

WSR 16-11-001
PERMANENT RULES
CENTER FOR CHILDHOOD
DEAFNESS AND HEARING LOSS

[Filed May 4, 2016, 1:09 p.m., effective June 4, 2016]

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

Purpose: Proposed rules adopt best practices in the attorney general's model rules to clarify and streamline procedures for making and processing public records requests, to publish a list of potential other statute exemptions, to clarify procedures for reviewing denials of requests and to update statutory cites resulting from recodification of the Public Records Act in chapter 42.56 RCW.

Citation of Existing Rules Affected by this Order: Repealing 8; and amending 6.

Statutory Authority for Adoption: RCW 72.40.0191.

Other Authority: RCW 42.56.100.

Adopted under notice filed as WSR 16-07-102 on March 18, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 6, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: April 29, 2016.

Rick Hauan
Executive Director

AMENDATORY SECTION (Amending WSR 90-16-017, filed 7/19/90, effective 8/19/90)

WAC 148-276-010 Purpose. The purpose of the rules in this chapter is to ~~((ensure that the school complies with the public records provisions of RCW 42.17.250 through 42.17.340))~~ establish the procedures Washington state center for childhood deafness and hearing loss (center) will follow in order to provide full access to nonexempt public records. These rules provide information to persons requesting access to public records of the center and establish processes for both requestors and center staff that are designed to best assist members of the public in obtaining access.

AMENDATORY SECTION (Amending WSR 90-16-017, filed 7/19/90, effective 8/19/90)

WAC 148-276-030 ((Description of central organization of Washington state school for the deaf.)) Agency description—Public records officer—Public records. (1) The Washington state ((school for the deaf)) center for child-

hood deafness and hearing loss is a state agency established and organized under the authority of chapter 72.40 RCW ((for the purpose of implementing the educational goals established by the legislature in RCW 72.40.010)) to provide statewide leadership and support for the coordination of regionally delivered educational services and supports for children who are deaf or hard of hearing and promote the development of communication-rich learning environments for these children. The administrative office of the ((school)) center is located ((in)) at 611 Grand Boulevard, Vancouver, Washington((-The Vancouver campus comprises the central headquarters for all operations of the school.

(2) ~~The school operates under the supervision and control of the superintendent of the state school for the deaf, appointed by the governor. The superintendent takes such actions and promulgates such rules, regulations, and policies in harmony with the rules and regulations established by the office of superintendent of public instruction and the United States Department of Education, as are necessary to the administration and operation of the school.~~

(3) ~~A board of trustees serves as an advisory board to the superintendent and to the legislature. The board consists of a member from each of the state's congressional districts and ex-officio members representing specific interests and constituents of the school. The responsibilities and functions of the board are provided in chapter 72.42 RCW.~~

(4) ~~Elementary and high school education is under the direction of a principal or separate principals as student population increases and educational needs demand. Academic support services, including but not limited to outreach, nursing, and audiology are under the supervision of the director of academic support services. The director of media manages the learning resource center. Residential services are under the direction of the director of student life. Consolidated services, serving both the Washington state school for the blind and the Washington state school for the deaf, are administered by personnel located at the school for the deaf. Consolidated services include: The commissary, business, and personnel offices, the maintenance department, and custodial and food services.)) 98661. The center manages and supervises the school for the deaf which is also located at 611 Grand Boulevard, Vancouver, Washington 98661.~~

(2) Any person wishing to request access to public records of the center, or seeking assistance in making such a request should contact the public records officer of the center:

Washington State Center for Childhood

Deafness and Hearing Loss

611 Grand Blvd.

Vancouver, WA 98661-4918

360-696-6525 (voice)

360-334-5448 (video phone)

360-696-6291 (fax)

Executive.Assistant@cdhl.wa.gov

(3) The public records officer will oversee compliance with the act but another center staff member may process the request. Therefore, these rules will refer to the public records officer or "designee." The public records officer or designee and the center will provide the "fullest assistance" to requestors: create and maintain for use by the public and center offi-

cials an index to public records of the center; ensure that public records are protected from damage or disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of the center.

AMENDATORY SECTION (Amending WSR 90-16-017, filed 7/19/90, effective 8/19/90)

WAC 148-276-050 Public records available. ((All public records of the school, as defined in this chapter, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310.)) (1) **Hours for inspection of records.** Public records are available for inspection and copying during normal business hours of the center, Monday through Friday, 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m., excluding legal holidays and holidays established by the school calendar. Records must be inspected at the offices of the center.

(2) **Records index.** An index of public records is available for use by members of the public consisting of the records retention schedule according to record series title, manuals and policy statements by one or more of the following classifications: Administration, statewide (outreach) services, academic and residential life.

(3) **Organization of records.** The center will maintain its records in a reasonably organized manner. The center will take reasonable actions to protect records from damage and disorganization. A requestor shall not take center or school for the deaf records from center offices without the permission of the public records officer or designee.

(4) **Making a request for public records.**

(a) Any person wishing to inspect or copy public records of the center should make the request in writing on the center's public records request form, or by letter, fax, or e-mail addressed to the public records officer and including the following information:

- Name of requestor;
- Address of requestor;
- Other contact information, including telephone number and any e-mail address;
- Identification of the public records adequate for the public records officer or designee to locate the records;
- The date and time of day of the request; and
- A verification that the records requested shall not be used for commercial purposes.

(b) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or a deposit. Pursuant to WAC 148-276-090, standard photocopies will be provided at fifteen cents per page.

(c) A form is available for use by requestors at the office of the public records officer or online at the center's web site.

(d) The public records officer or designee may accept requests for public records that contain the above information by telephone or in person. If the public records officer or designee accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing.

NEW SECTION

WAC 148-276-055 Processing of public records requests. (1) **Order of processing public records requests.** The public records officer or designee will process requests in the order that allows the most requests to be processed in the most efficient manner.

(2) **Acknowledging receipt of request.** Within five business days of receipt of the request, the public records officer will do one or more of the following:

- (a) Make the records available for inspection or copying;
- (b) If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor;
- (c) Provide a reasonable estimate of when records will be available;
- (d) If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone or videophone. The public records officer or designee may revise the estimate of when records will be available; or
- (e) Deny the request.

(3) **If no response is received.** If the center does not respond in writing within five business days of receipt of the request for disclosure, the requestor should consider contacting the public records officer to ensure that the center received the request.

(4) **Protecting rights of others.** In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for the affected persons to seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

(5) **Records exempt from disclosure.** Some records are exempt from disclosure, in whole or in part. If the center believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

(6) **Inspection of records.**

(a) Consistent with other demands, the center shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the center to copy.

(b) The requestor must claim or review the assembled records within thirty days of the center's notification to him or her that the records are available for inspection or copying. The center will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the center to make arrangements to claim or review the records. If the requestor or a representative of the requestor

fails to claim or review the records within the thirty-day period or make other arrangements, the center may close the request and refile the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

(7) **Providing copies of records.** After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying.

(8) **Electronic records.** The process for requesting electronic public records is the same as for requesting paper public records. When a person requests records in an electronic format, the public records officer will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the center and is generally commercially available, or in a format that is reasonably translatable from the format in which the center keeps the record.

(9) **Providing records in installments.** When the request is for a large number of records, the public records officer or designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

(10) **Completion of inspection.** When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that the center has completed a diligent search for the requested records and made any located nonexempt records available for inspection. Then the public records officer will close the request.

(11) **Closing withdrawn or abandoned request.** When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer will close the request and indicate to the requestor that the center has closed the request.

(12) **Later discovered documents.** If, after the center has informed the requestor that it has provided all available records, the center becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

AMENDATORY SECTION (Amending WSR 90-16-017, filed 7/19/90, effective 8/19/90)

WAC 148-276-090 ((Copying-)) Costs of providing copies of public records. ~~((No fee shall be charged for the inspection of public records. The school may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records; such charges shall not exceed the amount necessary to reimburse the school for its actual costs incident to such copying. No person shall be released a record so copied until and unless the person requesting the copied public record had tendered payment for such copying to the appropriate school~~

~~official. All charges must be paid by money order, cashier's check, or cash in advance.))~~ **(1) Costs for paper copies.** There is no fee for inspecting public records. A requestor may obtain standard black and white photocopies for fifteen cents per page and color copies for twenty-five cents per page.

Before beginning to make the copies, the public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The public records officer or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. The center will not charge sales tax when it makes copies of public records.

(2) Costs for electronic records. The cost of electronic copies of records shall be five dollars for information on a CD-ROM. The cost of scanning existing center paper or other nonelectronic records is ten cents per page. There will be no charge for e-mailing electronic records to a requestor, unless another cost applies such as a scanning fee.

(3) Costs of mailing. The center may also charge actual costs of mailing, including the cost of the shipping container.

(4) Payment. Payment may be made by cash, check, or money order to the Washington state center for childhood deafness and hearing loss.

AMENDATORY SECTION (Amending WSR 90-16-017, filed 7/19/90, effective 8/19/90)

WAC 148-276-100 ((Determination regarding exempt records-)) Exemptions. ~~((1) The school reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 148-276-080 is exempt pursuant to the provisions set forth in RCW 42.17.310 and 42.17.315. Such determination may be made in consultation with the public records officer, the school superintendent, or an assistant attorney general assigned to the school.~~

~~((2) Pursuant to RCW 42.17.260, the school reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy; provided, however, in each case, the justification for deletion shall be explained fully in writing.~~

~~((3) Response to requests for a public record must be made promptly. For the purposes of this section, a prompt response occurs if the person requesting the public record is notified within two business days as to whether his request for a public record will be honored.~~

~~((4) All denials of request for public records must be accompanied by a written statement, signed by the public records officer or his/her designee, specifying the reason for the denial, a statement of the specific exemption authorizing the withholding of the record, and a brief explanation of how the exemption applies to the public record withheld.))~~ **(1) The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any "other**

statute" exempts or prohibits disclosure. Requestors should be aware of the following exemptions, outside the Public Records Act, that restrict the availability of some documents held by the center for inspection and copying:

(a) The Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g;

(b) RCW 5.60.060(2), records subject to the attorney-client privilege; and

(c) RCW 42.56.290, attorney work-product involving a controversy.

(2) The center is prohibited by statute from disclosing lists of individuals for commercial purposes.

AMENDATORY SECTION (Amending WSR 90-16-017, filed 7/19/90, effective 8/19/90)

WAC 148-276-110 Review of denials of public records requests. (1) Petition for internal administrative review of denial of access. Any person who objects to the initial denial or partial denial of a request for a public record may petition in writing (including e-mail) to the public records officer for prompt review of ~~((such decision by tendering a written request for review. The written request shall specifically refer to the written statement which constituted or accompanied the denial.~~

(2) ~~The written request by a person demanding prompt review of a decision denying a public record shall be submitted to the superintendent, or his or her designee.~~

(3) ~~Within two business days after receiving the written request by a person petitioning for a prompt review of a decision denying public record, the superintendent, or his or her designee, shall complete such review.~~

(4) ~~During the course of the review, the superintendent or his or her designee, shall consider the obligations of the school fully to comply with the intent of chapter 42.17 RCW insofar as it requires providing full public access to official records, but shall also consider both the exemptions provided in RCW 42.17.310 through 42.17.315, and the provisions of the statute which require the school to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and prevent any unreasonable invasion of personal privacy by deleting identifying details.) that decision. The petition shall include a copy of or reasonably identify the written statement by the public records officer or designee denying the request.~~

(2) **Consideration of petition for review.** The public records officer shall promptly provide the petition and any other relevant information to the public records officer's supervisor for review. That person will immediately consider the petition and either affirm or reverse the denial within two business days following the center's receipt of the petition, or within such other time as mutually agreed upon by the center and the requestor.

