance system with minimum camera resolution of 640x470 ((pixel and)) pixels or pixel equivalent for analog. The surveillance system storage device and/or the cameras must be internet protocol (IP) compatible ((and recording system for controlled areas within the licensed premises and entire perimeter fencing and gates enclosing an outdoor grow operation, to ensure control of the area. The requirements include image acquisition, video recording, management and monitoring hardware and support systems)). All cameras must be fixed and placement shall allow for the clear and certain identification of any person and activities in controlled areas of the licensed premises. All entrances and exits to an indoor facility shall be recorded from both indoor and outdoor, or ingress and egress vantage points. All cameras must record continuously twenty-four hours per day and at a minimum of ten frames per second. The surveillance system storage device must be secured on the licensed premises in a lockbox, cabinet, closet, or secured in another manner to protect from employee tampering or criminal theft. All surveillance recordings must be kept for a minimum of forty-five days on the licensee's recording device. All videos are subject to inspection by any liquor control board employee or law enforcement officer, and must be copied and provided to the liquor control board or law enforcement officer upon request. All recorded images must clearly and accurately display the time and date. Time is to be

measured in accordance with the U.S. National Institute Standards and Technology standards.

(a) ~~((All controlled access areas, security rooms/areas and all points of ingress/egress to limited access areas, all points of ingress/egress to the exterior of the licensed premises, and all point-of-sale (POS) areas must have fixed camera coverage capable of identifying activity occurring within a minimum of twenty feet of all entry and exit points.~~

(b) Camera placement shall allow for the clear and certain identification of any individual on the licensed premises.

~~(c) All entrances and exits to the facility shall be recorded from both indoor and outdoor vantage points, and capable of clearly identifying any activities occurring within the facility or within the grow rooms in low light conditions. The surveillance system storage device must be secured on-site in a lock box, cabinet, closet, or secured in another manner to protect from employee tampering or criminal theft.~~

~~(d) All perimeter fencing and gates enclosing an outdoor grow operation must have full video surveillance capable of clearly identifying any activities occurring within twenty feet of the exterior of the perimeter. Any gate or other entry point that is part of the enclosure for an outdoor growing operation must have fixed camera coverage capable of identifying activity occurring within a minimum of twenty feet of the exterior, twenty-four hours a day. A motion detection lighting system may be employed to illuminate the gate area in low light conditions.~~

~~(e) Areas where marijuana is grown, cured or manufactured including destroying waste, shall have a camera placement in the room facing the primary entry door, and in adequate fixed positions, at a height which will provide a clear, unobstructed view of the regular activity without a sight blockage from lighting hoods, fixtures, or other equipment, allowing for the clear and certain identification of persons and activities at all times.~~

~~(f)) Controlled areas include:~~

~~(i) Any area within an indoor, greenhouse or outdoor room or area where marijuana is grown, or marijuana or marijuana waste is being moved within, processed, stored, or destroyed. Rooms or areas where marijuana or marijuana waste is never present are not considered control areas and do not require camera coverage.~~

~~(ii) All point-of-sale (POS) areas.~~

~~(iii) Twenty feet of the exterior of the perimeter of all required fencing and gates enclosing an outdoor grow operation. Any gate or other entry point that is part of the required enclosure for an outdoor growing operation must be lighted in low-light conditions. A motion detection lighting system may be employed to light the gate area in low-light conditions.~~

~~(iv) Any room or area storing a surveillance system storage device.~~

~~(b) All marijuana, marijuana concentrates, or marijuana-infused products that are intended to be removed or transported ~~((from marijuana producer to marijuana processor and/or marijuana processor to marijuana retailer))~~ between two licensed premises shall be staged in an area known as the "quarantine" location for a minimum of twenty-four hours. Transport manifest with product information and weights must be affixed to the product. At no time during the quaran-~~

fine period can the product be handled or moved under any circumstances and is subject to auditing by the liquor control board or designees.

~~((g) All camera recordings must be continuously recorded twenty-four hours a day. All surveillance recordings must be kept for a minimum of forty-five days on the licensee's recording device. All videos are subject to inspection by any liquor control board employee or law enforcement officer, and must be copied and provided to the board or law enforcement officer upon request.))~~

(4) **Traceability:** To prevent diversion and to promote public safety, marijuana licensees must track marijuana from seed to sale. Licensees must provide the required information on a system specified by the board. All costs related to the reporting requirements are borne by the licensee. Marijuana seedlings, clones, plants, lots of usable marijuana or trim, leaves, and other plant matter, batches of extracts, marijuana-infused products, samples, and marijuana waste must be traceable from production through processing, and finally into the retail environment including being able to identify which lot was used as base material to create each batch of extracts or infused products. The following information is required and must be kept completely up-to-date in a system specified by the board:

(a) Key notification of "events," such as when a plant enters the system (moved from the seedling or clone area to the vegetation production area at a young age);

(b) When plants are to be partially or fully harvested or destroyed;

(c) When a lot or batch of marijuana, marijuana extract, marijuana concentrates, marijuana-infused product, or marijuana waste is to be destroyed;

(d) When usable marijuana, marijuana concentrates, or marijuana-infused products are transported;

(e) Any theft of usable marijuana, marijuana seedlings, clones, plants, trim or other plant material, extract, infused product, seed, plant tissue or other item containing marijuana;

(f) There is a seventy-two hour mandatory waiting period after the notification described in this subsection is given before any plant may be destroyed, a lot or batch of marijuana, marijuana extract, marijuana-infused product, or marijuana waste may be destroyed;

(g) There is a twenty-four hour mandatory waiting period after the notification described in this subsection to allow for inspection before ~~((a lot))~~ marijuana plants, seeds, plant tissue cultures, or lots of marijuana ~~((is))~~ are transported from a producer to another producer or to a processor;

(h) There is a twenty-four hour mandatory waiting period after the notification described in this subsection to allow for inspection before usable marijuana, marijuana concentrates, or marijuana-infused products are transported from a processor to another processor or to a retailer;

(i) Prior to reaching eight inches in height or width, each marijuana plant must be tagged and tracked individually, which typically should happen when a plant is moved from the seed germination or clone area to the vegetation production area;

(j) A complete inventory of all marijuana, seeds, plant tissue, seedlings, clones, all plants, lots of usable marijuana

or trim, leaves, and other plant matter, batches of extract, marijuana concentrates, marijuana-infused products, and marijuana waste;

(k) All point of sale records;

(l) Marijuana excise tax records;

(m) All samples sent to an independent testing lab, any sample of unused portion of a sample returned to a licensee, and the quality assurance test results;

(n) All free samples provided to another licensee for purposes of negotiating a sale;

(o) All samples used for testing for quality by the producer or processor;

(p) Samples containing usable marijuana provided to retailers;

(q) Samples provided to the board or their designee for quality assurance compliance checks; and

(r) Other information specified by the board.

(5) Start-up inventory for marijuana producers.

Within fifteen days of starting production operations a producer must have all nonflowering marijuana plants physically on the licensed premises. The producer must, within twenty-four hours, record each marijuana plant that enters the facility in the traceability system during this fifteen day time frame. No flowering marijuana plants may be brought into the facility during this fifteen day time frame. After this fifteen day time frame expires, a producer may only start plants from seed or create clones from a marijuana plant located physically on their licensed premises, or purchase marijuana seeds, clones, or plants from another licensed producer.

(6) Samples. Free samples of usable marijuana may be provided by producers or processors, or used for product quality testing, as set forth in this section.

(a) Samples are limited to two grams and a producer may not provide any one licensed processor more than four grams of usable marijuana per month free of charge for the purpose of negotiating a sale. The producer must record the amount of each sample and the processor receiving the sample in the traceability system. The outgoing sample must be clearly labeled as a sample to negotiate a sale and recorded on a transport manifest. The receiving licensee must receive the sample in the traceability system prior to sampling.

(b) Samples are limited to two grams and a processor may not provide any one licensed retailer more than four grams of usable marijuana per month free of charge for the purpose of negotiating a sale. The processor must record the amount of each sample and the retailer receiving the sample in the traceability system. The outgoing sample must be clearly labeled as a sample to negotiate a sale and recorded on a transport manifest. The receiving licensee must receive the sample in the traceability system prior to sampling.

(c) Samples are limited to two units and a processor may not provide any one licensed retailer more than six ounces of marijuana infused in solid form per month free of charge for the purpose of negotiating a sale. The processor must record the amount of each sample and the retailer receiving the sample in the traceability system. The outgoing sample must be clearly labeled as a sample to negotiate a sale and recorded on a transport manifest. The receiving licensee must receive the sample in the traceability system prior to sampling.

(d) Samples are limited to two units and a processor may not provide any one licensed retailer more than twenty-four ounces of marijuana-infused liquid per month free of charge for the purpose of negotiating a sale. The processor must record the amount of each sample and the retailer receiving the sample in the traceability system. The outgoing sample must be clearly labeled as a sample to negotiate a sale and recorded on a transport manifest. The receiving licensee must receive the sample in the traceability system prior to sampling.

(e) Samples are limited to one-half gram and a processor may not provide any one licensed retailer more than one gram of marijuana-infused extract meant for inhalation per month free of charge for the purpose of negotiating a sale. The processor must record the amount of each sample and the retailer receiving the sample in the traceability system. The outgoing sample must be clearly labeled as a sample to negotiate a sale and recorded on a transport manifest. The receiving licensee must receive the sample in the traceability system prior to sampling.

(f) Producers may sample one gram of usable marijuana per strain, per month for quality sampling. Sampling for quality may not take place at a licensed premises. Only the producer or employees of the licensee may sample the usable marijuana for quality. The producer must record the amount of each sample and the employee(s) conducting the sampling in the traceability system.

(g) Processors may sample one unit, per batch of a new edible marijuana-infused product to be offered for sale on the market. Sampling for quality may not take place at a licensed premises. Only the processor or employees of the licensee may sample the edible marijuana-infused product. The processor must record the amount of each sample and the employee(s) conducting the sampling in the traceability system.

(h) Processors may sample up to one quarter gram, per batch of a new marijuana-infused extract for inhalation to be offered for sale on the market. Sampling for quality may not take place at a licensed premises. Only the processor or employee(s) of the licensee may sample the marijuana-infused extract for inhalation. The processor must record the amount of each sample and the employee(s) conducting the sampling in the traceability system.

(i) The limits described in subsection ((3)) (6) of this section do not apply to the usable marijuana in sample jars that may be provided to retailers described in WAC 314-55-105(8).

(j) Retailers may not provide free samples to customers.

AMENDATORY SECTION (Amending WSR 14-10-044, filed 4/30/14, effective 5/31/14)

WAC 314-55-085 What are the transportation requirements for a marijuana licensee? (1) **Notification of shipment.** Upon transporting any marijuana or marijuana product, a producer, processor, retailer, or certified third-party testing lab shall notify the board of the type and amount and/or weight of marijuana and/or marijuana products being transported, the name of transporter, information about the transporting vehicle, times of departure and expected deliv-

ery. This information must be reported in the traceability system described in WAC 314-55-083(4).

(2) **Receipt of shipment.** Upon receiving the shipment, the licensee or certified third-party lab receiving the product shall report the amount and/or weight of marijuana and/or marijuana products received in the traceability system.

(3) **Transportation manifest.** A complete printed transport manifest on a form provided by the board containing all information required by the board must be kept with the product at all times.

(4) **Records of transportation.** Records of all transportation must be kept for a minimum of three years at the licensee's location and are subject to inspection.

