

**WAC 230-03-175 Requirements for commercial stimulant businesses.**

Businesses must provide evidence for us to determine their qualifications as a commercial stimulant as required in RCW 9.46.0217. That evidence includes, but is not limited to:

(1) Proof that it is an "established business" as used in RCW 9.46.0217. "Established business" means any business that:

(a) Has been open to the public for sales of food or drink for on-premises eating and drinking for ninety days or more; or

(b) Passes an inspection by us, is ready to conduct food or drink sales, and gives us a proposed operating plan which includes:

(i) Hours of operation; and

(ii) Estimated gross sales from each separate activity the business will conduct on the business premises including, but not limited to:

(A) Gross sales from food or drinks sold for "on-premises" eating or drinking; and

(B) Gross sales from food or drinks sold "to go"; and

(C) Gross sales from all other business activities; and

(2) Proof that it is "primarily engaged in the selling of food or drink for consumption on premises" as used in RCW 9.46.070(2). "Primarily engaged in the selling of food or drink for consumption on premises" means that before receiving a gambling license the business has total gross sales of food or drink for on-premises consumption equal to or greater than all other combined gross sales, rentals, or other income-producing activities which occur on the business premises when measured on an annual basis.

[Statutory Authority: RCW 9.46.070. WSR 07-21-116 (Order 617), § 230-03-175, filed 10/22/07, effective 1/1/08; WSR 06-07-157 (Order 457), § 230-03-175, filed 3/22/06, effective 1/1/08.]