(3) **Review by the attorney general's office.** Pursuant to RCW 42.56.530, if the center denies a requestor access to public records because it claims the record is exempt in whole or in part from disclosure, the requestor may request the attorney general's office to review the matter. The attorney general has adopted rules on such requests in WAC 44-06-160.

(4) **Judicial review.** Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 148-276-020 Definitions.
- WAC 148-276-040 Operations and procedures.
- WAC 148-276-060 Public records officer.
- WAC 148-276-070 Office hours.
- WAC 148-276-080 Requests for public records.
- WAC 148-276-120 Protection of public records.
- WAC 148-276-130 Records index.
- WAC 148-276-140 Adoption of form.

WSR 16-11-004

PERMANENT RULES

DEPARTMENT OF HEALTH

(Veterinary Board of Governors)

[Filed May 4, 2016, 1:56 p.m., effective June 4, 2016]

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

Purpose: New WAC 246-933-200 Veterinary-client-patient relationship (VCPR) required. The VCPR is a nationally recognized standard providing the basis for interaction between veterinarians and their clients and animal patients. The VCPR assumes that the veterinarian is responsible for the health of the patient, has current knowledge of the patient's condition, and is available for follow-up evaluation or has arranged for emergency coverage.

Statutory Authority for Adoption: RCW 18.92.030.

Adopted under notice filed as WSR 16-03-081 on January 20, 2016.

Changes Other than Editing from Proposed to Adopted Version: Editing changes only.

A final cost-benefit analysis is available by contacting Lorelei Walker, Washington State Department of Health, Veterinary Board of Governors, P.O. Box 47852, Olympia, 98504-7852, phone (360) 236-4947, fax (360) 236-2901, e-mail Lorelei.Walker@doh.wa.gov.

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

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

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

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

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

Date Adopted: March 7, 2016.

Suzan Seelye, DVM
Board Chair

NEW SECTION

WAC 246-933-200 Veterinary-client-patient relationship. A veterinary-client-patient relationship is the basis for interaction between veterinarians and their clients and patients.

(1) A veterinary-client-patient relationship exists when all of the following conditions have been met:

(a) The veterinarian has assumed responsibility for making clinical judgments regarding the health of the animal(s) and need for medical treatment, and the client or key party as defined in WAC 246-934-020 has agreed to follow the instructions of the veterinarian.

(b) The veterinarian has sufficient knowledge of the animal(s) to initiate, at a minimum, a general or preliminary diagnosis of the medical conditions of the animal(s). This means the veterinarian:

(i) Has examined the animal(s) within the last year, or sooner if medically appropriate; or

(ii) In cases involving operations with several animals, such as encountered at farms, laboratories, or in shelters, is personally acquainted with the keeping and care of the animal(s) by virtue of an examination of the animal(s) or by medically appropriate and timely visits to the premises where the animal(s) are kept.

(c) The veterinarian is readily available for follow-up evaluation or has arranged for emergency coverage and continuing care and treatment.

(2) The veterinarian shall not establish a veterinary-client-patient relationship solely by telephonic or other electronic means. However, once established, a veterinary-client-patient relationship may be maintained between medically necessary examinations via telephone or other types of consultations.

(3) The veterinary-client-patient relationship may be terminated under these conditions:

(a) Veterinarians may terminate a veterinary-client-patient relationship as long as the termination does not constitute patient abandonment as described in WAC 246-933-060.

(b) If there is an ongoing medical or surgical condition, the patient should be referred to another veterinarian for diagnosis, care, and treatment.

(c) Clients may terminate the veterinary-client-patient relationship at any time.

(4) For animals or animal products for food consumption:

(a) There must be a written agreement with the client that identifies the farm veterinarian of record (VOR) who is accountable for drug use and treatments administered to the animals on the farm operation;

(b) The VOR is the responsible party for providing appropriate oversight of drug use on the farm operation. Oversight includes establishment of diagnostic and treatment protocols, training of personnel, review of treatment records, monitoring drug inventories, assuring appropriate labeling of drugs, and monitoring compliance and outcomes. Veterinary oversight of drug use must include all drugs used on the farm regardless of the distribution of the drugs to the farm;

(c) Provision of drugs or drug prescriptions must be for specific time frames appropriate to the scope and type of operation involved and only for the management groups within the operation that the VOR has direct involvement and oversight;

(d) A veterinarian issuing a veterinary feed directive (VFD) must comply with applicable federal law, including 21 C.F.R. 558.6.

(5) Medical records must be maintained pursuant to WAC 246-933-320(7).

(6)(a) A veterinarian shall use or prescribe drugs only within the context of a veterinary-client-patient relationship. Veterinary prescription drugs are restricted by federal law, under 21 U.S.C Sec. 353(f), to be used by or on the order of a licensed veterinarian.

(b) Extra label use is legal only when ordered by a veterinarian and within the context of a veterinary-client-patient relationship.

WSR 16-11-010

PERMANENT RULES

DEPARTMENT OF TRANSPORTATION

[Filed May 5, 2016, 2:26 p.m., effective June 5, 2016]

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

Purpose: The proposal amending WAC 468-38-120, revision of the rule is to add language indicating modular homes would be treated the same as manufactured homes when referring over height when escort cars are required.

Citation of Existing Rules Affected by this Order: Amending WAC 468-38-120.

Statutory Authority for Adoption: RCW 46.44.090.

Adopted under notice filed as WSR 16-06-055 on February 24, 2016.

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 1, Repealed 0.

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

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

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

Date Adopted: April 19, 2016.

Kara Larsen, Director
Torts, Claims, and
Records Management

AMENDATORY SECTION (Amending WSR 12-18-007, filed 8/23/12, effective 9/23/12)

WAC 468-38-120 Transport of extra-legal manufactured housing. (1) **How many vehicles can be combined in the move of a manufactured home?** The vehicle combination is limited to two vehicles, a towing unit, sometimes referred to as a "toter," and the semi-trailer designed housing unit.

(2) **What are the dimensional limits of the combination?** While the overall combination is not limited by dimension, the following limits are established:

(a) **Length:** The length of the manufactured housing unit may not exceed seventy-five feet, including the length of the tongue.

(i) The department's administrator for commercial vehicle services, or designee, is authorized to issue permits, on an individual basis, authorizing the transport of a unit when the length exceeds that specified in (a) of this subsection, but the housing unit will not exceed eighty feet in length, including the length of the tongue.

(ii) In issuing permits under this rule, the administrator will determine the following:

(A) The safety of other highway users will not be impaired; and

(B) The adjacent states, through which the manufactured home may be transported, must also authorize the movement.

(b) **Width:** The width of the manufactured housing unit must not exceed a box (base) width of sixteen feet. The unit may have an eave provided it does not extend beyond either side by:

(i) More than thirty inches for units with a box width less than sixteen feet wide; or

(ii) More than sixteen inches for a unit with a box width of sixteen feet; however, the overall width shall not, under any circumstances, exceed eighteen feet.

(c) **Width exemptions:** External features, such as door-knobs, window fasteners, eave cap, clearance lights, and load securing devices, that extend no more than two inches on each side of the unit, are exempt from the overall width measurement.

(d) **Height:** The height of the unit is limited to the actual overhead clearance of the route.

(3) **What are the criteria for receiving an annual/monthly special permit versus a single trip special permit?**

(a) **Annual/monthly permits** are issued only to dealers or manufacturers described in chapter 46.70 RCW or licensed transporters described in chapter 46.76 RCW. Use of the annual/monthly permit is restricted to the movement of housing units with a box width not exceeding fourteen feet wide, plus an eave not to exceed twelve inches, and a height not to exceed fifteen feet measured from level ground when in transit mode.

(b) **Single trip permits** are required when the permit applicant is not a qualified dealer or transporter as described in (a) of this subsection, or when the width of the housing unit box exceeds fourteen feet wide, the overall width exceeds fifteen feet wide, and/or the height exceeds fifteen feet measured from level ground when in transit mode. **Housing units that exceed sixteen feet wide and/or sixteen feet high must also comply with the requirements of WAC 468-38-405 Superloads**, prior to the issuance of a special permit.

(4) **When is it necessary to include a pilot/escort vehicle(s) in the movement of a manufactured house?** The requirements for a pilot/escort vehicle escorting a manufactured home are the same as those found in WAC 468-38-100, except that the use of a height measuring device (pole) on the front pilot/escort vehicle is not required until the overall height of the housing unit exceeds fifteen feet. With respect to pilot/escort requirements for height in this section, the term housing unit includes modular homes as defined in RCW 46.04.303. The vehicle or load width referenced in WAC 468-38-100 is to be interpreted as overall width when measuring a manufactured home.

(5) **What are the insurance requirements, and what special reporting responsibilities does the transporter have in case of an accident?**

(a) Insurance requirements for the movement of a manufactured home are outlined in RCW 46.44.180.

(b) When an incident occurs while transporting a manufactured house under special permit, the transporter must immediately notify the nearest state patrol office if the damage to the manufactured home is greater than two hundred fifty dollars or if the damage to other vehicles or structures exceeds one hundred dollars. The transport of the home must not resume without permission from the state patrol.

(6) **What requirements must a manufactured home meet for axles, brakes, tires and other suspension components before it can be transported?**

(a) **Axles** on each housing unit in transport must be in sufficient number to support enough tires to comply with (c)(i) and (ii) of this subsection. Any housing unit exceeding fourteen feet wide must have a minimum of four axles.

(b) **Brakes** must be designed and installed to activate if the housing unit accidentally breaks away from the towing vehicle. The brakes on all vehicle/housing unit combinations must be capable of complying with the braking performance requirements of RCW 46.37.351. In addition, there must be compliance with the following special installation criteria:

(i) For housing units manufactured prior to June 15, 1976, brake installation must, at a minimum, comply with the following table:

Width of Unit at Base	Number of Axles Required	Wheels w/ Brakes
> 8' 6" but < 10'	2 or more	All wheels on 2 axles (a towing unit w/minimum 9,000 GVWR all wheels on 1 axle)
10' to 14' (under 60' in length)	2 or more (3 or more if > 60' long)	All wheels on 2 axles (tires w/minimum 8:00 x 14.5, 10 ply)

(ii) For all vehicle/housing unit combinations exceeding fourteen feet wide, all wheels on at least three of the axles must be properly equipped with brakes.

(c) **Tire loadings** are dependent on when the housing unit was manufactured and must comply as follows:

(i) **Tire loadings** on housing units manufactured **after January 1, 2002**, (labeled pursuant to *Code of Federal Regulation*, 24 C.F.R. 3282.362 (c)(2)(i)) may not exceed the manufacturer's rating as marked on the sidewall. In the absence of a sidewall marking, the tires on the housing unit must comply with the load rating specified in any of the publications of any organization listed in the *Federal Motor Carrier Safety Standard (FMCSS) No. 119* (49 C.F.R. 571.119, S5.1 (b)). Housing units with no verifiable date of manufacture must also not exceed the manufacturer's tire load rating.