(5) **Transportation of product.** Marijuana or marijuana products that are being transported must meet the following requirements:

(a) Only the marijuana licensee, an employee of the licensee, or a certified testing lab may transport product;

(b) Marijuana or marijuana products must be in a sealed package or container approved by the board pursuant to WAC 314-55-105;

(c) Sealed packages or containers cannot be opened during transport;

(d) Marijuana or marijuana products must be in a locked, safe and secure storage compartment that is secured to the inside body/compartments of the vehicle transporting the marijuana or marijuana products;

(e) Any vehicle transporting marijuana or marijuana products must travel directly from the shipping licensee to the receiving licensee and must not make any unnecessary stops in between except to other facilities receiving product;

(f) Live plants may be transported in a fully enclosed, windowless locked trailer, or in a secured area within the inside body/compartments of a van or box truck. A secured area is defined as an area where solid or locking metal partitions, cages, or high strength shatterproof acrylic can be used to create a secure compartment in the fully enclosed van or box truck. The secure compartment in the fully enclosed van or box truck must be free of windows. Live plants may not be transported in the bed of a pickup truck, a sports utility vehicle, or passenger car.

(6) For purposes of this chapter, any vehicle assigned for the purposes of transporting marijuana, usable marijuana, marijuana concentrates, or marijuana-infused products shall be considered an extension of the licensed premises and subject to inspection by enforcement officers of the liquor control board. Vehicles assigned for transportation may be stopped and inspected by a liquor enforcement officer at any licensed location, or while en route during transportation.

AMENDATORY SECTION (Amending WSR 13-21-104, filed 10/21/13, effective 11/21/13)

WAC 314-55-086 What are the mandatory signs a marijuana licensee must post on a licensed premises? (1) Notices regarding persons under twenty-one years of age must be conspicuously posted on the premises as follows:

Type of licensee	Sign must contain the following language:	Required location of sign
Marijuana producer, marijuana processor, and marijuana retailer	"Persons under twenty-one years of age not permitted on these premises."	Conspicuous location at each entry to premises.

The board will provide the required notices, or licensees may design their own notices as long as they are legible and contain the required language.

(2) **Signs provided by the board prohibiting opening a package of marijuana or marijuana-infused product in public or consumption of marijuana or marijuana-infused products in public,** must be posted as follows:

Type of premises	Required location of sign
Marijuana retail	Posted in plain view at the main entrance to the establishment.

(3) **The premises' current and valid master license with appropriate endorsements** must be conspicuously posted on the premises and available for inspection by liquor enforcement officers.

(4) Firearms prohibited signs provided by the board must be posted at the entrance of each producer, processor, and retailer licensed location.

AMENDATORY SECTION (Amending WSR 14-10-044, filed 4/30/14, effective 5/31/14)

WAC 314-55-089 What are the tax and reporting requirements for marijuana licensees? (1) Marijuana licensees must submit monthly report(s) and payments to the board. The required monthly reports must be:

(a) On a form or electronic system designated by the board;

(b) Filed every month, including months with no activity or payment due;

(c) Submitted, with payment due, to the board on or before the twentieth day of each month, for the previous month. (For example, a report listing transactions for the month of January is due by February 20th.) When the twentieth day of the month falls on a Saturday, Sunday, or a legal holiday, the filing must be postmarked by the U.S. Postal Service no later than the next postal business day;

(d) Filed separately for each marijuana license held; and

(e) All records must be maintained and available for review for a three-year period on licensed premises (see WAC 314-55-087).

(2) **Marijuana producer licensees:** On a monthly basis, marijuana producers must maintain records and report purchases from other licensed marijuana producers, current production and inventory on hand, sales by product type, and lost and destroyed product in a manner prescribed by the board.

A marijuana producer licensee must pay to the board a marijuana excise tax of twenty-five percent of the selling

price on each wholesale sale to a licensed marijuana processor or producer.

(3) **Marijuana processor licensees:** On a monthly basis, marijuana processors must maintain records and report purchases from licensed marijuana producers, other marijuana processors, production of marijuana-infused products, sales by product type to marijuana retailers, and lost and/or destroyed product in a manner prescribed by the board.

A marijuana processor licensee must pay to the board a marijuana excise tax of twenty-five percent of the selling price on each wholesale sale of usable marijuana, marijuana concentrates, and marijuana-infused product to a licensed marijuana retailer.

(4) **Marijuana retailer's licensees:** On a monthly basis, marijuana retailers must maintain records and report purchases from licensed marijuana processors, sales by product type to consumers, and lost and/or destroyed product in a manner prescribed by the board.

A marijuana retailer licensee must pay to the board a marijuana excise tax of twenty-five percent of the selling price on each retail sale of usable marijuana (~~(€)~~), marijuana concentrates, and marijuana-infused products.

AMENDATORY SECTION (Amending WSR 13-21-104, filed 10/21/13, effective 11/21/13)

WAC 314-55-095 Marijuana servings and transaction limitations. Marijuana dosage and transaction limitations are as follows:

(1) **Single serving.** A single serving of a marijuana-infused product (~~(amounts to)~~) must not exceed ten milligrams active tetrahydrocannabinol (THC), or Delta 9,

(2) **Maximum number of servings.** The maximum number of servings in any one single unit of marijuana-infused product meant to be eaten or swallowed is ten servings or one hundred milligrams of active THC, or Delta 9, whichever is less. A single unit of (~~(marijuana-infused extract for inhalation)~~) marijuana concentrate cannot exceed one gram.

(3) **Transaction limitation.** A single transaction is limited to one ounce of usable marijuana, sixteen ounces of marijuana-infused product meant to be eaten or swallowed in solid form, seven grams of (~~(marijuana-infused extract for inhalation)~~) marijuana-infused extract or marijuana concentrate for inhalation, and seventy-two ounces of marijuana-infused product in liquid form meant to be eaten or swallowed for persons twenty-one years of age and older.

AMENDATORY SECTION (Amending WSR 13-21-104, filed 10/21/13, effective 11/21/13)

WAC 314-55-097 Marijuana waste disposal—Liquids and solids. (1) Solid and liquid wastes generated during marijuana production and processing must be stored, managed, and disposed of in accordance with applicable state and local laws and regulations.

(2) Wastewater generated during marijuana production and processing must be disposed of in compliance with applicable state and local laws and regulations.

(3) Wastes from the production and processing of marijuana plants must be evaluated against the state's dangerous

waste regulations (chapter 173-303 WAC) to determine if those wastes designate as dangerous waste. It is the responsibility of each waste generator to properly evaluate their waste to determine if it designates as a dangerous waste. If a generator's waste does designate as a dangerous waste, then that waste(s) is subject to the applicable management standards found in chapter 173-303 WAC.

(a) Wastes that must be evaluated against the dangerous waste regulations include, but are not limited to, the following:

(i) Waste from marijuana flowers, trim and solid plant material used to create an extract (per WAC (~~(315-55-104)~~) 314-55-104).

(ii) Waste solvents used in the marijuana process (per WAC (~~(315-55-104)~~) 314-55-104).

(iii) Discarded plant waste, spent solvents and laboratory wastes from any marijuana processing or quality assurance testing.

(iv) Marijuana extract that fails to meet quality testing.

(b) Marijuana wastes that do not designate as dangerous shall be managed in accordance with subsection (4) of this section.

(c) A marijuana plant, usable marijuana, trim and other plant material in itself is not considered dangerous waste as defined under chapter 173-303 WAC unless it has been treated or contaminated with a solvent.

(4) Marijuana waste that does not designate as dangerous waste (per subsection (3) of this section) must be rendered unusable following the methods in subsection (5) of this section prior to leaving a licensed producer, processor, (~~(retail facility)~~) or laboratory. Disposal of the marijuana waste rendered unusable must follow the methods under subsection (6) of this section.

(a) Wastes that must be rendered unusable prior to disposal include, but are not limited to, the following:

(i) Waste evaluated per subsection (3) of this section and determined to not designate as "Dangerous Waste."

(ii) Marijuana plant waste, including roots, stalks, leaves, and stems that have not been processed with solvent.

(iii) Solid marijuana sample plant waste possessed by third-party laboratories accredited by the board to test for quality assurance that must be disposed of.

(iv) Other wastes as determined by the LCB.

(b) A producer or processor must provide the board a minimum of seventy-two hours notice in the traceability system described in WAC 314-55-083(4) prior to rendering the product unusable and disposing of it.

(5) The allowable method to render marijuana plant waste unusable is by grinding and incorporating the marijuana plant waste with other ground materials so the resulting mixture is at least fifty percent nonmarijuana waste by volume. Other methods to render marijuana waste unusable must be approved by LCB before implementation.

Material used to grind with the marijuana falls into two categories: Compostable waste and noncompostable waste.

(a) Compostable mixed waste: Marijuana waste to be disposed as compost feedstock or in another organic waste method (for example, anaerobic digester) may be mixed with the following types of waste materials:

(i) Food waste;

- (ii) Yard waste;
- (iii) Vegetable based grease or oils; or
- (iv) Other wastes as approved by the LCB.

(b) Noncompostable mixed waste: Marijuana waste to be disposed in a landfill or another disposal method (for example, incinerator) may be mixed with the following types of waste materials:

- (i) Paper waste;
- (ii) Cardboard waste;
- (iii) Plastic waste;
- (iv) Soil; or
- (v) Other wastes as approved by the LCB.

(6) Marijuana wastes rendered unusable following the method described in subsection (4) of this section can be disposed.

(a) Disposal of the marijuana waste rendered unusable may be delivered to a permitted solid waste facility for final disposition. Examples of acceptable permitted solid waste facilities include:

(i) Compostable mixed waste: Compost, anaerobic digester, or other facility with approval of the jurisdictional health department.

(ii) Noncompostable mixed waste: Landfill, incinerator, or other facility with approval of the jurisdictional health department.

(b) Disposal of the marijuana waste rendered unusable may be managed on-site by the generator in accordance with the standards of chapter 173-350 WAC.

(c) A record of the final destination of marijuana waste rendered unusable.

AMENDATORY SECTION (Amending WSR 14-07-116, filed 3/19/14, effective 4/19/14)

WAC 314-55-102 Quality assurance testing. (1) A third-party testing lab must be certified by the board or their vendor as meeting the board's accreditation and other requirements prior to conducting required quality assurance tests. Certified labs will receive a certification letter from the board and must conspicuously display this letter in the lab in plain sight of the customers. The board can summarily suspend a lab's certification if a lab is found out of compliance with the requirements of WAC 314-55-102.

(2) A person with financial interest in a certified third-party testing lab may not have direct or indirect financial interest in a licensed marijuana producer or processor for whom they are conducting required quality assurance tests. A person with direct or indirect financial interest in a certified third-party testing lab must disclose to the board by affidavit any direct or indirect financial interest in a licensed marijuana producer or processor.

(3) As a condition of certification, each lab must employ a scientific director responsible to ensure the achievement and maintenance of quality standards of practice. The scientific director shall meet the following minimum qualifications:

(a) Has earned, from a college or university accredited by a national or regional certifying authority a doctorate in the chemical or biological sciences and a minimum of two years' post-degree laboratory experience; or

(b) Has earned a master's degree in the chemical or biological sciences and has a minimum of four years' of post-degree laboratory experience; or

(c) Has earned a bachelor's degree in the chemical or biological sciences and has a minimum of six years of post-education laboratory experience.