(ii) **Tire loadings** on housing units manufactured **before January 1, 2002**, (labeled pursuant to 24 C.F.R. 3282.362 (c)(2)(i)) must not exceed more than eighteen percent above the manufacturer's rating as marked on the sidewall. In the absence of a sidewall marking, the tires on the housing unit must not exceed eighteen percent above the load rating specified in any of the publications of any organization listed in the *Federal Motor Carrier Safety Standard (FMCSS) No. 119* (49 C.F.R. 571.119, S5.1 (b)). Housing units transported on tires overloaded by nine percent or more must not be moved at speeds exceeding fifty miles per hour (eighty kilometers per hour).

(d) **Tow spare tires**, inflated and ready for use, must be carried during transport.

(e) The manufacturer's rating must not be exceeded for any **wheel, axle, drawbar, hitch, or other suspension device**.

(7) Does a tow vehicle (toter) have any special requirements? Yes. The tow vehicle must:

(a) Be equipped with dual wheels on the drive axle.

(b) Have a combined minimum gross axle weight rating, assigned by the manufacturer, of thirty-two thousand pounds, if the housing unit being transported exceeds fourteen feet wide.

(c) Have sufficient engine horsepower to maintain towing speeds of forty-five miles per hour on the interstate and thirty-five miles per hour on other highways.

(8) What unique travel requirements must be complied with? Requirements for signs, lights, unit covering, routes, speed, moving multiple units at the same time and lane of travel are as follows:

(a) **Signs** for the towing unit and housing unit must comply with WAC 468-38-155(7). The sign for the housing unit must be mounted on the rear of the unit, on a horizontal plane, between five and seven feet above the road surface.

(b) In addition to any other **lighting** requirements in law or rule, two six-inch flashing amber lights, with a minimum of thirty-five candle power, a flashing cycle of sixty to one hundred twenty times per minute during transit, must be mounted on the rear of the housing unit, on a horizontal plane, at least ten feet above the road surface. An additional two lights, of the same specifications, must be mounted above the roofline of the towing vehicle, either on the towing vehicle roof or the front of the housing unit. The two lights at

each location, front and rear, must be located as close to the outside extremities of the housing unit as practical.

(c) **Coverings** of open sides may be with a rigid material such as plywood or hardboard, or a sufficiently strong ply plastic. When plastic is used, a grillwork of lumber or similar material must be applied to prevent tears and/or billowing of the material.

(d) **Routes** of travel with restrictions must be strictly adhered to. Housing units in transport mode that exceed sixteen feet high or sixteen feet wide must be approved for travel on a case-by-case basis, as per WAC 468-38-405, Superloads. **Dealers selling extra-legal manufactured homes must advise the prospective purchaser in writing that not all state highways are approved for the transport of manufactured homes in excess of twelve feet wide.**

(e) **Speed** of the in-transit housing unit is governed by WAC 468-38-175(5).

(f) **Multiple housing units moving together** must comply with WAC 468-38-175(6), Moves in convoy.

(g) The **right-hand lane must be used for travel**, except when passing or avoiding an obstruction. On two-lane highways, housing units must not pass other vehicles except when required to pass a slow moving vehicle that is hindering safe traffic flow.

(9) Is a decal from the county treasurer required before a manufactured home can be transported? Yes, except as provided for in RCW 46.44.170 (2)(a) and (b), a decal issued by the county treasurer must be displayed on the rear of the manufactured home during transport on public highways of this state. If the manufactured home is being transported as multiple units (double-wide or more), an individual decal must be displayed on each unit being transported.

(10) How is the county treasurer decal issued? The decal is issued at the same time the county treasurer issues the tax certificate that shows all taxes have been paid to date.

(11) RCW 46.44.170 requires the department to design the decal for uniform implementation. What are the design specifications? The decal must:

(a) Be at least eight and one-half inches square.

(b) Be printed on Appleton Radiant Fluorescent Bristol (weight .010) or paper of comparable quality.

(c) Be fluorescent orange in color.

(d) Disclose the make, model and serial number of the manufactured home, the date issued, the name of the transporter, the transporter's WUTC permit number ID required, the department of transportation special motor vehicle permit number, and the name of the county issuing the decal.

(e) Clearly display the expiration date of the decal, which must not be more than fifteen days after the date issued.

(12) Can decals be transferred to other housing units? Under no circumstance can the decal be transferred.

(13) What other vehicles are treated like manufactured housing for permitting purposes? Any enclosed structure built on a manufactured housing type chassis with its own axles must comply with the provisions of this section to receive an overlegal permit, including, but not limited to: Portable construction offices, portable classrooms, and "park-model" trailers.

WSR 16-11-011
PERMANENT RULES
DEPARTMENT OF TRANSPORTATION

[Filed May 5, 2016, 2:27 p.m., effective June 5, 2016]

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

Purpose: The proposal amending WAC 468-38-050, Revision of the rule is to address the process of Washington state department of transportation not accepting credit card payment for special motor vehicle permits. Also, the revision authorizes the permittee the use of portable electronic devices to display their permit when required to display. The revision does not affect other existing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 468-38-050.

Statutory Authority for Adoption: RCW 46.44.090.

Adopted under notice filed as WSR 16-06-054 on February 24, 2016.

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 1, Repealed 0.

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

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

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

Date Adopted: April 19, 2016.

Kara Larsen, Director
Torts, Claims, and
Records Management

AMENDATORY SECTION (Amending WSR 11-17-130, filed 8/24/11, effective 9/24/11)

WAC 468-38-050 Special permits for extra-legal loads. (1) **When can the department or its agents issue a permit for an extra-legal move?** The following general conditions must be met:

(a) Application (~~has been made in written or electronic format to the department or its agents (oral application is acceptable)~~) can be made in face-to-face over-the-counter transactions(+) with the department or its agents and the applicant has shown there is good cause for the move. The requestor may self-issue a special motor vehicle permit for their vehicles when applicable. Application may be made in written or electronic format to the department's agents.

(b) The applicant has shown the configuration is eligible for a permit.

(c) The vehicle, vehicle combination and/or load has been thoroughly described and identified.

(d) The points of origin and destination and the route of travel have been stated and approved.

(e) The move has been determined to be consistent with public safety. The permit applicant has indicated that appropriate safety precautions will be taken as required by state law, administrative rule or specific permit instruction.

(2) **How must a vehicle(s), including load, be configured to be eligible for a special permit to move on the state highways?** A vehicle(s), including load, that can be readily or reasonably dismantled must be reduced to a minimum practical size and weight. Portions of a load may be detached and reloaded on the same hauling unit when the separate pieces are necessary to the operation of the machine or equipment which is being hauled: Provided, that the arrangement does not exceed special permit limits. Detached and reloaded pieces must be identified on the special permit. Permit requests for specific divisible loads are authorized under WAC 468-38-071.

(3) **Are there any exceptions to dismantling the configuration?** Yes. A vehicle, vehicle combination or load may stay assembled if by separating it into smaller loads or vehicles the intended use of the vehicle or load would be compromised (i.e., removing the boom from a self-propelled crane), the value of the load or vehicle would be destroyed (i.e., removing protective packaging), and/or it would require more than eight work hours to dismantle using appropriate equipment. The permit applicant has the burden of proof in seeking an exception. Configurations that fall under the exception must not exceed special permit limits.

(4) **What does the applicant affirm when he/she signs the permit?** The permit applicant affirms:

(a) The vehicle or vehicle combination and operator(s) are properly licensed to operate and carry the load described in accordance with appropriate Washington law and administrative code.

(b) They will comply with all applicable requirements stipulated in the permit to move the extra-legal configuration.

(c) The move (vehicle and operator) is covered by a minimum of seven hundred and fifty thousand dollars liability insurance: Provided, that a noncommercial move (vehicle and operator) shall have at minimum three hundred thousand dollars liability insurance for the stated purpose.

(d) Except as provided in RCW 46.44.140, the official department special permit signed by the permittee, or a copy of the signed permit, must be carried on the power unit at all times while the permit is in effect. Moves made by designated emergency vehicles, receiving departmental permit authorization telephonically, are exempt from this requirement.

(e) A copy of a signed permit as noted in (d) of this subsection includes the electronic display of the signed permit on an electronic device with the following requirements:

(i) When a permittee chooses to display the permit electronically, the permittee accepts all liability for any damage or loss of display to the device during transport, inspection by enforcement personnel, or other times that the permit is to be displayed.

(ii) The displayed permit must be verifiable by law enforcement through the Washington state permitting system known as the electronic system network overweight oversize permit information (eSNOOPI) system.

(iii) The permittee agrees to authorize law enforcement to have physical control of the device for inspection of the permit when requested.

(iv) Permits containing routing information require the electronic device to have a screen display of no less than three and a half inches by five inches. Other permit types may have smaller screen displays.

(v) Display of the permit must be legible or the electronic device must have the ability to zoom the image so it is legible.

(vi) The permittee must comply with the requirements for electronic display of a permit or must have a paper copy of the permit carried on the power unit at all times while transporting the permitted load.

(5) What specific responsibility and liability does the state assign to the permit applicant through the special permit? Permits are granted with the specific understanding that the permit applicant shall be responsible and liable for accidents, damage or injury to any person or property resulting from the operation of the vehicle covered by the permit upon public highways of the state. The permit applicant shall hold blameless and harmless and shall indemnify the state of Washington, department of transportation, its officers, agents, and employees against any and all claims, demands, loss, injury, damage, actions and costs of actions whatsoever, that any of them may sustain by reason of unlawful acts, conduct or operations of the permit applicant in connection with the operations covered by the permit.

(6) When and where can a special permit be acquired? The following options are available:

(a) Special permits may be purchased at any authorized department of transportation office or agent Monday through Friday during normal business hours.

~~(b) ((An application for a permit may be submitted by facsimile, including charge card information to an authorized location. The special permit will be issued and returned by facsimile subject to normal business hours.~~

~~(e))~~ Companies that would like to self-issue permits for their own vehicles may apply to the department for this privilege. Department representatives will work with the company to determine if self-issuing is appropriate.

~~((d))~~ **(c)** The department will maintain and publish a list of authorized permit offices and agents.

WSR 16-11-012

PERMANENT RULES

DEPARTMENT OF TRANSPORTATION

[Filed May 5, 2016, 2:28 p.m., effective June 5, 2016]

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

Purpose: The proposed change will revise pilot/escort vehicle and operator requirements for moving oversize loads. The proposed change will also revise equipment requirements for vehicles involved in transport of oversize loads. This proposal was initiated by a recommendation to all states for uniform permitting requirements by the American Association of State Highway and Transportation Officials.

Citation of Existing Rules Affected by this Order: Amending WAC 468-38-100 and 468-38-155.

Statutory Authority for Adoption: RCW 46.44.090 and 46.44.093.

Adopted under notice filed as WSR 16-06-091 on March 1, 2016.

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 1, Repealed 0.

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

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

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

Date Adopted: April 19, 2016.