(4) As a condition of certification, labs must follow the most current version of the Cannabis Inflorescence and Leaf monograph published by the *American Herbal Pharmacopoeia* or notify the board what alternative scientifically valid testing methodology the lab is following for each quality assurance test. The board may require third-party validation of any monograph or analytical method followed by the lab to ensure the methodology produces scientifically accurate results prior to them using those standards when conducting required quality assurance tests.

(5) As a condition of certification, the board may require third-party validation and ongoing monitoring of a lab's basic proficiency to correctly execute the analytical methodologies employed by the lab. The board may contract with a vendor to conduct the validation and ongoing monitoring described in this subsection. The lab shall pay all vendor fees for validation and ongoing monitoring directly to the vendor.

(6) The lab must allow the board or their vendor to conduct physical visits and inspect related laboratory equipment, testing and other related records during normal business hours without advance notice.

(7) Labs must adopt and follow minimum good lab practices (GLPs), and maintain internal standard operating procedures (SOPs), and a quality control/quality assurance (QC/QA) program as specified by the board. The board or authorized third-party organization can conduct audits of a lab's GLPs, SOPs, QC/QA, and inspect all other related records.

(8) The general body of required quality assurance tests for marijuana flowers and infused products may include moisture content, potency analysis, foreign matter inspection, microbiological screening, pesticide and other chemical residue and metals screening, and residual solvents levels.

(9) Table of required quality assurance tests defined in the most current version of the *Cannabis Inflorescence and Leaf* monograph published by the *American Herbal Pharmacopoeia*.

(a) Marijuana flower lots and other material lots require the following quality assurance tests:

Product	Test(s) Required	Maximum Sample Size (Needed to Complete all Tests))
Flower Lots and Other Material Lots		
Lots of marijuana flowers <u>that will not be extracted</u>	1. Moisture content 2. Potency analysis 3. Foreign matter inspection 4. Microbiological screening	((Up to)) 7 grams
((Infused extract (solvent based) for inhalation made using n-butane, isobutane, propane, heptane, or other solvents or gases approved by the board of at least 99% purity	1. Potency analysis 2. Residual solvent test 3. Microbiological screening (only if using flowers and other plant material that failed initial test)	Up to 2 grams
Infused extract for inhalation made with a CO ₂ -extractor like hash oil	1. Potency analysis 2. Microbiological screening (only if using flowers and other plant material that failed initial test)	Up to 2 grams
Infused extract for inhalation made with ethanol or other approved food grade solvent	1. Potency analysis 2. Microbiological screening (only if using flowers and other plant material that failed initial test)	Up to 2 grams
Infused extract (nonsolvent) meant for inhalation infused with kief, hashish, or bubble hash	1. Potency analysis 2. Microbiological screening	Up to 2 grams
Infused edible	1. Potency analysis 2. Microbiological screening	1 unit
Infused liquid like a soda or tonic	1. Potency analysis 2. Microbiological screening	1 unit
Infused topical	1. Potency analysis 2. Microbiological screening	1 unit))

(b) Intermediate products must meet the following requirements:

(i) All intermediate products must be homogenized prior to quality assurance testing;

(ii) A batch of marijuana mix may not exceed five pounds and must be chopped or ground so no particles are greater than 3 mm; and

(iii) All intermediate products require the following quality assurance tests:

Product	Test(s) Required Intermediate Products	Maximum Sample Size
<u>Marijuana mix</u>	1. <u>Moisture content</u> 2. <u>Potency analysis</u> 3. <u>Foreign matter inspection</u> 4. <u>Microbiological screening</u>	<u>7 grams</u>
<u>Concentrate or extract (solvent based made using n-butane, isobutane, propane, heptane, or other solvents or gases approved by the board of at least 99% purity</u>	1. <u>Potency analysis</u> 2. <u>Microbiological screening (only if using flowers and other plant material that has not passed QA testing)</u> 3. <u>Residual solvent test</u>	<u>2 grams</u>
<u>Concentrate or extract made with a CO₂-extractor like hash oil</u>	1. <u>Potency analysis</u> 2. <u>Microbiological screening (only if using flowers and other plant material that has not passed QA testing)</u>	<u>2 grams</u>

Product	Test(s) Required Intermediate Products	Maximum Sample Size
<u>Concentrate or extract made with ethanol</u>	1. Potency analysis 2. Microbiological screening (only if using flowers and other plant material that has not passed QA testing)	<u>2 grams</u>
<u>Concentrate or extract made with approved food grade solvent</u>	1. Potency analysis 2. Microbiological screening (only if using flowers and other plant material that has not passed QA testing)	<u>2 grams</u>
<u>Concentrate or extract (nonsolvent) such as keif, hashish, or bubble hash</u>	1. Potency analysis 2. Microbiological screening (only if using flowers and other plant material that has not passed QA testing)	<u>2 grams</u>
<u>Infused cooking oil or fat in solid form</u>	1. Potency analysis 2. Microbiological screening (only if using flowers and other plant material that has not passed QA testing)	<u>2 grams</u>

(c) All marijuana, marijuana-infused products, and marijuana concentrates sold from a processor to a retailer require the following quality assurance tests:

Product	Test(s) Required End Products	Maximum Sample Size
<u>Infused solid edible</u>	1. Potency Analysis	<u>1 unit</u>
<u>Infused liquid (like a soda or tonic)</u>	1. Potency analysis	<u>1 unit</u>
<u>Infused topical</u>	1. Potency analysis	<u>1 unit</u>
<u>Marijuana mix (loose or rolled)</u>	1. Potency analysis	<u>2 grams</u>
<u>Infused marijuana mix (loose or rolled)</u>	1. Potency analysis	<u>2 grams</u>
<u>Concentrate or marijuana-infused product for inhalation</u>	1. Potency analysis	<u>1 unit</u>

(d) End products consisting of only one intermediate product that has not been changed in any way is not subject to potency analysis.

(10) Independent testing labs may request additional sample material in excess of amounts listed in the table in subsection (9) of this section for the purposes of completing required quality assurance tests. Labs certified as meeting the board's accreditation requirements may retrieve samples from a marijuana licensee's licensed premises and transport the samples directly to the lab and return any unused portion of the samples.

(11) Labs certified as meeting the board's accreditation requirements are not limited in the amount of usable marijuana and marijuana products they may have on their premises at any given time, but they must have records to prove all marijuana and marijuana-infused products only for the testing purposes described in WAC 314-55-102.

(12) At the discretion of the board, a producer or processor must provide an employee of the board or their designee samples in the amount listed in subsection (9) of this section or samples of the growing medium, soil amendments, fertilizers, crop production aids, pesticides, or water for random compliance checks. Samples may be screened for pesticides and chemical residues, unsafe levels of metals, and used for

other quality assurance tests deemed necessary by the board. All costs of this testing will be borne by the producer or processor.

(13) No lot of usable flower, batch of marijuana concentrate, or batch of marijuana-infused product may be sold or transported until the completion of all required quality assurance testing. Business entities with multiple locations licensed under the same UBI number may transfer marijuana products between the licensed locations under their UBI number prior to quality assurance testing.

(14) Any usable marijuana or marijuana-infused product that passed the required quality assurance tests may be labeled as "Class A." Only "Class A" usable marijuana or marijuana-infused product will be allowed to be sold.

(15) ~~((If a lot of marijuana flowers fails a quality assurance test, any marijuana plant trim, leaf and other usable material from the same plants automatically fails quality assurance testing also-))~~ Upon approval of the board, a lot that fails a quality assurance test and the associated trim, leaf and other usable material may be used to ~~((make a CO₂ or solvent based extract))~~ create extracts using hydrocarbon or CO₂ closed loop system. After processing, the CO₂ or ~~((solvent))~~ hydrocarbon based extract must still pass all required quality assurance tests in WAC 314-55-102.

(16) At the request of the producer or processor, the board may authorize a retest to validate a failed test result on a case-by-case basis. All costs of the retest will be borne by the producer or the processor.

(17) Labs must report all required quality assurance test results directly into LCB's seed to sale traceability system

within twenty-four hours of completion. Labs must also record in the seed to sale traceability system an acknowledgment of the receipt of samples from producers or processors and verify if any unused portion of the sample was destroyed or returned to the licensee.

NEW SECTION

WAC 314-55-103 Good laboratory practice checklist. A third-party testing lab must be certified by the Washington state liquor control board (WSLCB) or its vendor as meeting the board's accreditation and other requirements prior to conducting required quality assurance tests. The following checklist will be used by the board or its vendor to certify third-party testing labs:

ORGANIZATION	Document Reference	Y	N	NA	Comments
1. The laboratory or the organization of which it is a part of shall be an entity that can be held legally responsible.	-	-	-	-	-
2. The laboratory conducting third-party testing shall have no financial interest in a licensed producer or processor for which testing is being conducted.	-	-	-	-	-
If the laboratory is part of an organization performing activities other than testing and/or calibration, the responsibilities of key personnel in the organization that have an involvement or influence on the testing and/or calibration activities of the laboratory shall be defined in order to identify potential conflicts of interest.	-	-	-	-	-
3. The laboratory shall have policies and procedures to ensure the protection of its client's confidential information and proprietary rights, including procedures for protecting the electronic storage and transmission of results.	-	-	-	-	-
4. The laboratory is responsible for all costs of initial certification and ongoing site assessments.	-	-	-	-	-
5. The laboratory must agree to site assessments every two years to maintain certification.	-	-	-	-	-
6. The laboratory must allow WSLCB staff or their representative to conduct physical visits and check I-502 related laboratory activities at any time.	-	-	-	-	-
7. The laboratory must report all test results directly into WSLCB's traceability system within twenty-four hours of completion. Labs must also record in the traceability system an acknowledgment of the receipt of samples from producers or processors and verify if any unused portion of the sample was destroyed or returned to the customer.	-	-	-	-	-

HUMAN RESOURCES	Document Reference	Y	N	NA	Comments
8. Job descriptions for owners and all employees: Key staff.	-	-	-	-	-
9. Qualifications of owners and staff: CVs for staff on file.	-	-	-	-	-
a. Have technical management which has overall responsibility for the technical operations and the provision of the resources needed to ensure the required quality of laboratory operations.	-	-	-	-	-
b. Documentation that the scientific director meets the requirements of WSLCB rules.	-	-	-	-	-
c. Chain of command, personnel organization/flow chart, dated and signed by the laboratory director.	-	-	-	-	-

HUMAN RESOURCES	Document Reference	Y	N	NA	Comments
d. Written documentation of delegation of responsibilities (assigned under chapter 314-55 WAC as related to quality assurance testing) to qualified personnel, signed and dated by the laboratory director.	-	-	-	-	-
e. Documentation of employee competency: Prior to independently analyzing samples, testing personnel must demonstrate acceptable performance on precision, accuracy, specificity, reportable ranges, blanks, and unknown challenge samples (proficiency samples or internally generated quality controls). Dated and signed by the laboratory director.	-	-	-	-	-
f. Designate a quality manager (however named) who, irrespective of other duties and responsibilities, shall have defined responsibility and authority for ensuring that the quality system is implemented and followed; the quality manager shall have direct access to the highest level of management at which decisions are made on laboratory policy or resources.	-	-	-	-	-
10. Written and documented system detailing the qualifications of each member of the staff.	-	-	-	-	-
The need to require formal qualification or certification of personnel performing certain specialized activities shall be evaluated and implemented where necessary.	-	-	-	-	-
11. Standard operating procedure manual that details records of internal training provided by facility for staff. Laboratory director must approve, sign and date each procedure.	-	-	-	-	-
a. Instructions on regulatory inspection and preparedness.	-	-	-	-	-
b. Instruction on law enforcement interactions.	-	-	-	-	-
c. Information on U.S. federal laws, regulations, and policies relating to individuals employed in these operations, and the implications of these for such employees.	-	-	-	-	-
d. Written and documented system of employee training on hazards (physical and health) of chemicals in the workplace, including prominent location of MSDS sheets and the use of appropriate PPE.	-	-	-	-	-
e. Written and documented system on the competency of personnel on how to handle chemical spills and appropriate action; spill kit on-site and well-labeled, all personnel know the location and procedure.	-	-	-	-	-
f. Information on how employees can access medical attention for chemical or other exposures, including follow-up examinations without cost or loss of pay.	-	-	-	-	-
g. Biosafety and sterile technique training.	-	-	-	-	-
STANDARD OPERATING PROCEDURES	Document Reference	Y	N	NA	Comments
12. As appropriate, laboratory operations covered by procedures shall include, but not be limited to, the following:	-	-	-	-	-
a. Environmental, safety and health activities;	-	-	-	-	-
b. Sample shipping and receipt;	-	-	-	-	-
c. Laboratory sample chain of custody and material control;	-	-	-	-	-