Kara Larsen, Director
Torts, Claims, and
Records Management

AMENDATORY SECTION (Amending WSR 06-07-025, filed 3/7/06, effective 4/7/06)

WAC 468-38-100 Pilot/escort vehicle and operator requirements. (1) ~~((When is a pilot/escort vehicle(s) required to accompany an extra-legal vehicle or load? A pilot/escort vehicle(s)))~~ A certified pilot/escort operator, acting as a warning necessary to provide safety to the traveling public, must accompany an extra-legal load when:

(a) The vehicle(s) or load ~~((is over))~~ exceeds eleven feet ~~((wide-))~~ in width. Two pilot/escort vehicles are required on two lane ~~((roads))~~ highways, one in front and one ~~((in back))~~ at the rear.

(b) The vehicle(s) or load ~~((is over))~~ exceeds fourteen feet ~~((wide-))~~ in width. One escort vehicle is required at the rear ~~((of the movement))~~ on multilane highways.

(c) The vehicle(s) or load ~~((is over))~~ exceeds twenty feet ~~((wide-))~~ in width. Two pilot/escort vehicles are required on multilane undivided highways, one in front and one ~~((in back))~~ at the rear.

(d) The trailer length, including load, of a tractor/trailer combination exceeds one hundred five feet, or when the rear overhang of a load measured from the center of the rear axle exceeds one-third of the trailer length ~~((plus))~~ including load of a tractor/trailer or truck/trailer combination ~~((-))~~ ; One pilot/escort vehicle is required at the rear ~~((of the movement))~~ on two-lane highways.

(e) The trailer length, including load, of a tractor/trailer combination exceeds one hundred twenty-five feet ~~((-))~~ ; One pilot/escort vehicle is required at the rear ~~((of the movement))~~ on multilane highways.

(f) The front overhang of a load measured from the center of the front steer axle exceeds twenty feet ~~((-))~~ ; One pilot/escort vehicle is required at the front on all two-lane highways.

(g) The rear overhang of a load on a single unit vehicle, measured from the center of the rear axle, exceeds twenty feet((-)); One pilot/escort vehicle is required at the rear (~~of the movement~~) on two-lane highways.

(h) The height of the vehicle(s) or load exceeds fourteen feet six inches((-)); One pilot/escort vehicle with height measuring device (pole) is required at the front of the movement on all ((state)) highways ((and roads)).

(i) The operator, using rearview mirrors, cannot see two hundred feet to the rear of the vehicle or vehicle combination when measured from either side of the edge of the load or last vehicle in the combination, whichever is larger: One pilot/escort vehicle is required at the rear on all highways.

(j) In the opinion of the department, a pilot/escort vehicle(s) is necessary to protect the traveling public. Assignments of this nature must be authorized through the department's administrator for commercial vehicle services.

(2) Can a pilot/escort vehicle be temporarily reassigned a position relative to the load during a move? When road conditions dictate that the use of the pilot/escort vehicle in another position would be more effective, the pilot/escort vehicle may be temporarily reassigned. For example: A pilot/escort vehicle is assigned to the rear of an overlength load on a two-lane highway. The load is about to enter a highway segment that has curves significant enough to cause the vehicle and/or load to encroach on the oncoming lane of traffic. The pilot/escort vehicle may be temporarily reassigned to the front to warn oncoming traffic.

(3) Can a certified flag person ever substitute for a pilot/escort vehicle? In subsection (1)(d) and (e) of this section, the special permit may authorize a riding flag person, in lieu of a pilot/escort vehicle, to provide adequate traffic control for the configuration. The flag person is not required to ride in the pilot/escort vehicle but may ride in the transport vehicle with transporter's authorization.

(4) Must an operator of a pilot/escort vehicle be certified to operate in the state of Washington? Yes. To help assure compliance with the rules of this chapter, consistent basic operating procedures are needed for pilot/escort vehicle operators to properly interact with the escorted vehicle and the surrounding traffic. Operators of pilot/escort vehicles, therefore, must be certified as having received department-approved base level training as a pilot/escort vehicle operator((-)) and must comply with the following:

(a) A pilot/escort vehicle operator with a Washington state driver's license must have a valid Washington state pilot/escort vehicle operator certificate/card which must be on the operator's person while performing escort vehicle operator duties.

(b) A pilot/escort vehicle operator((s)) with a driver's license from a jurisdiction other than the state of Washington ((state)) may acquire a Washington state escort vehicle operator certificate/card, or operate with a certification from another jurisdiction approved by the department, subject to the periodic review of the issuing jurisdiction's certification program. A current list of approved programs will be maintained by the department's commercial vehicle services office.

~~((Washington state))~~ (c) A pilot/escort vehicle operator certification does not exempt a pilot/escort operator from

complying with all state laws and requirements of the state in which she/he is traveling.

(d) Every applicant for a state of Washington pilot/escort operator certificate shall attend an eight-hour classroom training course offered and presented by a business, organization, government entity, or individual approved by the department. At the conclusion of the course, the applicant will be eligible to receive the certification card after successfully completing a written test with at least an eighty percent passing score. State of Washington pilot/escort vehicle operator certification cards must be renewed every three years.

(5) What are the pretrip procedures that must be followed by the operator of a pilot/escort vehicle?

(a) Discuss with the operator of the extra-legal vehicle the aspects of the move including, but not limited to, the vehicle configuration, the route, and the responsibilities that will be assigned or shared.

(b) Prerun the route, if necessary, to verify acceptable clearances.

(c) Review the special permit conditions with the operator of the extra-legal vehicle. When the permit is a single trip extra-legal permit, displaying routing information, the pilot/escort operator(s) must have a copy of the permit, including all special conditions and attachments.

(d) Determine proper position of required pilot/escort vehicles and set procedures to be used among the operators.

(e) ~~((Assure availability of additional certified flag persons if stated as a condition of the oversize/overweight special permit.~~

(~~(f)~~) Check mandatory equipment, provided in subsections (9) and (10) of this section. Each operator is responsible for his or her own vehicle.

~~((g))~~ (f) Check two-way communication system to ensure clear communications between the pilot/escort vehicle(s) and the transport vehicle and predetermine the channel to be used.

(g) Acknowledge that nonemergency electronic communication is prohibited except communication between pilot/escort operator(s) and the transport vehicle during movement.

(h) Adjust mirrors, mount signs and turn on lights, provided in subsections (8)(e) and (9)(a) and (b) of this section.

(6) What are the responsibilities of the operator of a pilot/escort vehicle when assigned to be in front of the extra-legal movement? The operator shall:

(a) Provide general warning to oncoming traffic of the presence of the permitted vehicle by use of signs and lights, provided in subsection (9) of this section;

(b) Notify the operator of the extra-legal vehicle, and the operator(s) of any trailing pilot/escort vehicle(s), about any condition that could affect either the safe movement of the extra-legal vehicle or the safety of the traveling public, in sufficient time for the operator of the extra-legal vehicle to take corrective action. Conditions requiring communication include, but are not limited to, road-surface hazards; overhead clearances; obstructions; traffic congestion; pedestrians; etc.;

(c) Provide guidance to the extra-legal vehicle through lane changes, egress from one designated route and access to

the next designated route on the approved route itinerary, and around any obstacle;

(d) In the event of traffic buildup behind the extra-legal vehicle, locate a safe place adjacent to the highway where the extra-legal vehicle can make a temporary stop. Notify the operator of the extra-legal vehicle, and the operator(s) of any trailing pilot/escort vehicle(s), in sufficient time for the extra-legal vehicle to move out of the traffic flow into the safe place, allowing the following traffic to pass safely;

(e) In accordance with training, be far enough in front of the extra-legal vehicle to allow time for the extra-legal vehicle to stop or take corrective action as necessary when notified by the front pilot/escort operator. Be far enough in front of the extra-legal vehicle to signal oncoming traffic to stop in a safe and timely manner before entering any narrow structure or otherwise restricted highway where an extra-legal vehicle has entered and must clear before oncoming traffic can enter;

(f) In accordance with training, do not be any farther ahead of the extra-legal vehicle than is reasonably prudent, considering speed of the extra-legal vehicle, other traffic, and highway conditions. Do not exceed ~~((one-half mile))~~ a distance between pilot/escort vehicle and extra-legal vehicle ~~((in order to maintain radio communication, except when necessary to safely travel a long narrow section of highway))~~ that would interfere with maintaining clear two-way radio communication; and

(g) Assist in guidance to a safe place, and/or traffic control, in instances when the extra-legal vehicle becomes disabled.

(7) What are the responsibilities of the operator of a pilot/escort vehicle when assigned to be at the rear of the extra-legal movement? The operator shall:

(a) Provide general warning to traffic approaching from the rear of the extra-legal vehicle ahead by use of signs and lights, provided in subsection (9) of this section;

(b) Notify the operator of the extra-legal vehicle, and the operator(s) of any leading pilot/escort vehicle(s), about any condition that could affect either the safe movement of the extra-legal vehicle or the safety of the traveling public, in sufficient time for the operator of the extra-legal vehicle to take corrective action. Conditions requiring communication include, but are not limited to, objects coming loose from the extra-legal vehicle; flat tires on the extra-legal vehicle; rapidly approaching traffic or vehicles attempting to pass the extra-legal vehicle; etc.;

(c) Notify the operator of the extra-legal vehicle, and/or the operator of the lead pilot/escort vehicle, about traffic buildup or other delays to normal traffic flow resulting from the extra-legal move;

(d) In the event of traffic buildup behind the extra-legal vehicle, notify the operator of the extra-legal vehicle, and the operator(s) of any pilot/escort vehicle(s) in the lead, and assist the extra-legal vehicle in its move out of the traffic flow into the safe place, allowing the following traffic to pass safely;

(e) In accordance with training, be far enough behind the extra-legal vehicle to provide visual warning to approaching traffic to slow or stop in a timely manner, depending upon the action to be taken by the extra-legal vehicle, or the condition

of the highway segment (i.e., limited sight distance, mountainous terrain, narrow corridor, etc.);

(f) Do not follow more closely than is reasonably prudent, considering the speed of the extra-legal vehicle, other traffic, and highway conditions. Do not exceed one-half mile distance between the pilot/escort vehicle and the extra-legal vehicle in order to maintain radio communication, except when necessary to safely travel a long narrow section of highway; and

(g) Pilot/escort operators shall not perform tillerman duties while performing escorting duties. For this section, tillerman refers to an individual that operates the steering of the trailer or trailing unit of the transport vehicle; and

(h) Assist in guidance to a safe place, and/or traffic control, in instances when the extra-legal vehicle becomes disabled.

(8) What kind of vehicle can be used as a pilot/escort vehicle? In addition to being in safe and reliable operating condition, the vehicle shall:

(a) Be either a single unit passenger car, including passenger van, or a two-axle truck, including a nonplacarded service truck;

(b) Not exceed a maximum gross vehicle weight or gross weight rating of ~~((fourteen))~~ sixteen thousand pounds;

(c) Have a body width of at least sixty inches but no greater than one hundred two inches;

(d) Not exceed the legal limits of size and weight, as defined in chapter 46.44 RCW; and

(e) Be equipped with outside rear-view mirrors, located on each side of the vehicle.

(f) Not tow a trailer while escorting.

(9) In addition to equipment required by traffic law, what additional equipment is required on the vehicle when operating as a pilot/escort, and when is it used?

(a) A minimum of ~~((two))~~ one flashing or rotating amber (yellow) light~~((s))~~ or strobe, positioned above the roof line, visible from a minimum of five hundred feet to approaching traffic from the front or rear of the vehicle and visible a full three hundred sixty degrees around the pilot/escort vehicle. Light bars, with appropriately colored lights, meeting the visibility minimums are acceptable. Lights must only be activated while escorting an extra-legal vehicle, or when used as traffic warning devices while stopped at the side of the road taking height measurements during the prerunning of a planned route. The vehicle's headlights must also be activated while escorting an extra-legal vehicle.