STANDARD OPERATING PROCEDURES	Document Reference	Y	N	NA	Comments
d. Notebooks/logbooks;	-	-	-	-	-
e. Sample storage;	-	-	-	-	-
f. Sample preparation;	-	-	-	-	-
g. Sample analysis;	-	-	-	-	-
h. Standard preparation and handling;	-	-	-	-	-
i. Postanalysis sample handling;	-	-	-	-	-
j. Control of standards, reagents and water quality;	-	-	-	-	-
k. Cleaning of glassware;	-	-	-	-	-
l. Waste minimization and disposition.	-	-	-	-	-
13. The following information is required for procedures as appropriate to the scope and complexity of the procedures or work requested:	-	-	-	-	-
a. Scope (e.g., parameters measured, range, matrix, expected precision, and accuracy);	-	-	-	-	-
b. Unique terminology used;	-	-	-	-	-
c. Summary of method;	-	-	-	-	-
d. Interferences/limitations;	-	-	-	-	-
e. Approaches to address background corrections;	-	-	-	-	-
f. Apparatus and instrumentation;	-	-	-	-	-
g. Reagents and materials;	-	-	-	-	-
h. Hazards and precautions;	-	-	-	-	-
i. Sample preparation;	-	-	-	-	-
j. Apparatus and instrumentation setup;	-	-	-	-	-
k. Data acquisition system operation;	-	-	-	-	-
l. Calibration and standardization;	-	-	-	-	-
m. Procedural steps;	-	-	-	-	-
n. QC parameters and criteria;	-	-	-	-	-
o. Statistical methods used;	-	-	-	-	-
p. Calculations;	-	-	-	-	-
q. Assignment of uncertainty;	-	-	-	-	-
r. Forms used in the context of the procedure.	-	-	-	-	-

FACILITIES AND EQUIPMENT	Document Reference	Y	N	NA	Comments
14. Allocation of space: Adequate for number of personnel and appropriate separation of work areas.	-	-	-	-	-
15. Arrangement of space.	-	-	-	-	-
a. Allows for appropriate work flow, sampling, lab space separate from office and break areas.	-	-	-	-	-
b. Employee bathroom is separate from any laboratory area.	-	-	-	-	-
16. Adequate eyewash/safety showers/sink.	-	-	-	-	-
17. Procurement controls.	-	-	-	-	-

FACILITIES AND EQUIPMENT	Document Reference	Y	N	NA	Comments
a. The laboratory shall have procedure(s) for the selection and purchasing of services and supplies it uses that affect the quality of the tests and/or calibrations. Procedures shall exist for the purchase, receipt and storage of reagents and laboratory consumable materials relevant for the tests and calibrations.	-	-	-	-	-
b. The laboratory shall ensure that purchased supplies and reagents and consumable materials that affect the quality of tests and/or calibrations are inspected or otherwise verified as complying with standard specifications or requirements defined in the methods for the tests and/or calibrations concerned.	-	-	-	-	-
c. Prospective suppliers shall be evaluated and selected on the basis of specified criteria.	-	-	-	-	-
d. Processes to ensure that approved suppliers continue to provide acceptable items and services shall be established and implemented.	-	-	-	-	-
e. When there are indications that subcontractors knowingly supplied items or services of substandard quality, this information shall be forwarded to appropriate management for action.	-	-	-	-	-
18. Utilities.	-	-	-	-	-
a. Electrical:	-	-	-	-	-
i. Outlets: Adequate, unobstructed, single-use, no multipug adaptors;	-	-	-	-	-
ii. No extension cords;	-	-	-	-	-
iii. Ground fault circuit interrupters near wet areas.	-	-	-	-	-
b. Plumbing:	-	-	-	-	-
i. Appropriateness of sink usage: Separate for work/personal use;	-	-	-	-	-
ii. Adequate drainage from sinks or floor drains;	-	-	-	-	-
iii. Hot and cold running water.	-	-	-	-	-
c. Ventilation:	-	-	-	-	-
i. Areas around solvent use or storage of waste solvent;	-	-	-	-	-
ii. Vented hood for any microbiological analysis - Class II Type A biosafety cabinet.	-	-	-	-	-
d. Vacuum: Appropriate utilities/traps for prevention of contamination.	-	-	-	-	-
e. Shut-off controls: Located outside of the laboratory.	-	-	-	-	-
19. Waste disposal: Appropriate for the type of waste and compliant with WAC 314-55-097, Marijuana waste disposal—Liquids and solids.	-	-	-	-	-
20. Equipment list.	-	-	-	-	-
Equipment and/or systems requiring periodic maintenance shall be identified and records of major equipment shall include:	-	-	-	-	-
a. Name;	-	-	-	-	-
b. Serial number or unique identification;	-	-	-	-	-
c. Date received and placed in service;	-	-	-	-	-
d. Current location;	-	-	-	-	-
e. Condition at receipt;	-	-	-	-	-

FACILITIES AND EQUIPMENT	Document Reference	Y	N	NA	Comments
f. Manufacturer's instructions;	-	-	-	-	-
g. Date of calibration or date of next calibration;	-	-	-	-	-
h. Maintenance;	-	-	-	-	-
i. History of malfunction.	-	-	-	-	-
21. Maintenance.	-	-	-	-	-
a. Regular preventive maintenance of equipment demonstration in logbook including, but not limited to: Thermometer calibration, pipette calibrations, analytical balances, and analytical equipment. Documentation of a schedule and reviewed by the laboratory director.	-	-	-	-	-
b. Documentation of curative maintenance in logbook, signed and dated by laboratory director.	-	-	-	-	-
c. Temperature maintenance logbook for refrigerators.	-	-	-	-	-
d. Decontamination and cleaning procedures for:	-	-	-	-	-
i. Instruments;	-	-	-	-	-
ii. Bench space;	-	-	-	-	-
iii. Ventilation hood.	-	-	-	-	-
e. Documentation of adequacy of training of personnel and responsibility for each maintenance task.	-	-	-	-	-
f. The organization shall describe or reference how periodic preventive and corrective maintenance of measurement or test equipment shall be performed to ensure availability and satisfactory performance of the systems.	-	-	-	-	-
22. Computer systems.	-	-	-	-	-
a. Adequate for sample tracking.	-	-	-	-	-
b. Adequate for analytical equipment software.	-	-	-	-	-
c. Software control requirements applicable to both commercial and laboratory developed software shall be developed, documented, and implemented.	-	-	-	-	-
d. In addition, procedures for software control shall address the security systems for the protection of applicable software.	-	-	-	-	-
e. For laboratory-developed software, a copy of the original program code shall be:	-	-	-	-	-
i. Maintained;	-	-	-	-	-
ii. All changes shall include a description of the change, authorization for the change;	-	-	-	-	-
iii. Test data that validates the change.	-	-	-	-	-
f. Software shall be acceptance tested when installed, after changes, and periodically during use, as appropriate.	-	-	-	-	-
g. Testing may consist of performing manual calculations or checking against another software product that has been previously tested, or by analysis of standards.	-	-	-	-	-
h. The version and manufacturer of the software shall be documented.	-	-	-	-	-

FACILITIES AND EQUIPMENT	Document Reference	Y	N	NA	Comments
i. Commercially available software may be accepted as supplied by the vendor. For vendor supplied instrument control/data analysis software, acceptance testing may be performed by the laboratory.	-	-	-	-	-
23. Security.	-	-	-	-	-
a. Written facility security procedures during operating and non-working hours.	-	-	-	-	-
b. Roles of personnel in security.	-	-	-	-	-
c. SOP for controlled access areas and personnel who can access.	-	-	-	-	-
d. Secured areas for log-in of sample, and for short and long-term storage of samples.	-	-	-	-	-
24. Storage.	-	-	-	-	-
a. Appropriate and adequate for sample storage over time. The laboratory shall monitor, control and record environmental conditions as required by the relevant specifications, methods and procedures or where they influence the quality of the results. Due attention shall be paid, for example, to biological sterility, dust, electromagnetic disturbances, humidity, electrical supply, temperature, and sound and vibration levels, as appropriate to the technical activities concerned.	-	-	-	-	-
b. Adequate storage of chemical reference standards.	-	-	-	-	-
c. Appropriate storage of any reagents: Fireproof cabinet, separate cabinet for storage of any acids.	-	-	-	-	-
d. Appropriate safe and secure storage of documents etc., archiving, retrieval of, maintenance of and security of data for a period of three years.	-	-	-	-	-

QA PROGRAM AND TESTING	Document Reference	Y	N	NA	Comments
25. Sampling/sample protocols: Written and approved by the laboratory director.	-	-	-	-	-
a. Demonstrate adequacy of the chain-of-custody tracking upon receipt of sample including all personnel handling the sample.	-	-	-	-	-
b. Sampling method (representative of an entire batch) including, but not limited to, homogenization, weighing, labeling, sample identifier (source, lot), date and tracking.	-	-	-	-	-
c. Condition of the sample: Macroscopic and foreign matter inspection - Fit for purpose test. Scientifically valid testing methodology: Either AHP monograph compliant, other third-party validation.	-	-	-	-	-
d. Failed inspection of product: Tracking and reporting.	-	-	-	-	-
e. Return of failed product documentation and tracking.	-	-	-	-	-
f. Disposal of used/unused samples documentation.	-	-	-	-	-
g. Sample preparation, extraction and dilution SOP.	-	-	-	-	-
h. Demonstration of recovery for samples in various matrices (SOPs):	-	-	-	-	-
i. Plant material - Flower;	-	-	-	-	-
ii. Edibles (solid and liquid meant to be consumed orally);	-	-	-	-	-

QA PROGRAM AND TESTING	Document Reference	Y	N	NA	Comments
iii. Topical;	-	-	-	-	-
iv. Concentrates.	-	-	-	-	-
26. Data protocols.	-	-	-	-	-
a. Calculations for quantification of cannabinoid content in various matrices - SOPs.	-	-	-	-	-
b. Determination of the range for reporting the quantity (LOD/LOQ) data review or generation.	-	-	-	-	-
c. Reporting of data: Certificates of analysis (CA) - Clear and standardized format for consumer reporting.	-	-	-	-	-
d. Documentation that the value reported in the CA is within the range and limitations of the analytical method.	-	-	-	-	-
e. Documentation that qualitative results (those below the LOQ but above the LOD) are reported as "trace," or with a nonspecific (numerical) designation.	-	-	-	-	-
f. Documentation that the methodology has the specificity for the degree of quantitation reported. Final reports are not quantitative to any tenths or hundredths of a percent.	-	-	-	-	-
g. Use of appropriate "controls": Documentation of daily use of positive and negative controls that challenge the linearity of the curve; and/or an appropriate "matrix blank" and control with documentation of the performance for each calibration run.	-	-	-	-	-
27. Chemical assay procedure/methodology.	-	-	-	-	-
28. Proficiency:	-	-	-	-	-
a. Documentation of use of an appropriate internal standard for any quantitative measurements as applicable to the method.	-	-	-	-	-
b. Appropriate reference standards for quantification of analytes, performing and documenting a calibration curve with each analysis.	-	-	-	-	-
c. Demonstration of calibration curve r ² value of no less than 0.995 with a minimum of four points within the range.	-	-	-	-	-
d. Documentation of any proficiency testing as it becomes available. Laboratory director must review, evaluate and report to the WSLCB any result that is outside the stated acceptable margin of error.	-	-	-	-	-
29. Method validation: Scientifically valid testing methodology: Either AHP monograph compliant, other third-party validation; or	-	-	-	-	-
30. Level II validation of methodology used for quantification of THC, THCA and CBD for total cannabinoid content (if reporting other cannabinoids, the method must also be validated for those compounds):	-	-	-	-	-
a. Single lab validation parameters are demonstrated for GC, HPLC data review:	-	-	-	-	-
i. Linearity of reference standards;	-	-	-	-	-
ii. Use of daily standard curve;	-	-	-	-	-
iii. Accuracy;	-	-	-	-	-
iv. Precision;	-	-	-	-	-

QA PROGRAM AND TESTING	Document Reference	Y	N	NA	Comments
v. Recovery (5 determinations not less than 90%);	-	-	-	-	-
vi. Reproducibility over time within a relative standard deviation of 5%.	-	-	-	-	-
b. Dynamic range of the instrumentation: Limits of quantification (LOQ) and limits of detection (LOD).	-	-	-	-	-
c. Matrix extensions for each type of product tested, data review of recovery for:	-	-	-	-	-
i. Solvent-based extract;	-	-	-	-	-
ii. CO ₂ extraction or other "hash oil";	-	-	-	-	-
iii. Extract made with food grade ethanol;	-	-	-	-	-
iv. Extract made with food grade glycerin or propylene glycol;	-	-	-	-	-
v. Infused liquids;	-	-	-	-	-
vi. Infused solids;	-	-	-	-	-
vii. Infused topical preparations;	-	-	-	-	-
viii. Other oils, butter or fats.	-	-	-	-	-
d. Presence of QC samples and recording of daily testing.	-	-	-	-	-
e. Appropriate use of an internal reference standard.	-	-	-	-	-
f. Daily monitoring of the response of the instrument detection system.	-	-	-	-	-
31. Other methods.	-	-	-	-	-
a. Microbiological methods fit for purpose.	-	-	-	-	-
b. Microbial contaminants within limits of those listed in the most recent AHP monograph and otherwise directed by WSLCB.	-	-	-	-	-
c. Moisture content testing fit for purpose. Scientifically valid testing methodology: Either AHP monograph compliant, other third-party validation.	-	-	-	-	-
d. Solvent residuals testing fit for purpose; solvent extracted products made with class 3 or other solvents used are not to exceed 0.5% residual solvent by weight or 500 parts per million (PPM) per one gram of solvent based product and are to be tested.	-	-	-	-	-
e. Any other QA/QC methods is proven to be fit for purpose.	-	-	-	-	-
32. Laboratory notebooks.	-	-	-	-	-
a. Legible and in ink (or computerized system).	-	-	-	-	-
b. Signed and dated.	-	-	-	-	-
c. Changes initialed and dated.	-	-	-	-	-
d. Periodically reviewed and signed by a management representative.	-	-	-	-	-
33. Preventive/corrective action.	-	-	-	-	-
The laboratory shall have a process in place to document quality affecting preventive/corrective actions through resolution.	-	-	-	-	-
34. Periodic management review.	-	-	-	-	-
Laboratory management shall periodically review its quality system and associated procedures to evaluate continued adequacy. This review shall be documented.	-	-	-	-	-

AMENDATORY SECTION (Amending WSR 14-10-044, filed 4/30/14, effective 5/31/14)

WAC 314-55-104 Marijuana processor license extraction requirements. (1) Processors are limited to certain methods, equipment, solvents, gases and mediums when creating marijuana extracts.

(2) Processors may use the hydrocarbons N-butane, isobutane, propane, or heptane or other solvents or gases exhibiting low to minimal potential human health-related toxicity approved by the board. These solvents must be of at least ninety-nine percent purity and a processor must use them in a professional grade closed loop extraction system designed to recover the solvents, work in an environment with proper ventilation, controlling all sources of ignition where a flammable atmosphere is or may be present.

(3) Processors may use a professional grade closed loop CO₂ gas extraction system where every vessel is rated to a minimum of ~~((nine))~~ six hundred pounds per square inch. The CO₂ must be of at least ninety-nine percent purity.

(4) Certification from a licensed engineer must be provided to the liquor control board for professional grade closed loop systems used by processors ~~((must be))~~ to certify that the system was commercially manufactured, safe for its intended use, and built to codes of recognized and generally accepted good engineering practices, such as:

- (a) The American Society of Mechanical Engineers (ASME);
- (b) American National Standards Institute (ANSI);
- (c) Underwriters Laboratories (UL); or
- (d) The American Society for Testing and Materials (ASTM).

(5) Professional closed loop systems, other equipment used, the extraction operation, and facilities must be approved for their use by the local fire code official and meet any required fire, safety, and building code requirements specified in:

- (a) Title 296 WAC;
- (b) National Fire Protection Association (NFPA) standards;
- (c) International Building Code (IBC);
- (d) International Fire Code (IFC); and
- (e) Other applicable standards including following all applicable fire, safety, and building codes in processing and the handling and storage of the solvent or gas.

(6) Processors may use heat, screens, presses, steam distillation, ice water, and other methods without employing solvents or gases to create kief, hashish, bubble hash, or infused dairy butter, or oils or fats derived from natural sources, and other extracts.

(7) Under WAC 314-55-077, infused dairy butter and oils or fats derived from natural sources may be used to prepare infused edible products, but they may not be prepared as stand-alone edible products for sale.

(8) Processors may use food grade glycerin, ethanol, and propylene glycol solvents to create extracts. All ethanol must be removed from the extract in a manner to recapture the solvent and ensure that it is not vented into the atmosphere.

~~((8))~~ (9) Processors creating marijuana extracts must develop standard operating procedures, good manufacturing

practices, and a training plan prior to producing extracts for the marketplace. Any person using solvents or gases in a closed looped system to create marijuana extracts must be fully trained on how to use the system, have direct access to applicable material safety data sheets and handle and store the solvents and gases safely.

~~((9))~~ (10) Parts per million for one gram of finished extract cannot exceed 500 parts per million or residual solvent or gas when quality assurance tested per RCW 69.50.348.

AMENDATORY SECTION (Amending WSR 14-10-044, filed 4/30/14, effective 5/31/14)

WAC 314-55-105 Packaging and labeling requirements. (1) All usable marijuana and marijuana-infused products must be stored behind a counter or other barrier to ensure a customer does not have direct access to the product.

(2) Any container or packaging containing usable marijuana, marijuana concentrates, or marijuana-infused products must protect the product from contamination and must not impart any toxic or deleterious substance to the usable marijuana, marijuana concentrates, or marijuana-infused product.

(3) Upon the request of a retail customer, a retailer must disclose the name of the accredited third-party testing lab and results of the required quality assurance test for any usable marijuana, marijuana concentrate, or ~~((either))~~ marijuana-infused product the customer is considering purchasing.

(4) Usable marijuana, marijuana concentrates, and marijuana-infused products may not be labeled as organic unless permitted by the United States Department of Agriculture in accordance with the Organic Foods Production Act.

(5) The accredited third-party testing lab and required results of the quality assurance test must be included with each lot and disclosed to the customer buying the lot.

(6) A marijuana producer must make quality assurance test results available to any processor purchasing product. A marijuana producer must label each lot of marijuana with the following information:

- (a) Lot number;
- (b) UBI number of the producer; and
- (c) Weight of the product.

(7) Marijuana-infused products and marijuana concentrates meant to be eaten, swallowed, or inhaled, must be packaged in child resistant packaging in accordance with Title 16 C.F.R. 1700 of the Poison Prevention Packaging Act or use standards specified in this subsection. Marijuana-infused product in solid or liquid form may be packaged in plastic four mil or greater in thickness and be heat sealed with no easy-open tab, dimple, corner, or flap as to make it difficult for a child to open and as a tamperproof measure. Marijuana-infused product in liquid form may also be sealed using a metal crown cork style bottle cap.

Marijuana-infused solid edible products. If there is more than one serving in the package, each serving must be packaged individually in childproof packaging (see WAC 314-55-105(7)) and placed in the outer package.

Marijuana-infused liquid edible products. If there is more than one serving in the package, a measuring device must be included in the package with the product.

(8) A processor may provide a retailer free samples of usable marijuana packaged in a sample jar protected by a plastic or metal mesh screen to allow customers to smell the product before purchase. The sample jar may not contain more than three and one-half grams of usable marijuana. The sample jar and the usable marijuana within may not be sold to a customer and must be returned to the licensed processor who provided the usable marijuana and sample jar.

(9) A producer or processor may not treat or otherwise adulterate usable marijuana with any organic or nonorganic chemical or other compound whatsoever to alter the color, appearance, weight, or smell of the usable marijuana.

(10) Labels must comply with the version of NIST Handbook 130, Uniform Packaging and Labeling Regulation adopted in chapter 16-662 WAC.

(11) All usable marijuana when sold at retail must include accompanying material that contains the following warnings that state:

(a) "Warning: This product has intoxicating effects and may be habit forming. Smoking is hazardous to your health";

(b) "There may be health risks associated with consumption of this product";

(c) "Should not be used by women that are pregnant or breast feeding";

(d) "For use only by adults twenty-one and older. Keep out of reach of children";

(e) "Marijuana can impair concentration, coordination, and judgment. Do not operate a vehicle or machinery under the influence of this drug";

(f) Statement that discloses all pesticides applied to the marijuana plants and growing medium during production and processing.

(12) All marijuana concentrates and marijuana-infused products sold at retail must include accompanying material that contains the following warnings that state:

(a) "There may be health risks associated with consumption of this product";

(b) "This product is infused with marijuana or active compounds of marijuana";

(c) "Should not be used by women that are pregnant or breast feeding";

(d) "For use only by adults twenty-one and older. Keep out of reach of children";

(e) "Products containing marijuana can impair concentration, coordination, and judgment. Do not operate a vehicle or machinery under the influence of this drug";

(f) "Caution: When eaten or swallowed, the intoxicating effects of this drug may be delayed by two or more hours";

(g) Statement that discloses all pesticides applied to the marijuana plants and growing medium during production of the base marijuana used to create the extract added to the infused product; and

(h) Statement that discloses the type of extraction method, including any solvents, gases, or other chemicals or compounds used to produce or that are added to the extract.