(b) A sign reading "OVERSIZE LOAD," measuring at least five feet wide, ten inches high with black lettering at least eight inches high in a one-inch brush stroke on yellow background. The sign shall be mounted over the roof of the vehicle and shall be displayed only while performing as the pilot/escort of an extra-legal load. When the vehicle is not performing as a pilot/escort, the sign must be removed, retracted or otherwise covered.

(c) A two-way radio communications system capable of providing reliable two-way voice communications, at all times, between the operators of the pilot/escort vehicle(s) and the extra-legal vehicle(s).

(d) Nonemergency electronic communications is prohibited except communication between the pilot/escort vehicle(s) and the transport vehicle during movement.

(10) What additional or specialized equipment must be carried in a pilot/escort vehicle?

(a) A standard eighteen-inch STOP AND SLOW paddle sign.

(b) Three bi-directional emergency reflective triangles.

(c) A minimum of one five-pound B, C fire extinguisher, or equivalent.

(d) A high visibility safety garment designed according to Class 2 specifications in ANSI/ISEA 107-1999, *American National Standard for High Visibility Safety Apparel*, to be worn when performing pilot/escort duties outside of the vehicle. The acceptable high visibility colors are fluorescent yellow-green, fluorescent orange-red or fluorescent red.

(e) A highly visible colored hard hat, also to be worn when performing pilot/escort duties outside of the vehicle, per WAC 296-155-305.

(f) A height-measuring device (pole), which is nonconductive and nondestructive to overhead clearances, when required by the terms of the special permit. The upper portion of a height pole shall be constructed of flexible material to prevent damage to wires, lights, and other overhead objects or structures. The pole may be carried outside of the vehicle when not in use. See also subsection (14) of this section.

(g) First-aid supplies as prescribed in WAC 296-800-15020.

(h) A flashlight in good working order with red nose cone. Additional batteries should also be on hand.

(11) Can the pilot/escort vehicle carry passengers? A pilot/escort vehicle may not contain passengers, human or animal, except ~~((for a))~~ that:

(a) A certified individual in training status or necessary flag person may be in the vehicle with the approval of the pilot/escort operator.

(b) A service animal may travel in the pilot/escort vehicle but must be located somewhere other than front seat of vehicle.

(12) Can the pilot/escort vehicle carry any other items, equipment, or load? Yes, as long as the items, equipment or load have been properly secured ~~((- Provided))~~; provided that, no equipment or load may be carried in or on the pilot/escort vehicle that:

(a) Exceeds the height, length, or width of the pilot/escort vehicle, or overhangs the vehicle, or otherwise impairs its immediate recognition as a pilot/escort vehicle by the traveling public;

(b) Obstructs the view of the flashing or rotating amber lights, or "OVERSIZE LOAD" sign on the vehicle;

(c) Causes safety risks; or

(d) Otherwise impairs the performance by the operator or the pilot/escort vehicle of the duties required by these rules.

(13) Can a pilot/escort vehicle escort more than one extra-legal load at the same time? No, unless the department determines there are special circumstances that have resulted in an express authorization on the special permit.

(14) When and how must a pilot/escort vehicle use a height-measuring device? The height-measuring device (pole) must be used when escorting an extra-legal load in

excess of fourteen feet six inches high, unless an alternative authorization has been granted by the department and stated on the special permit ~~((, or in rule))~~. The height pole must extend between three and six inches above the maximum height of the extra-legal vehicle, or load, to compensate for the affect of wind and motion. The height measuring device (pole) shall be mounted on the front of the lead pilot/escort vehicle. When not in the act of escorting an extra-legal height move, or prerunning a route to determine height acceptance, the height pole shall be removed, tied down or otherwise reduced to legal height.

(15) Do the rules change when a uniformed off-duty law enforcement officer, using official police car or motorcycle, performs the escorting function? While the spirit of the rules remains the same, specific rules may be modified to fit the situation.

AMENDATORY SECTION (Amending WSR 05-04-053, filed 1/28/05, effective 2/28/05)

WAC 468-38-155 Safety equipment for special permit moves. In addition to any codified vehicle safety requirements, what other safety equipment may be required on a special permit move? The following items may be required on a vehicle or vehicle combination making a move under special permit:

(1) Brakes.

(a) Braking equipment must comply with the performance and maintenance requirements of RCW 46.37.360, unless specifically stated on the special permit.

(b) A special permit will not be issued to a vehicle "in tow" of another vehicle without brakes unless a three-axle truck or truck-tractor with a minimum unladen weight of fifteen thousand pounds is employed as the power unit. The power unit must also have sufficient power and brakes to control the towed unit at all times.

(2) Drawbar—Towline.

(a) The drawbar or other connection between vehicles in combination must be of sufficient strength to hold the weight of the towed vehicle on any grade where operated.

(b) No trailing unit shall whip, weave, or oscillate or fail to follow substantially in the course of the towing vehicle.

(3) Flags.

(a) Flags must be displayed on all four corners of all overwidth loads, and at the extreme ends of all protrusions, projections, or overhangs ~~((-~~

~~((b) Flags must be allowed to wave freely.~~

~~((c) All flags used to identify the extremities of a load must be clean, bright red, and at least twelve inches square.~~

~~((d))~~ as required by RCW 46.37.140. During hours of darkness, lights as required by RCW 46.37.140 shall be located at each point where flags are required.

(b) When the distance between the towed vehicle and the towing vehicle exceeds fifteen feet, a white flag or cloth not less than ~~((twelve))~~ eighteen inches square must be fastened at the approximate middle of the span.

(4) Lights. Vehicles, whether factory direct or custom built, used in the transport of extra-legal loads must be equipped with brake lights and turn signals as required by RCW 46.37.200.

(5) **Two-way communications.** When pilot/escort vehicle(s) are required, the transport vehicle must be equipped with a two-way radio communications system capable of providing reliable two-way voice communications at all times between the operators of the pilot/escort vehicle(s) and the transport vehicle.

(6) Rear-view mirrors.

(a) Rear-view mirrors must be mounted in compliance with RCW 46.37.400.

(b) Pilot/escort vehicles may be used in lieu of the two hundred-foot rear sight/distance requirement in RCW 46.37.400.

~~((6))~~ **(7) Safety chains and devices.**

(a) A load being moved by special permit must be securely fastened and protected by safety chains or other load securing devices pursuant to *Code of Federal Regulation*, 49 C.F.R. Part 393.100.

(b) Dragging of the load on the highway shall not be permitted.

(c) A vehicle with a boom or other aerial device attached must have the boom or device secured in such a manner that it cannot elevate (ratchet up) or sway during transport.

~~((7))~~ **(8) Signs.**

~~(a) ((An "OVERSIZE LOAD" sign must be mounted in the front of the towing vehicle at a height of five feet from ground level. If the towing vehicle cannot accommodate the five-foot height, the sign should be placed as high as practicable on the vehicle or load.~~

~~(b) An "OVERSIZE LOAD" sign must be mounted on the rear of the vehicle, or towed vehicle if in combination, at a height of five to seven feet from ground level. If the towed vehicle cannot accommodate the five- to seven-foot height for the sign, the sign should be placed as high as practicable on the vehicle or load.~~

~~(c) Warning signs displaying "OVERSIZE LOAD" shall be mounted in the front and rear of the transporting vehicle where the lights and license plate(s) are not blocked and the sign is visible from the front and rear of the transport vehicle.~~

~~(d) Signs are to be displayed only during transit of an over dimensional load and must be removed or retracted at all other times.~~

~~((d))~~ ~~(c) An "OVERSIZE LOAD" sign must be at least seven feet wide and eighteen inches high with black lettering at least ten inches high in ~~((1.41-inch))~~ with a brush stroke between 1.4 and 1.5 inches on yellow background.~~

WSR 16-11-016

PERMANENT RULES

**STATE BOARD FOR COMMUNITY
AND TECHNICAL COLLEGES**

[Filed May 6, 2016, 8:51 a.m., effective June 6, 2016]

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

Purpose: The purpose of this proposal is to make rule amendments necessary to align with and meet recent statutory changes.

Citation of Existing Rules Affected by this Order:
Amending WAC 131-36-050, 131-36-055, 131-36-100, and 131-36-250.

Statutory Authority for Adoption: RCW 28B.15.820.

Adopted under notice filed as WSR 16-07-150 on March 23, 2016.

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 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 5, 2016.

Beth Gordon
Executive Assistant
and Rules Coordinator

AMENDATORY SECTION (Amending WSR 09-06-046, filed 2/25/09, effective 3/28/09)

WAC 131-36-050 Definitions. For the purposes of chapter 131-36 WAC, the following definitions shall apply:

(1) "Fund" shall mean the institutional financial aid fund established by RCW 28B.15.820.

(2) "Current federal methodology" shall mean the method of determining financial need as prescribed by the United States Department of Education.

(3) ~~((("NELA"))~~ "Loan guarantor" shall mean ~~((Northwestern Education Loan Association, a private student loan guaranteeing association))~~ the Washington student loan guaranty association or its successor agency authorized to guarantee educational loans in Washington granted pursuant to 20 U.S. Code Section 1071.

(4) "Operational" shall mean that the institution has been approved as a lender and is eligible to provide loans guaranteed by ~~((NELA))~~ the Washington student loan guaranty association successor agency.

(5) "Needy student" is defined in RCW 28B.92.030(3).

(6) "Other institutional financial aid" shall be defined as locally administered, need-based institutional employment, tuition and fee scholarships, or grants.

AMENDATORY SECTION (Amending WSR 09-06-046, filed 2/25/09, effective 3/28/09)

WAC 131-36-055 Use of fund. Moneys in this fund shall be used for student financial aid:

- (1) Long-term loans;
- (2) Short-term loans; or

(3) Locally administered need-based grants, tuition scholarships and institutional employment programs for needy, resident students, or a financial aid program for high school students enrolled in a dual credit program to cover expenses including, but not limited to, tuition, fees, course materials, and transportation. The moneys in this fund shall not be used for college operating expenses.

AMENDATORY SECTION (Amending WSR 09-06-046, filed 2/25/09, effective 3/28/09)

WAC 131-36-100 Eligibility. (1) Long-term loans and other institutional financial aid to needy students shall be made only to students who qualify as residents for tuition purposes under RCW 28B.15.012 (~~(and 28B.15.013)~~) (2)(a) through (e) or to align with federal guidelines and are enrolled for at least three credit hours of instruction or the equivalent.

(2) Priorities for use of other institutional financial aid shall be given to:

(a) Needy students who have accumulated excessive educational loan burdens;

(b) Needy single parents for educational expenses, including child care and transportation; (~~and~~)

(c) Other eligible needy students; and

(d) Needy dual credit enrolled students for tuition, fees, course materials, and transportation.

(3) Short-term loans may be made to any student enrolled in the institution.

(4) For long-term and short-term loans, institutions must have ample evidence that students have the capability of repaying the loan within the time frame specified by the institution.

(5) No individual shall be eligible for long-term loans, short-term loans or other institutional financial aid for needy students if currently in default or delinquent in the payment on any educational loan or who owes a repayment on any federal or state grant.