(13) Labels affixed to the container or package containing usable marijuana sold at retail must include:

(a) The business or trade name and Washington state unified business identifier number of the licensees that pro-

duced, processed(;) and sold the usable marijuana. The marijuana retail licensee trade name and Washington state unified business identifier number may be in the form of a sticker placed on the label;

(b) ~~(Lot number)~~ Inventory ID number assigned by the liquor control board's traceability system. This must be the same number that appears on the transport manifest;

(c) Concentration of THC, ~~((THCA,))~~ (total THC and activated THC-A), and CBD(, including a total of active cannabinoids (potency profile));

(d) Net weight in ounces and grams or volume as appropriate;

(e) Warnings that state: "This product has intoxicating effects and may be habit forming";

(f) Statement that "This product may be unlawful outside of Washington state";

(g) Date of harvest; and

(h) The board may create a logo that must be placed on all usable marijuana and marijuana-infused products.

(14) Sample label mock up for a container or package containing usable marijuana sold at retail with required information:

((

Lot#: 1423
Date of Harvest: 4-14

The Best Resins
Blueberry haze
16.7% THC 1.5% CBD

Warning – This product has intoxicating effect and may be habit forming

THIS PRODUCT IS UNLAWFUL OUTSIDE WASHINGTON STATE

Net weight: 7 grams

))

UBI12345678900100001	Lot # 12345
	Date of Harvest 00/00/00
The Best Resins	
Blueberry haze	
16.7% THC 1.5% CBD	
Total Active Cannabinoids 18.2%	
Warning – This product has intoxicating effects and may be habit forming	
THIS PRODUCT MAY BE UNLAWFUL OUTSIDE WASHINGTON	
Net weight 7g (.2469 oz)	

(15) Labels affixed to the container or package containing marijuana-infused products sold at retail must include:

(a) The business or trade name and Washington state unified business identifier number of the licensees that produced, processed and sold the ~~(usable)~~ marijuana. The marijuana retail licensee trade name and Washington state unified business identifier number may be in the form of a sticker placed on the label;

~~(b)~~ (Lot numbers of all base marijuana used to create the extract;

~~(c)~~ Batch number;

~~(d)~~ Inventory ID number assigned by the liquor control board's traceability system. This must be the same number that appears on the transport manifest;

~~(e)~~ Date manufactured;

~~(f)~~ (d) Best by date;

~~(g)~~ (e) Products meant to be eaten or swallowed, recommended serving size and the number of servings contained within the unit, including total milligrams of active tetrahydrocannabinol (THC), or Delta 9;

~~(h)~~ (f) Net weight in ounces and grams, or volume as appropriate;

~~(i)~~ (g) List of all ingredients and ~~(any)~~ major food allergens as defined in the Food Allergen Labeling and Consumer Protection Act of 2004;

~~(j)~~ (h) "Caution: When eaten or swallowed, the intoxicating effects of this drug may be delayed by two or more hours.";

~~(k)~~ (i) If a marijuana extract was added to the product, disclosure of the type of extraction process and any solvent, gas, or other chemical used in the extraction process, or any other compound added to the extract;

~~(l)~~ (j) Warnings that state: "This product has intoxicating effects and may be habit forming";

~~(m)~~ (k) Statement that "This product may be unlawful outside of Washington state";

~~(m)~~ (l) The board may create a logo that must be placed on all usable marijuana and marijuana-infused products.

(16) Sample label mock up (front and back) for a container or package containing marijuana-infused products sold at retail with required information:

(Front of label)

((

UBI: 1234567890010001	Batch#: 5463
<i>The Best Resins</i>	
<i>Space cake</i>	
CAUTION: when eaten the effects of this product can be delayed by as much as two hours.	
Net weight: 6oz (128grams)	
<u>THIS PRODUCT IS UNLAWFUL OUTSIDE WASHINGTON STATE</u>	

))

UBI12345678900100001	Batch #12345
Processor Trade name	
The Best Resins	
Space Cake	
Caution: When eaten or swallowed, the intoxicating effects of this drug may be delayed by two or more hours.	
16.7% THC 1.5% CBD	
Total active cannabinoids 18.2%	
Net weight 128g (6 oz)	
THIS PRODUCT MAY BE UNLAWFUL OUTSIDE WASHINGTON	

(Back of label)

((

Manufactured at: 111 Old Hwy Rd., Mytown, WA on 1/14/14 Best by 2/1/14

INGREDIENTS: Flour, Butter, Canola oil, Sugar, Chocolate, Marijuana, Strawberries,
CONTAINS ALLERGENS: Milk, Wheat,

Serving size: 10 MG of THC

This product contains 10 servings and a total of 100 MG of THC

Warning- This product has intoxicating effects and may be habit forming

))

Manufactured at: 111 Old Hwy Rd, Maytown, WA on 00/00/00 Best by: 00/00/00

Ingredients: Flour, Butter, Canola oil, Sugar, Chocolate, Marijuana, Milk

Contains: Wheat, Milk

Serving size: 6 ounces / 10 mg of THC

This package contains 10 servings / 100 mg THC

Warning: This product has intoxicating effects and may be habit forming.

This product contains marijuana.

Marijuana extracts contained in this product were made using a CO2 extraction process

(b) Inventory ID number assigned by the liquor control board traceability system. This must be the same number that appears on the transportation manifest;

(c) Date manufactured;

(d) Best by date;

(e) Net weight in ounces and grams, or volume as appropriate;

(f) If a marijuana extract was added to the product, disclosure of the type of extraction process and any solvent, gas, or other chemical used in the extraction process, or any other compound added to the extract;

(g) Concentration of THC (total Delta 9 and Delta 9 THC-A) and CBD;

(h) Warnings that state "This product has intoxicating effects and may be habit forming";

(i) Statement that "This product may be unlawful outside Washington state"; and

(j) The board may create a logo that must be placed on all usable marijuana and marijuana-infused products.

AMENDATORY SECTION (Amending WSR 13-21-104, filed 10/21/13, effective 11/21/13)

WAC 314-55-135 Discontinue marijuana sales. (1)

Notification: You must notify the board's enforcement and education division in writing if you plan to stop doing business for more than thirty days, or if you plan to permanently discontinue marijuana sales.

(2) Discontinued business: Sale of marijuana inventory and stock after discontinuance of business. Notwithstanding any other provision of Title 69 RCW or 314 WAC, a producer, processor or retail licensee who permanently discontinues business for any reason shall dispose of the salable inventory and remaining stock to a board approved licensed business at fair market value. Sales below cost are prohibited. The board shall require tax expressed as a percent of the total price of the gross sales as reported on the profit and loss statement in the last published monthly report of the board. In the event of remaining inventory after sale, the licensee shall notify the enforcement and education division of the liquor control board. The enforcement division will establish conditions for destruction or arrange for the removal of product.

(3) Assumptions: Assumption of license and purchases by licensee of certain marijuana inventory and stock. In the case of a sale of business with a licensee, after obtaining the approval of the board and under the supervision of a representative of the board, the licensee may sell the entire inventory at a negotiated fair market price. Sales below cost are prohibited.

(4) Evictions. You must notify the board's enforcement and education division immediately in writing upon notice of eviction from a licensed premises. Conditions to temporarily relocate and secure inventory will be established by the board.

(5) Abandoned marijuana inventory or product. In the event a licensee abandons any marijuana on the premises, the property owner or their designated representative should notify the enforcement and education division of the liquor control board. The enforcement division will work with the property owner to arrange for the removal and/or destruction

(17) Labels affixed to the container or package containing marijuana concentrates sold at retail must include:

(a) The business or trade name and Washington state unified business identifier number of the licensees that produced, processed and sold the marijuana concentrate. The marijuana retail licensee trade name and Washington state unified business identifier may be in the form of a sticker placed on the label;

of product. Any sales or distribution of marijuana by an unlicensed person is subject to the criminal provisions of Title 69 RCW.

AMENDATORY SECTION (Amending WSR 14-07-116, filed 3/19/14, effective 4/19/14)

WAC 314-55-210 Will the liquor control board seize or confiscate marijuana, usable marijuana, and marijuana-infused products? The liquor control board may seize or confiscate or place an administrative hold on marijuana, usable marijuana, marijuana concentrates, and marijuana-infused products under the following circumstances:

(1) During an unannounced or announced administrative search or inspection of a licensed location, or vehicle involved in the transportation of marijuana products, where any product was found to be in excess of product limitations set forth in WAC 314-55-075, 314-55-077, and 314-55-079.

(2) Any product not properly logged in inventory records or untraceable product required to be in the traceability system.

(3) Marijuana, usable marijuana, and marijuana-infused product that are altered or not properly packaged and labeled in accordance with WAC 314-55-105.

(4) During a criminal investigation, officers shall follow seizure laws detailed in RCW 69.50.505 and any other applicable criminal codes.

(5) Liquor control board officers may order an administrative hold of marijuana, usable marijuana, marijuana concentrates, and marijuana-infused products to prevent destruction of evidence, diversion or other threats to public safety, while permitting a licensee to retain its inventory pending further investigation, pursuant to the following procedure:

(a) If during an investigation or inspection of a licensee, a liquor control board officer develops reasonable grounds to believe certain marijuana, usable marijuana, marijuana concentrates, and marijuana-infused products constitute evidence of acts in violation of the state laws or rules, or otherwise constitute a threat to public safety, the liquor control board officer may issue a notice of administrative hold of any such marijuana, usable marijuana, marijuana concentrate, or marijuana-infused products. The notice of administrative hold shall provide a documented description of the marijuana, usable marijuana, marijuana concentrate, or marijuana-infused products to be subject to the administrative hold.

(b) The licensee shall completely and physically segregate the marijuana, usable marijuana, marijuana concentrate, and marijuana-infused products subject to the administrative hold in a limited access area of the licensed premises under investigation, where it shall be safeguarded by the licensee. Pending the outcome of the investigation and any related disciplinary proceeding, the licensee is prohibited from selling, giving away, transferring, transporting, or destroying the marijuana, usable marijuana, marijuana concentrate, and marijuana-infused products subject to the administrative hold.

(c) Nothing herein shall prevent a licensee from the continued cultivation or harvesting of the marijuana subject to the administrative hold. All marijuana, usable marijuana,

marijuana concentrate, and marijuana-infused products subject to the administrative hold must be put into separate harvest batches from product not subject to the administrative hold.

(d) Following an investigation, the liquor control board may lift the administrative hold, order the continuation of the administrative hold, or seek a final agency order for the destruction of the marijuana, usable marijuana, marijuana concentrate, and marijuana-infused products.

AMENDATORY SECTION (Amending WSR 13-21-104, filed 10/21/13, effective 11/21/13)

WAC 314-55-510 What options does a licensee have once he/she receives a notice of an administrative violation? (1) A licensee has twenty days from receipt of the notice to:

- (a) Accept the recommended penalty; or
- (b) Request a settlement conference in writing; or
- (c) Request an administrative hearing in writing.

A response must be submitted on a form provided by the agency.

(2) What happens if a licensee does not respond to the administrative violation notice within twenty days?

(a) If a licensee does not respond to the administrative violation notice within twenty days, the recommended suspension penalty will go into effect.

(b) If the penalty does not include a suspension, the licensee must pay a twenty-five percent late fee in addition to the recommended penalty. The recommended penalty plus the late fee must be received within thirty days of the violation notice issue date.

(3) What are the procedures when a licensee requests a settlement conference?

(a) If the licensee requests a settlement conference, the hearing examiner or designee will contact the licensee to discuss the violation.

(b) Both the licensee and the hearing examiner or designee will discuss the circumstances surrounding the charge, the recommended penalty, and any aggravating or mitigating factors.

(c) If a compromise is reached, the hearing examiner or designee will prepare a compromise settlement agreement. The hearing examiner or designee will forward the compromise settlement agreement, authorized by both parties, to the board, or designee, for approval.

(i) If the board, or designee, approves the compromise, a copy of the signed settlement agreement will be sent to the licensee and will become part of the licensing history.

(ii) If the board, or designee, does not approve the compromise, the licensee will be notified of the decision. The licensee will be given the option to renegotiate with the hearings examiner or designee, of accepting the originally recommended penalty, or of requesting an administrative hearing on the charges.

(d) If the licensee and the hearing examiner or designee cannot reach agreement on a settlement proposal, the licensee may accept the originally recommended penalty, or the hearing examiner or designee will forward a request for an administrative hearing to the board's hearings coordinator.

(4) What is the process for nonpayment of monetary penalty?

(a) When a licensee fails to submit payment of monetary fine proceeding provisions to collect shall take effect immediately or other action such as revocation will be instituted as deemed appropriate by the board.

(b) An attempt to advise the debtor of the existence of the debt, and twenty-five percent late fee per subsection (2)(b) of this section will be made notifying that the debt may be assigned to a collection agency for collection if the debt is not paid, and at least thirty days have elapsed from the time notice was attempted.

AMENDATORY SECTION (Amending WSR 13-21-104, filed 10/21/13, effective 11/21/13)

WAC 314-55-515 What are the penalties if a marijuana license holder violates a marijuana law or rule? (1) The purpose of WAC 314-55-515 through 314-55-540 is to outline what penalty a marijuana licensee can expect if a licensee or employee violates a liquor control board law or rule. (WAC rules listed in the categories provide reference areas, and may not be all inclusive. Any violation not listed in WAC 314-55-515 through 314-55-540 will be assessed following penalty progression of the license type group associated with the class of license.)

(2) Penalties for violations by marijuana licensees or employees are broken down into four categories:

(a) Group One—Public safety violations, WAC 314-55-520.

(b) Group Two—Regulatory violations, WAC 314-55-525.

(c) Group Three—License violations, WAC 314-55-530.

(d) Group Four—Producer violations involving the manufacture, supply, and/or distribution of marijuana by nonretail licensees and prohibited practices between nonretail licensees and retail licensees, WAC 314-55-535.

AMENDATORY SECTION (Amending WSR 13-21-104, filed 10/21/13, effective 11/21/13)

WAC 314-55-520 Group 1 violations against public safety. 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 liquor control board may offer a monetary option in lieu of suspension days based on mitigating circumstances as outlined in WAC 314-55-515(4).

(3) For the purposes of chapter 314-55 WAC, a three-year window for violations is measured from the date one violation occurred to the date a subsequent violation occurred.

(4) The following schedules are meant to serve as guidelines. Based on mitigating or aggravating circumstances, the liquor control board may impose a different penalty than the standard penalties outlined in these schedules. Based on mitigating circumstances, the board may offer a monetary option in lieu of suspension, or alternate penalty, during a settlement conference as outlined in WAC 314-55-510(3).

(a) Mitigating circumstances	(b) Aggravating circumstances
Mitigating circumstances that may result in fewer days of suspension and/or a lower monetary option may include demonstrated business policies and/or practices that reduce the risk of future violations.	Aggravating circumstances that may result in increased days of suspension, and/or increased monetary option, and/or cancellation of marijuana license may include business operations or behaviors that create an increased risk for a violation and/or intentional commission of a violation.
Examples include:	Examples include:
<ul style="list-style-type: none"> • Having a signed acknowledgment of the business' responsible handling and sales policies on file for each employee; • Having an employee training plan that includes annual training on marijuana laws. 	<ul style="list-style-type: none"> • Failing to call 911 for local law enforcement or medical assistance when requested by a customer, a liquor control board officer, or when people have sustained injuries.

Violation Type	1st Violation	2nd Violation in a three-year window	3rd Violation in a three-year window	4th Violation in a three-year window
(Violations involving minors:	10-day suspension or \$2,500 monetary option	30-day suspension	Cancellation of license))	
Sale or service to minor: Sale of marijuana and/or paraphernalia to a person under twenty-one years of age. WAC 314-55-079 RCW 69.50.4015	10-day suspension or \$2,500 monetary option	30-day suspension	Cancellation of license	

Violation Type	1st Violation	2nd Violation in a three-year window	3rd Violation in a three-year window	4th Violation in a three-year window
<u>RCW 69.50.401</u> <u>RCW 69.50.406</u> <u>RCW 69.50.412</u>				
Allowing a minor to frequent a restricted area. RCW 69.50.357	\$1,000 monetary fine	\$1,000 monetary fine	\$1,000 monetary fine	<u>\$1,000 monetary fine</u>
Employee under legal age. RCW 69.50.357 <u>RCW 69.50.331(6)</u>	\$1,000 monetary fine	\$1,000 monetary fine	\$1,000 monetary fine	\$1,000 monetary fine
Licensee and/or employee open and/or consuming marijuana on a retail licensed premises. RCW 69.50.357	\$1,000 monetary fine	\$1,000 monetary fine	\$1,000 monetary fine	\$1,000 monetary fine
Conduct violations: Criminal conduct: Permitting or engaging in criminal conduct.	10-day suspension or \$2,500 monetary option	30-day suspension	Cancellation of license	
Using unauthorized pesticides, soil amendments, fertilizers, other crop production aids. ((WAC 314-55-020(8) WAC 314-55-083(4))) <u>WAC 314-55-084</u> WAC 314-55-087 (1)(f)	10-day suspension or \$2,500 monetary option	30-day suspension	Cancellation of license	
Adulterate usable marijuana with organic or non-organic chemical or other compound. WAC 314-55-105(((8))))	10-day suspension or \$2,500 monetary option	30-day suspension	Cancellation of license	
Using unauthorized solvents or gases in processing. WAC 314-55-104	10-day suspension or \$2,500 monetary option	30-day suspension	Cancellation of license	
Refusal to allow an inspection and/or obstructing a law enforcement officer from performing their official duties. WAC 314-55-050 <u>WAC 314-55-077</u>	10-day suspension or \$2,500 monetary option	30-day suspension	Cancellation of license	
Marijuana purchased from an unauthorized source. <u>RCW 69.50.360</u> <u>RCW 69.50.363</u>	Cancellation of license			

Violation Type	1st Violation	2nd Violation in a three-year window	3rd Violation in a three-year window	4th Violation in a three-year window
Marijuana sold to an unauthorized source. <u>RCW 69.50.363</u> <u>RCW 69.50.366</u> <u>RCW 69.50.401</u>	Cancellation of license			
Sales in excess of transaction limitations. WAC 314-55-095(3) <u>RCW 69.50.360</u>	Cancellation of license			

AMENDATORY SECTION (Amending WSR 13-21-104, filed 10/21/13, effective 11/21/13)

WAC 314-55-525 Group 2 regulatory violations. Group 2 violations are violations involving general regulation and administration of retail or nonretail licenses.

Violation Type	1st Violation	2nd Violation in a three-year window	3rd Violation in a three-year window	4th Violation in a three-year window
Hours of service: Sales of marijuana between 12:00 a.m. and 8:00 a.m. <u>WAC 314-55-147</u>	5-day suspension or \$500 monetary option	10-day suspension or \$2,500 monetary option	30-day suspension	Cancellation of license
Advertising: Violations (statements/illustrations). WAC 314-55-155(2)	5-day suspension or \$500 monetary option	10-day suspension or \$2,500 monetary option	30-day suspension	Cancellation of license
Advertising violations - Sign exceeding 1600 square inches; within 1000 feet of prohibited areas; on or in public transit vehicles, shelters, or publicly owned or operated property. RCW 69.50.357 RCW 69.50.369 <u>WAC 314-55-155(1)</u>	\$1,000 monetary fine	\$1,000 monetary fine	\$1,000 monetary fine	\$1,000 monetary fine
Packaging and/or labeling violations (processor/retailer). WAC 314-55-105	5-day suspension or \$500 monetary option	10-day suspension or \$2,500 monetary option	30-day suspension	Cancellation of license
Licensee/employee failing to display required security badge. WAC 314-55-083(1)	5-day suspension or \$500 monetary option	10-day suspension or \$2,500 monetary option	30-day suspension	Cancellation of license
Failure to maintain required security alarm and surveillance systems. WAC 314-55-083 (2) and (3)	5-day suspension or \$500 monetary option	10-day suspension or \$2,500 monetary option	30-day suspension	Cancellation of license

Violation Type	1st Violation	2nd Violation in a three-year window	3rd Violation in a three-year window	4th Violation in a three-year window
Records: Improper recordkeeping. WAC 314-55-087 WAC 314-55-089 ((3), (4), and (5))	5-day suspension or \$500 monetary option	10-day suspension or \$2,500 monetary option	30-day suspension	Cancellation of license
Failure to submit monthly tax reports and/or payments. WAC 314-55-089 WAC 314-55-092 <u>RCW 69.50.535</u>	5-day suspension or \$500 monetary option	10-day suspension or \$2,500 monetary option	30-day suspension	Cancellation of license
Signs: Failure to post required signs. WAC 314-55-086 <u>RCW 69.50.331(5)</u>	5-day suspension or \$500 monetary option	10-day suspension or \$2,500 monetary option	30-day suspension	Cancellation of license
Failure to utilize and/or maintain traceability (processor or retail licensee). WAC 314-55-083(4)	5-day suspension or \$500 monetary option	10-day suspension or \$2,500 monetary option	30-day suspension	Cancellation of license
Violation of transportation requirements. WAC 314-55-085	5-day suspension or \$500 monetary option	10-day suspension or \$2,500 monetary option	30-day suspension	Cancellation of license
Exceeding maximum serving requirements for marijuana-infused products. WAC 314-55-095(2)	5-day suspension or \$500 monetary option	10-day suspension or \$2,500 monetary option	30-day suspension	Cancellation of license
Failure for a processor to meet marijuana waste disposal requirements. WAC 314-55-097	5-day suspension or \$500 monetary option	10-day suspension or \$2,500 monetary option	30-day suspension	Cancellation of license
Failure to maintain standardized scale requirements (processor (retailer)). WAC 314-55-099	5-day suspension or \$500 monetary option	10-day suspension or \$2,500 monetary option	30-day suspension	Cancellation of license
<u>Failure to follow and maintain food processing facility requirements.</u> <u>WAC 314-55-077</u>	<u>5-day suspension or \$500 monetary option</u>	<u>10-day suspension or \$2,500 monetary option</u>	<u>30-day suspension</u>	<u>Cancellation of license</u>
Marijuana processor extraction requirements. WAC 314-55-104	5-day suspension or \$500 monetary option	10-day suspension or \$2,500 monetary option	30-day suspension	Cancellation of license

Violation Type	1st Violation	2nd Violation in a three-year window	3rd Violation in a three-year window	4th Violation in a three-year window
Retail outlet selling unauthorized products. RCW 69.50.357 RCW 69.50.4121	\$1,000 monetary fine	\$1,000 monetary fine	\$1,000 monetary fine	\$1,000 monetary fine
Retailer displaying products in a manner visible to the general public from a public right of way. RCW 69.50.357	\$1,000 monetary fine	\$1,000 monetary fine	\$1,000 monetary fine	\$1,000 monetary fine
<u>Sale of Marijuana .</u> <u>Violations by retailer</u> <u>involving sales, delivery, inventory, and</u> <u>returns.</u> WAC 314-55-079 WAC 314-55-070 (6)	<u>5-day suspension or</u> <u>\$500 monetary option</u>	<u>10-day suspension or</u> <u>\$2,500 monetary</u> <u>option</u>	<u>30-day suspension</u>	<u>Cancellation of license</u>

AMENDATORY SECTION (Amending WSR 13-21-104, filed 10/21/13, effective 11/21/13)

WAC 314-55-530 Group 3 license violations. Group 3 violations are violations involving licensing requirements, license classification, and special restrictions.