AMENDATORY SECTION (Amending WSR 98-15-012, filed 7/2/98, effective 8/2/98)

WAC 131-36-250 Initiating, servicing, and collecting loans. (1) Community colleges shall utilize the loan collecting and servicing agency designated by the state director for community and technical colleges and the (~~(NELA)~~) loan guarantor.

(2) The state director of community and technical colleges shall determine and designate on behalf of the state board an appropriate entity to conduct servicing and collection activities with regard to loans made from the fund.

(3) The state director of community and technical colleges shall, when (s)he determines that it is in the best interest of the college system, determine and designate on behalf of the state board an appropriate entity to perform loan initiation activities and transaction reporting regarding loans made from the fund.

(4) Subsequent to granting loans from the fund each college shall cooperate with the (~~(NELA)~~) loan guarantor and the servicing and collection agency through informing students of their rights and responsibilities regarding such loans;

timely provision of student status verification information and information pertaining to determinations of default, forbearance, and deferment of loans; consolidation of loans; and records maintenance.

WSR 16-11-018
PERMANENT RULES
BUILDING CODE COUNCIL

[Filed May 6, 2016, 9:34 a.m., effective June 30, 2016]

Effective Date of Rule: June 30, 2016.

Purpose: To comply with a stipulated motion and order issued by Thurston County Superior Court invalidating amendments to the 2015 International Residential Code (IRC) 310.1 and the 2015 International Building Code (IBC) 1030.1. The amendments allow fire sprinklers in lieu of an egress window in a basement room. At the final adoption of the amendments the state building code council used a spreadsheet to consider recommendations to deny or adopt amendments to the IBC and IRC. The spreadsheet indicated if items were controversial and received opposing testimony. As the sections IRC 310 and IBC 1030 had received opposing testimony, but were not indicated on the spreadsheet, the council did not discuss the amendments and they were adopted as part of the adoption of the whole 2015 IRC and 2015 IBC without further consideration. The court found that the amendments are invalid.

Citation of Existing Rules Affected by this Order: Repealing WAC 51-50-1030 and 51-51-0310.

Statutory Authority for Adoption: Thurston County Superior Court Order No. 16-2-00594-34.

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 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 13, 2016.

Steve K. Simpson
Chair

REPEALER

The following sections of the Washington Administrative Code are repealed by stipulated order 16-2-00594-34 of Thurston County Superior Court:

WAC 51-50-1030 Emergency escape and rescue.

WAC 51-51-0310 Section R310—Emergency escape and rescue openings.

WSR 16-11-023
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 16-84—Filed May 6, 2016, 4:18 p.m., effective June 6, 2016]

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

Purpose: To remove the brown pelican from the list of wildlife species classified as endangered in Washington, WAC 232-12-014. Based on the department's review of relevant data pertaining to the population status of brown pelicans in Washington, the department has determined that the number of brown pelicans occurring in Washington has increased markedly since the 1980s and thus the threat of their endangered status has been reduced. However, as a non-game bird, the brown pelican shall remain a protected species under WAC 232-12-011. This species will also continue to be protected under the federal Migratory Bird Treaty Act.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-014.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.020, and 77.12.047.

Adopted under notice filed as WSR 16-06-127 on March 2, 2016.

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 0, Repealed 0.

Date Adopted: April 8, 2016.

Brad Smith
Commission Chair

AMENDATORY SECTION (Amending WSR 15-10-022, filed 4/27/15, effective 5/28/15)

WAC 232-12-014 Wildlife classified as endangered species. Endangered species include:

Common Name	Scientific Name
pygmy rabbit	<i>Brachylagus idahoensis</i>
fisher	<i>Martes pennanti</i>
gray wolf	<i>Canis lupus</i>
grizzly bear	<i>Ursus arctos</i>
sea otter	<i>Enhydra lutris</i>
killer whale	<i>Orcinus orca</i>
sei whale	<i>Balaenoptera borealis</i>

Common Name	Scientific Name
fin whale	<i>Balaenoptera physalus</i>
blue whale	<i>Balaenoptera musculus</i>
humpback whale	<i>Megaptera novaeangliae</i>
black right whale	<i>Balaena glacialis</i>
sperm whale	<i>Physeter macrocephalus</i>
Columbian white-tailed deer	<i>Odocoileus virginianus leucurus</i>
woodland caribou	<i>Rangifer tarandus caribou</i>
American white pelican (brown pelican)	<i>Pelecanus erythrorhynchos</i> <i>Pelecanus occidentalis</i>)
sandhill crane	<i>Grus canadensis</i>
snowy plover	<i>charadrius alexandrinus</i>
upland sandpiper	<i>Bartramia longicauda</i>
spotted owl	<i>Strix occidentalis</i>
western pond turtle	<i>Clemmys marmorata</i>
leatherback sea turtle	<i>Dermochelys coriacea</i>
mardon skipper	<i>Polites mardon</i>
Oregon silverspot butterfly	<i>Speyeria zerene hippolyta</i>
Oregon spotted frog	<i>Rana pretiosa</i>
northern leopard frog	<i>Rana pipiens</i>
Taylor's checkerspot	<i>Euphydryas editha taylori</i>
Streaked horned lark	<i>Eremophila alpestris strigata</i>
Tufted puffin	<i>Fratercula cirrhata</i>

WSR 16-11-027
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed May 9, 2016, 2:20 p.m., effective June 9, 2016]

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

Purpose: These proposed rule changes will:

Eliminate the processing fee for name and address changes to allow licensees to submit these changes directly to the department, bypassing the department of revenue, business licensing services step currently required. This should enable the department to process name and address changes within two to three days after receipt of the request from the licensee.

Remove the word "new" from the application fee because this is a one-time fee and is not subject to renewal.

Remove the word "new" from vehicle certificate fee because the original vehicle certificate fee and the renewal vehicle certificate fee are identical.

Citation of Existing Rules Affected by this Order: Amending 308-89-060 Fees.

Statutory Authority for Adoption: RCW 46.72.120, 46.01.110.

Adopted under notice filed as WSR 16-06-122 on March 2, 2016.

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 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 9, 2016.

Damon Monroe
Rules Coordinator

AMENDATORY SECTION (Amending WSR 12-24-046, filed 11/30/12, effective 1/1/13)

WAC 308-89-060 Fees. The department, as authorized in RCW 46.72, shall charge and collect the following fees:

((New)) For hire business application	\$110.00
((New)) Vehicle certificate	55.00
Vehicle certificate renewal	55.00
Change of vehicle certificate*	55.00
Duplicate vehicle certificate	55.00

* No vehicle certificate fee will be charged for a name or address change, unless the change involves new ownership of the business or the vehicle.

WSR 16-11-030

PERMANENT RULES

WASHINGTON STATE UNIVERSITY

[Filed May 9, 2016, 3:29 p.m., effective June 9, 2016]

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

Purpose: Washington State University is amending rules regarding use of university facilities and locations for first amendment/free speech activities. Such amendments are intended to clarify language and to provide additional latitude for managing first amendment/free speech activities at university locations.

Citation of Existing Rules Affected by this Order: Repealing WAC 504-33-020 and 504-33-050; and amending WAC 504-33-015, 504-33-025, 504-33-030, and 504-33-040.

Statutory Authority for Adoption: RCW 28B.30.150.

Adopted under notice filed as WSR 16-06-123 March 2, 2016.

Changes Other than Editing from Proposed to Adopted Version: The rule adopted in new WAC 504-33-035 differs

from the rule submitted in the proposal, but does not alter the general subject matter of the section. This revision is necessary to fully clarify that all limited public forum areas are available to nonuniversity groups and individuals, with the exception of the interior of facilities. Further, the policy exception descriptions are removed from WAC 504-33-035, as applicable policy exceptions are adequately described in WAC 504-33-040.

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 2, Amended 4, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 4, 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 2, Amended 4, Repealed 2.

Date Adopted: May 6, 2016.

Deborah L. Bartlett, Director
Procedures, Records, and Forms
and University Rules Coordinator

NEW SECTION

WAC 504-33-012 Use of university facilities for first amendment/free speech activities—General policy and purpose. The university believes that freedom of expression is an indispensable quality of university life, and that active participation in political and social expression both enhances the education of the individual and contributes to the betterment of society. The university is committed to respecting and promoting the rights afforded by the first amendment to the Constitution of the United States, including the right to free speech, petition, and assembly.

The university further recognizes that it has an obligation to maintain an atmosphere that allows it to carry out its broad missions of teaching, research, and public service in the course of the normal operations of the university.

To achieve the objectives of chapter 504-33 WAC, it is essential that free expression be accomplished in a manner that allows for the orderly function of normal university operations. Thus, the purpose of the time, place, and manner regulations set forth in chapter 504-33 WAC is to promote opportunities for exercise of the rights protected by the first amendment to the Constitution of the United States on the university campus and to ensure that these activities do not interfere with the furtherance of the university's mission-related responsibilities for which the university's buildings, facilities, and grounds are dedicated by the state of Washington.

AMENDATORY SECTION (Amending WSR 08-24-026, filed 11/24/08, effective 12/25/08)

WAC 504-33-015 Definitions. (1) "Nonuniversity group or individual," for the purposes of this policy, means a collection of individuals that is neither a university affiliate, a registered student organization, nor a recognized employee group. The term also includes the individual members of these groups, when acting on behalf of the group, and individuals who are not currently enrolled students, current university employees, or employees of a university affiliate.

(2) "University group or individual," for purposes of this policy, means registered student organizations as defined in WAC 504-28-010, or a recognized employee group of the university, and also encompasses the individual members of these groups when acting on behalf of the group. The term also includes individuals who are currently enrolled students or current employees.

(3) "University affiliates" or "affiliated entities" means those entities that have formal relationships with the university and also encompass those entities' officers, agents, and employees. The terms include, but are not limited to, the university foundation, the university research foundation, the office of the attorney general, the 4-H foundation, and the United States Department of Agriculture—Agricultural Research Service. ~~((A list of affiliated entities is available on the campus use committee web site. The web site can be found by accessing the university's web site at: <http://www.wsu.edu/>))~~

(4) "Limited public forum areas" means those areas of each campus ~~((that the university has chosen to be open))~~ available as places for expressive activities protected by the first amendment, subject to reasonable time, place ~~((or))~~, and manner restrictions.

~~((a) At the Pullman))~~ At each university campus, the ~~((designated))~~ limited public forum areas are:(

- ~~(i) The Glenn Terrell Mall; and~~
- ~~(ii) The public sidewalks adjacent to public roads.~~

~~(b) At the Spokane campus, the designated limited public forum areas are:~~

~~(i) The patio outside the main entrance to the Phase I Classroom Building; and~~

- ~~(ii) The public sidewalks adjacent to public roads.~~

~~(c) At the Tri-Cities campus, the designated limited public forum areas are:~~

- ~~(i) The Atrium Courtyard; and~~
- ~~(ii) The public sidewalks adjacent to public roads.~~

~~(d) At the Vancouver campus, the designated limited public forum areas are:~~

~~(i) The area of campus plaza directly east of the cafeteria extending to the stone wall; and~~

- ~~(ii) The public sidewalks adjacent to public roads.~~

~~(e) In addition to the public forum areas identified herein, the chancellors of the Spokane, Tri-Cities, and Vancouver campuses and the university president may designate additional areas of the campuses under their authority as public forums. Such additional public forum areas shall be set forth in the university's business policies and procedures manual))~~ all university facilities, with the exception of the interior or immediate vicinity of university facilities used to

support university research, academic instruction, or health services.