Violation Type	1st Violation	2nd Violation in a three-year window	3rd Violation in a three-year window	4th Violation in a three-year window
True party of interest violation. WAC 314-55-035	Cancellation of license			
Failure to furnish required documents. WAC 314-55-050	Cancellation of license			
Misrepresentation of fact. WAC 314-55-050	Cancellation of license			
Operating plan: Violations of a board-approved operating plan. WAC 314-55-020	5-day suspension or \$500 monetary option	10-day suspension or \$1,500 monetary option	30-day suspension	Cancellation of license
Failing to gain board approval for changes in existing ownership. WAC 314-55-120 RCW 69.50.339	30-day suspension	Cancellation of license		
Failure to maintain required insurance. WAC ((314-55-080)) 314-55-082	30-day suspension	Cancellation of license		

AMENDATORY SECTION (Amending WSR 13-21-104, filed 10/21/13, effective 11/21/13)

WAC 314-55-535 Group 4 marijuana producer violations. Group 4 violations are violations involving the manufacture, supply, and/or distribution of marijuana by marijuana producer licensees and prohibited practices between a marijuana producer licensee and a marijuana retailer licensee.

Violation Type	1st Violation	2nd Violation in a three-year window	3rd Violation in a three-year window	4th Violation in a three-year window
Unauthorized sale to a retail licensee. WAC 314-55-075 <u>RCW 69.50.366</u> <u>RCW 69.50.401</u>	\$2,500 monetary fine	\$5,000 monetary fine and destruction of 25% of harvestable plants	\$15,000 monetary fine and destruction of 50% of harvestable plants	Cancellation of license
Failure to utilize and/or maintain traceability. WAC 314-55-083(4)	\$2,500 monetary fine	\$5,000 monetary fine and destruction of 25% of harvestable plants	\$15,000 monetary fine and destruction of 50% of harvestable plants	Cancellation of license
Packaging and/or labeling violations (producer). WAC 314-55-105	\$2,500 monetary fine	\$5,000 monetary fine and destruction of 25% of harvestable plants	\$15,000 monetary fine and destruction of 50% of harvestable plants	Cancellation of license
Unauthorized product/unapproved storage or delivery. <u>RCW 69.50.366</u> <u>RCW 69.50.401</u>	\$2,500 monetary fine	\$5,000 monetary fine and destruction of 25% of harvestable plants	\$15,000 monetary fine and destruction of 50% of harvestable plants	Cancellation of license
Failure for a producer to meet marijuana waste disposal requirements. WAC 314-55-097	\$2,500 monetary fine	\$5,000 monetary fine and destruction of 25% of harvestable plants	\$15,000 monetary fine and destruction of 50% of harvestable plants	Cancellation of license
Records: Improper recordkeeping. WAC 314-55-087 WAC 314-55-089 (((2) and (4) WAC 314-55-092))	\$2,500 monetary fine	\$5,000 monetary fine and destruction of 25% of harvestable plants	\$15,000 monetary fine and destruction of 50% of harvestable plants	Cancellation of license
Violation of transportation requirements. WAC 314-55-085	\$2,500 monetary fine	\$5,000 monetary fine and destruction of 25% of harvestable plants	\$15,000 monetary fine and destruction of 50% of harvestable plants	Cancellation of license
Failure to maintain required security alarm and surveillance systems. WAC 314-55-083 (2) and (3)	\$2,500 monetary fine	\$5,000 monetary fine and destruction of 25% of harvestable plants	\$15,000 monetary fine and destruction of 50% of harvestable plants	Cancellation of license
Failure to maintain standardized scale requirements (producer). WAC 314-55-099	\$2,500 monetary fine	\$5,000 monetary fine and destruction of 25% of harvestable plants	\$15,000 monetary fine and destruction of 50% of harvestable plants	Cancellation of license

Violation Type	1st Violation	2nd Violation in a three-year window	3rd Violation in a three-year window	4th Violation in a three-year window
<u>((Violation:)) Failure to submit monthly tax reports and/or payments.</u> WAC 314-55-089 WAC 314-55-092	\$2,500 monetary fine	\$5,000 monetary fine and destruction of 25% of harvestable plants	\$15,000 monetary fine and destruction of 50% of harvestable plants	Cancellation of license
<u>Sale or service to minor:</u> Sale of marijuana and/or paraphernalia to a person under twenty-one years of age. WAC 314-55-079 RCW 69.50.4015 RCW 69.50.401 RCW 69.50.406 RCW 69.50.412	\$2,500 monetary fine	\$5,000 monetary fine and destruction of 25% of harvestable plants	\$15,000 monetary fine and destruction of 50% of harvestable plants	Cancellation of license
<u>Conduct violations:</u> <u>Criminal conduct:</u> Permitting or engaging in criminal conduct.	\$2,500 monetary fine	\$5,000 monetary fine and destruction of 25% of harvestable plants	\$15,000 monetary fine and destruction of 50% of harvestable plants	Cancellation of license
Using unauthorized pesticides, soil amendments, fertilizers, other crop production aids. WAC 314-55-084 WAC 314-55-087 (1)(f)	\$2,500 monetary fine	\$5,000 monetary fine and destruction of 25% of harvestable plants	\$15,000 monetary fine and destruction of 50% of harvestable plants	Cancellation of license
Adulterate usable marijuana with organic or nonorganic chemical or other compound. WAC 314-55-105	\$2,500 monetary fine	\$5,000 monetary fine and destruction of 25% of harvestable plants	\$15,000 monetary fine and destruction of 50% of harvestable plants	Cancellation of license
Using unauthorized solvents or gases in processing. WAC 314-55-104	\$2,500 monetary fine	\$5,000 monetary fine and destruction of 25% of harvestable plants	\$15,000 monetary fine and destruction of 50% of harvestable plants	Cancellation of license
<u>Refusal</u> to allow an inspection and/or obstructing a law enforcement officer from performing their official duties. WAC 314-55-050 WAC 314-55-077	\$2,500 monetary fine	\$5,000 monetary fine and destruction of 25% of harvestable plants	\$15,000 monetary fine and destruction of 50% of harvestable plants	Cancellation of license
<u>Marijuana purchased from an unauthorized source.</u> RCW 69.50.360 RCW 69.50.363	\$2,500 monetary fine	\$5,000 monetary fine and destruction of 25% of harvestable plants	\$15,000 monetary fine and destruction of 50% of harvestable plants	Cancellation of license

Violation Type	1st Violation	2nd Violation in a three-year window	3rd Violation in a three-year window	4th Violation in a three-year window
<u>Marijuana sold to an unauthorized source.</u> RCW 69.50.363 RCW 69.50.366 RCW 69.50.401	\$2,500 monetary fine	\$5,000 monetary fine and destruction of 25% of harvestable plants	\$15,000 monetary fine and destruction of 50% of harvestable plants	Cancellation of license
<u>Sales in excess of transaction limitations.</u> WAC 314-55-095(3) RCW 69.50.360	\$2,500 monetary fine	\$5,000 monetary fine and destruction of 25% of harvestable plants	\$15,000 monetary fine and destruction of 50% of harvestable plants	Cancellation of license
<u>Advertising: Violations (statements/illustrations).</u> WAC 314-55-155(2)	\$2,500 monetary fine	\$5,000 monetary fine and destruction of 25% of harvestable plants	\$15,000 monetary fine and destruction of 50% of harvestable plants	Cancellation of license
<u>Packaging and/or labeling violations (producer/processor).</u> WAC 314-55-105	\$2,500 monetary fine	\$5,000 monetary fine and destruction of 25% of harvestable plants	\$15,000 monetary fine and destruction of 50% of harvestable plants	Cancellation of license
<u>Licensee/employee failing to display required security badge.</u> WAC 314-55-083(1)	\$2,500 monetary fine	\$5,000 monetary fine and destruction of 25% of harvestable plants	\$15,000 monetary fine and destruction of 50% of harvestable plants	Cancellation of license
<u>Failure to maintain required security alarm and surveillance systems.</u> WAC 314-55-083 (2) and (3)	\$2,500 monetary fine	\$5,000 monetary fine and destruction of 25% of harvestable plants	\$15,000 monetary fine and destruction of 50% of harvestable plants	Cancellation of license
<u>Records: Improper recordkeeping.</u> WAC 314-55-087 WAC 314-55-089	\$2,500 monetary fine	\$5,000 monetary fine and destruction of 25% of harvestable plants	\$15,000 monetary fine and destruction of 50% of harvestable plants	Cancellation of license
<u>Signs: Failure to post required signs.</u> WAC 314-55-086 RCW 69.50.331(5)	\$2,500 monetary fine	\$5,000 monetary fine and destruction of 25% of harvestable plants	\$15,000 monetary fine and destruction of 50% of harvestable plants	Cancellation of license
<u>Violation of transportation requirements.</u> WAC 314-55-085	\$2,500 monetary fine	\$5,000 monetary fine and destruction of 25% of harvestable plants	\$15,000 monetary fine and destruction of 50% of harvestable plants	Cancellation of license
<u>Exceeding maximum serving requirements for marijuana-infused products.</u> WAC 314-55-095(2)	\$2,500 monetary fine	\$5,000 monetary fine and destruction of 25% of harvestable plants	\$15,000 monetary fine and destruction of 50% of harvestable plants	Cancellation of license
<u>Failure to maintain standardized scale requirements (producer/processor).</u> WAC 314-55-099	\$2,500 monetary fine	\$5,000 monetary fine and destruction of 25% of harvestable plants	\$15,000 monetary fine and destruction of 50% of harvestable plants	Cancellation of license

Violation Type	1st Violation	2nd Violation in a three-year window	3rd Violation in a three-year window	4th Violation in a three-year window
<u>Marijuana processor extraction requirements.</u> <u>WAC 314-55-104</u>	<u>\$2,500 monetary fine</u>	<u>\$5,000 monetary fine and destruction of 25% of harvestable plants</u>	<u>\$15,000 monetary fine and destruction of 50% of harvestable plants</u>	<u>Cancellation of license</u>
<u>Operating plan: Violations of a board-approved operating plan.</u> <u>WAC 314-55-020</u>	<u>\$2,500 monetary fine</u>	<u>\$5,000 monetary fine and destruction of 25% of harvestable plants</u>	<u>\$15,000 monetary fine and destruction of 50% of harvestable plants</u>	<u>Cancellation of license</u>
<u>Failing to gain board approval for changes in existing ownership.</u> <u>WAC 314-55-120</u> <u>RCW 69.50.339</u>	<u>\$2,500 monetary fine</u>	<u>\$5,000 monetary fine and destruction of 25% of harvestable plants</u>	<u>\$15,000 monetary fine and destruction of 50% of harvestable plants</u>	<u>Cancellation of license</u>
<u>Failure to maintain required insurance.</u> <u>WAC 314-55-082</u>	<u>\$2,500 monetary fine</u>	<u>\$5,000 monetary fine and destruction of 25% of harvestable plants</u>	<u>\$15,000 monetary fine and destruction of 50% of harvestable plants</u>	<u>Cancellation of license</u>