(5) "First amendment activities" refers to any activity protected by the first amendment to the Constitution of the United States. Such first amendment activities may include, but are not necessarily limited to, informational picketing, petition circulation, the distribution of information leaflets or pamphlets, speech-making, demonstrations, rallies, appearances of speakers in outdoor areas, protests, meetings to display group feelings or sentiments ~~((and/or))~~, and other types of constitutionally protected assemblies to share information, perspective, or viewpoints.

(6) "University facilities" means all buildings and grounds owned or controlled by the university and the streets, sidewalks, malls, parking lots, and roadways within the boundaries of property owned or controlled by the university.

AMENDATORY SECTION (Amending WSR 08-24-026, filed 11/24/08, effective 12/25/08)

WAC 504-33-025 Procedure for providing notice of use of limited public forum ~~((facilities))~~ area for first amendment activities. ~~((Subject to the regulations and requirements of this policy, university and nonuniversity groups))~~ (1) Groups and individuals may use the university's limited public forum areas for those activities protected by the first amendment((

~~(1) Notice to use the limited public forum areas is to be provided))~~ to the Constitution of the United States, subject to the requirements set forth in chapter 504-33 WAC.

(2) Notice. The group or individual desiring to use a limited public forum area to engage in first amendment activities is requested to provide notice of the intended use of the desired limited public forum area as follows:

(a) At the Pullman campus~~((~~ notice to the campus police~~((; and~~ for requests to use the Glenn Terrell Mall, to the scheduling office)).

(b) At the Spokane campus, notice to:
(i) ~~((The))~~ The campus office of student affairs; and
(ii) ~~((The))~~ The campus security office.

(c) At the Tri-Cities campus, notice to:
(i) ~~((The))~~ The campus office of student affairs; and
(ii) ~~((The))~~ The campus security office.

(d) At the Vancouver campus, notice to:
(i) ~~((The))~~ The campus office of ~~((business affairs))~~ finance and operations; and

(ii) ~~((The))~~ The campus ~~((security office))~~ police.

~~((2) Timing of notice. All groups must provide the required notice no later than fourteen calendar days in advance of use of the limited public forum. However, events may be permitted with less notice so long as the event does not interfere with any other function occurring at the facility.))~~

(3) Content of notice. The notice ~~((to use the))~~ of use of a limited public forum area~~((s))~~ for first amendment activities is to contain:

(a) The contact information for the group or individual that will conduct the event, including group name, contact person name, address, e-mail address, and telephone number

~~((of the individual, group, entity, or organization sponsoring the event or use (hereinafter "the sponsoring organization"); and~~

~~(b) The name, address, and telephone number of a contact person for the sponsoring organization; and~~

~~(e)); and~~

~~(b) The date, time, and ((requested location of the event; and~~

~~(d)) limited public forum area to be used for the first amendment activities; and~~

~~(c) The nature and purpose of the ((event)) first amendment activities; and~~

~~((e)) (d) The estimated number of people expected to ((participate in the event)) attend the first amendment activities, both as participants and as spectators.~~

~~((4) Sound amplification. The use of sound amplification devices for free speech purposes is not allowed.~~

~~(5) Duration of events. In order to allow for the expression of a wide range of viewpoints and discussion of an array of issues, university group events may not last longer than eight hours per day, and may continue no longer than five days from beginning to end. Nonuniversity events and university affiliate events may not last longer than five hours per day and may continue over no more than three days, from beginning to end. These limitations upon the duration of events will be excused, on a day-to-day basis, upon request when there are no competing requests to use the facility.~~

~~(6) Distribution of materials. Signs, posters, literature, handbills, leaflets, and pamphlets may be distributed in accordance with WAC 504-34-140. The sponsoring organization is encouraged, but not required, to include its name and address on the distributed information.~~

~~(7) Commercial transactions. Speech that does no more than propose a commercial transaction is prohibited in connection with the use of the facility or event.~~

~~(8) The limited public forum used by the group must be cleaned up and left in its original condition and may be subject to inspection by a representative of the university after the event. Reasonable charges may be assessed against the sponsoring organization for the costs of cleanup or for the repair of damaged property.~~

~~(9) The use of the facility must comply with all requirements of WAC 504-35-030.~~

~~(10) The university and/or government authorities may specify additional fire, safety, sanitation, and special regulations for the event, and the user must obey those regulations.~~

~~(11) The university will not provide utility connections or hook-ups.)~~

AMENDATORY SECTION (Amending WSR 08-24-026, filed 11/24/08, effective 12/25/08)

WAC 504-33-030 ((Additional requirements for scheduling at times of university authorized or sponsored events.)) Limitations on use of limited public forum areas.

(1) The use of a limited public forum ~~((may not be used on the same date as any previously scheduled university event or activity at the site (aside from regularly scheduled classes) where it is reasonably anticipated that more than five hundred~~

~~people will attend the university event or activity)) area must comply with all requirements of WAC 504-35-030.~~

~~(2) Duration of events. In order to allow for the expression of a wide range of viewpoints and to allow the utilization of university facilities for a wide range of purposes, the use of a limited public forum area for first amendment activities may not continue for longer than five calendar days from beginning to end.~~

~~(3) Distribution of materials. Signs, posters, literature, handbills, leaflets, and pamphlets may be distributed in accordance with WAC 504-34-140.~~

~~(4) The university will not provide utility connections or hook-ups.~~

~~(5) The group or individual utilizing the limited public forum area must return the limited public forum area to its original condition after the use and is responsible for the costs of cleanup and the costs to repair damages to the limited public forum area and other university property that arise from such use.~~

~~(6) The university and/or government authorities may specify reasonable additional fire, safety, sanitation, insurance, and impact-mitigating requirements for the use of the limited public forum area, and the group or individual utilizing the limited public forum area must meet those requirements.~~

~~(7) Where more than five hundred people are expected to attend an event in Martin Stadium or Beasley Coliseum, or on the days of any football or basketball game, the following restrictions apply to uses of limited public forum areas for first amendment activities:~~

~~(a) The sidewalks and other outdoor areas and streets adjacent to Martin Stadium may not be used for first amendment activities during the ((three-hour)) period ((preceeding)) beginning three hours prior to a football game or other event at Martin Stadium ((until)) and ending two hours after the game or event has ended, except that sidewalks opposite ~~((the))~~ Martin Stadium may continue to be used for first amendment activities during these time periods, so long as the first amendment activities do not unduly interfere with the flow of pedestrian or vehicular traffic. Where the ~~((free speech activity is))~~ first amendment activities are expected to ~~((draw a crowd of))~~ include more than fifty total people as participants and spectators, the Glenn Terrell Mall may not be used for first amendment activities during these time periods.~~

~~(b) The sidewalks and other outdoor areas and streets adjacent to Beasley Coliseum may not be used for first amendment activities during the ((two-hour)) period ((preceeding)) beginning two hours prior to the start of a game or other event at Beasley Coliseum ((until)) and ending two hours after the game or event has ended, except that sidewalks opposite ~~((the))~~ Beasley Coliseum may continue to be used for first amendment activities during these time periods, so long as the activities do not unduly interfere with the flow of pedestrian or vehicular traffic.~~

NEW SECTION

WAC 504-33-035 Additional limitations on use of limited public forum areas by nonuniversity groups and

individuals. Nonuniversity groups and individuals may use the university's limited public forum areas for those activities protected by the first amendment to the Constitution of the United States, subject to the requirements set forth in chapter 504-33 WAC and the following additional limitations:

(1) Nonuniversity groups and individuals may not use the interior of any university facility; and

(2) Nonuniversity groups and individuals must provide notice five business days prior to the intended use of the desired limited public forum area, in accordance with WAC 504-33-025 (2) and (3).

AMENDATORY SECTION (Amending WSR 08-24-026, filed 11/24/08, effective 12/25/08)

WAC 504-33-040 ((Grant and)) Policy exceptions; termination, limitation of license to use facilities. (1) Exceptions to policy.

~~(a) The university president or his or her designee((; any university vice president; the chancellors)) (as to the Pullman campus), or each chancellor of the Spokane, Tri-Cities, or Vancouver campuses or his or her designee((s; or the designee of the vice president for business and finance may authorize first amendment activities which are reasonably determined not to disrupt university activities, despite a literal violation of this policy statement. Such determinations will be made without consideration of the content or message of the first amendment activities-)) (as to such campuses) may, but are not required to, make reasonable exceptions to the policy set forth in chapter 504-33 WAC, provided he or she determines, after reasonable inquiry, that:~~

~~(i) The use of the limited public forum area that is the subject of the exception request will not interfere with any other function occurring at the limited public forum area or result in an unreasonable disruption of normal university functions or operations; and~~

~~(ii) Adequate impact-mitigating measures related to safety or university operations can be implemented prior to the start of the use of the limited public forum area.~~

~~(b) In order to allow for adequate time for review of the request, the group or individual seeking an exception under this subsection is requested to seek such exception at least five business days' prior to the intended use of the desired limited public forum area.~~

~~(2) Termination, limitation of license. The university president or his or her designee((; any university vice president; the chancellors)) (as to the Pullman campus), or each chancellor of the Spokane, Tri-Cities, or Vancouver campuses or ((designees; or the designee of the vice president for business and finance may, at any time,)) his or her designee (as to such campuses), may limit, terminate, cancel, relocate, or prohibit the use of ((facilities if the event is disrupting normal university functions. Any of these individuals may refuse to allow a proposed use of facilities if they)) a limited public forum area for first amendment activities, if he or she determines, after reasonable inquiry, that ((the use or event cannot be conducted without disrupting normal)) such action is reasonably necessary to prevent or stop:~~

~~(a) Substantial harm or threat of substantial harm to the safety of persons; or~~

~~(b) Substantial damage to property; or~~

~~(c) Substantial disruption of university functions or operations. ((Such))~~

~~(3) Any determinations ((will)) made under subsections (1) or (2) of this section are to be made without consideration of the content or message of the ((first amendment)) expressive activities.~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 504-33-020 Use of limited public forum areas—Purpose.

WAC 504-33-050 Posting of a bond and hold harmless statement.

WSR 16-11-031

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed May 10, 2016, 8:47 a.m., effective June 10, 2016]

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

Purpose: Amendments to ten rules in chapter 458-53 WAC are as follows: WAC 458-53-020, 458-53-030, 458-53-050, 458-53-070, 458-53-080, 458-53-100, 458-53-140, 458-53-160, 458-53-200, and 458-53-210. The following three rules are not being repealed or amended and will remain the same: WAC 458-53-095, 458-53-105, and 458-53-135. These rules describe procedures for determination of indicated ratios of real and personal property for each county to accomplish the equalization of property values. Procedures in this chapter are designed to promote uniformity and equity in property taxation throughout the state.

Citation of Existing Rules Affected by this Order: Amending WAC 458-53-020, 458-53-030, 458-53-050, 458-53-070, 458-53-080, 458-53-100, 458-53-140, 458-53-160, 458-53-200, and 458-53-210.

Statutory Authority for Adoption: RCW 84.08.010, 84.08.070, and 84.48.075.

Adopted under notice filed as WSR 16-06-110 on March 2, 2016.

Changes Other than Editing from Proposed to Adopted Version:

- WAC 458-53-070, in subsection (4), deleted "valid";
- WAC 458-53-080, in subsection (1), deleted "situated" and replace[d] with "located";
- WAC 458-53-080, in subsection (1), added the sentence: "In the case of a county generated sales study (see WAC 458-53-100), the county may use a representative sample of all such transactions with the prior written approval of the department.";
- WAC 458-53-100, in subsection (2)(j), added "current year's" and deleted "(e)" and replaced with "(f)";
- WAC 458-53-100, in subsection (4)(j), added "current year's" and deleted "(e)" and replaced with "(f)";

- WAC 458-53-200, in subsection (2), deleted "department's property tax assistant director" and replaced with "department";
- WAC 458-53-200, in subsection (3), deleted "only the current" and replaced with "the prior"; and
- Deleted entire "Repealer" concerning WAC 458-53-095, 458-53-105, and 458-53-135.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

Number of Sections Adopted at 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 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 10, 2016.

Kevin Dixon
Rules Coordinator

AMENDATORY SECTION (Amending WSR 96-05-002, filed 2/8/96, effective 3/10/96)

WAC 458-53-020 Definitions. Unless the context clearly requires otherwise, the following definitions apply throughout this chapter:

- (1) "Account" means a listing of personal property as shown on the county assessment record.
- (2) "Advisory value" means a valuation determination by the department, made at the request of a county assessor.
- (3) "Appraisal" means the determination of the market value of real property, or for real property classified under chapter 84.34 RCW, the determination of the current use value.
- (4) "Assessed value" means the value of real or personal property determined by an assessor.
- (5) "Audit" means the determination of the market value of personal property.
- (6) "Average assessed value" is the total assessed value of a sample group of real or personal property divided by the number of properties in the sample group.
- (7) "Average personal property market value" is the total value of a sample group as determined from personal property audits divided by the number of audits in the sample group.
- (8) "Average real property market value" is the total sales price, less one percent, of a sample group of real property divided by the number of properties in the sample group, or the total appraised value of a sample group of real property divided by the number of appraisals in the same group.
- (9) "Department" means the department of revenue.

(10) "Land Use Code" means the identification of each real property parcel by numerical digits as representations of the major use of the property. The Land Use Code is derived from the Standard Land Use Coding Manual as prepared by the Federal Bureau of Public Roads and includes use classifications specified by state law.

(11) "Market value" means the amount of money a buyer of property willing but not obligated to buy would pay a seller of property willing but not obligated to sell, taking into consideration all uses to which the property is adapted and might in reason be applied. True and fair value is the same as market value or fair market value.

(12) "Personal property" means all taxable personal property required by law to be reported by a taxpayer.

(13) "Ratio" is the percentage relationship of the assessed value of real or personal property to the market value of real or personal property.

(14) "Ratio study" is the department's annual comparison of the relationship between the county assessed values of real and personal property with the market value of that property as determined by the department's analysis of sales, appraisals, and/or audits or the comparison of the relationship between the county assessed values of real property classified under chapter 84.34 RCW (current use) with the current use value of that property as determined by the department.

(15) "Real property" means all parcels of taxable real property as shown on the county assessment record.

(16) "Sales study" is the comparison of the assessed value of real property with the selling price of the same property.

(17) "Strata" refer to classes of property grouped by assessed value and/or use categories.

(18) "Stratification" means the grouping of the real or personal property assessment records into specific assessed value and/or use categories for ratio sampling and calculation purposes.

(19) "Stratum" refers to a grouping of property with a given range of assessed values and/or having the same use category.

(20) "Valid sale(s)" means a sale of real property that occurs between (~~August 1~~) May 1st preceding January of the current assessment year and (~~March 31~~) April 30th of the current assessment year, and the transfer document is a warranty deed or real estate contract, and the sale is not a type listed in WAC 458-53-080(2).

AMENDATORY SECTION (Amending WSR 02-14-031, filed 6/24/02, effective 7/25/02)

WAC 458-53-030 Stratification of assessment rolls—Real property. (1) **Introduction.** This rule explains the stratification process for real property. The stratification process is the grouping of real property within each county into homogeneous classifications based upon certain criteria in order to obtain representative samples. Stratification is used in determining the number of appraisals to be included in the ratio study and also for ratio calculation. The county's most current certified assessment rolls are used for stratification. Counties must stratify rolls using a land use code stratifica-

tion system as prescribed by the department. (See RCW 36.21.100.)

(2) **Stratification((—))_Parcel count and total value((—))_Exclusions.** The stratification of the real property assessment rolls must include a parcel count and a total value of the taxable real property parcels in each stratum, excluding the following:

- (a) Designated forest lands.(See chapter 84.33 RCW);
- (b) Timberland classified under chapter 84.34 RCW. (See RCW 84.34.060);
- (c) Current use properties in those counties where a separate study is conducted pursuant to WAC 458-53-095(3);
- (d) State assessed properties; and
- (e) State-owned game lands as defined in RCW 77.12.203(2).

(3) **Stratification((—))_By county.** For the real property ratio study, the assessment roll must be stratified for individual counties according to land use categories and sub-stratified by value classes as determined by the department. Stratification will be reviewed at least every other year by the department to determine if changes need to be made to improve sampling criteria. After the strata have been determined, the department will notify the counties of the strata limits, and each county must provide the department with the following, taken from the county's assessment rolls:

- (a) A representative number of samples, as determined by the department, in each stratum, together with:
 - (i) The name and address of the taxpayer for each sample;
 - (ii) The land use code for each sample;
 - (iii) The previous year's assessed value for each sample;
 - (iv) The current year's assessed value for each sample;
- and
- ~~((iv))~~ (v) The actual number of samples;
- (b) The total number of real property parcels in each stratum; and
- (c) The total assessed value in each stratum for both the previous year and the current year.

(4) **Counties to provide information timely.** The stratification information described in subsection (3) of this rule must be provided by the counties to the department in a timely manner to enable the department to certify the preliminary ratios in accordance with WAC 458-53-200(1). Failure to provide the information in a timely manner will result in the department using its best estimate of stratum values to calculate the real property ratio.

(5) **Standard two-digit land use code.** The following two-digit land use code will be used as the standard to identify the actual use of the land. Counties may elect to use a more detailed land use code system using additional digits, however, no county land use code system may use fewer than the standard two digits.

RESIDENTIAL

- 11 Household, single family units
- 12 Household, 2-4 units
- 13 Household, multiunits (5 or more)
- 14 Residential condominiums
- 15 Mobile home parks or courts

- 16 Hotels/motels
- 17 Institutional lodging
- 18 All other residential not elsewhere coded
- 19 Vacation and cabin

MANUFACTURING

- 21 Food and kindred products
- 22 Textile mill products
- 23 Apparel and other finished products made from fabrics, leather, and similar materials
- 24 Lumber and wood products (except furniture)
- 25 Furniture and fixtures
- 26 Paper and allied products
- 27 Printing and publishing
- 28 Chemicals
- 29 Petroleum refining and related industries
- 30 Rubber and miscellaneous plastic products
- 31 Leather and leather products
- 32 Stone, clay and glass products
- 33 Primary metal industries
- 34 Fabricated metal products
- 35 Professional scientific, and controlling instruments; photographic and optical goods; watches and clocks-manufacturing
- 36 Not presently assigned
- 37 Not presently assigned
- 38 Not presently assigned
- 39 Miscellaneous manufacturing

TRANSPORTATION, COMMUNICATION, AND UTILITIES

- 41 Railroad/transit transportation
- 42 Motor vehicle transportation
- 43 Aircraft transportation
- 44 Marine craft transportation
- 45 Highway and street right of way
- 46 Automobile parking
- 47 Communication
- 48 Utilities
- 49 Other transportation, communication, and utilities not classified elsewhere

TRADE

- 50 Condominiums - Other than residential condominiums
- 51 Wholesale trade
- 52 Retail trade - Building materials, hardware, and farm equipment
- 53 Retail trade - General merchandise

- 54 Retail trade - Food
- 55 Retail trade - Automotive, marine craft, aircraft, and accessories
- 56 Retail trade - Apparel and accessories
- 57 Retail trade - Furniture, home furnishings and equipment
- 58 Retail trade - Eating and drinking
- 59 Other retail trade

SERVICES

- 61 Finance, insurance, and real estate services
- 62 Personal services
- 63 Business services
- 64 Repair services
- 65 Professional services
- 66 Contract construction services
- 67 Governmental services
- 68 Educational services
- 69 Miscellaneous services

CULTURAL, ENTERTAINMENT AND RECREATIONAL

- 71 Cultural activities and nature exhibitions
- 72 Public assembly
- 73 Amusements
- 74 Recreational activities
- 75 Resorts and group camps
- 76 Parks
- 77 Not presently assigned
- 78 Not presently assigned
- 79 Other cultural, entertainment, and recreational

RESOURCE PRODUCTION AND EXTRACTION

- 81 Agriculture (not classified under current use law)
- 82 Agriculture related activities
- 83 Agriculture classified under current use chapter 84.34 RCW
- 84 Fishing activities and related services
- 85 Mining activities and related services
- 86 ~~((Not presently assigned))~~ Marijuana grow operations
- 87 Not presently assigned
- 88 Designated forest land under chapter 84.33 RCW
- 89 Other resource production

UNDEVELOPED LAND AND WATER AREAS

- 91 Undeveloped land
- 92 Noncommercial forest
- 93 Water areas

- 94 Open space land classified under chapter 84.34 RCW
- 95 Timberland classified under chapter 84.34 RCW
- 96 Not presently assigned
- 97 Not presently assigned
- 98 Not presently assigned
- 99 Other undeveloped land

AMENDATORY SECTION (Amending WSR 02-14-031, filed 6/24/02, effective 7/25/02)

WAC 458-53-050 Land use stratification, sales summary and abstract report. Stratification of the assessment rolls, the annual sales summary, and the abstract report to the department for real property will be based on the following abstract categories:

Abstract Category	Land Use Code
1. Single family residence	11, 14, 18, 19
2. Multiple family residence	12, 13
3. Manufacturing	21 through 39
4. Commercial	15, 16, 17, 41-49, 50-59, 61-69, 71-79
5. Agricultural	81
6. Agricultural (current use law)	83
7. Forest lands (chapter 84.33 RCW)	88
8. Open space (current use law)	94
9. Timberland (current use law)	95
10. Other	82, 84, 85, <u>86</u> , 89, 91, 92, 93, 96-99

AMENDATORY SECTION (Amending WSR 96-05-002, filed 2/8/96, effective 3/10/96)

WAC 458-53-070 Real property sales studies. (1) Sales study data. The basis of the real property ratio study is data obtained from real estate excise tax affidavits from each county. The department will supplement the sales study with appraisals when it is determined that the sales are insufficient to represent the level of assessment. The appraisals will be selected according to criteria set forth in WAC 458-53-130.

(2) **Time period for data used.** The sales study will only use sales occurring in the ~~((eight-month))~~ twelve-month period between ~~((August 1))~~ May 1st preceding January of the current assessment year and ~~((March 31))~~ April 30th of the current assessment year.

(3) **Deduction from sale price.** One percent will be deducted from the sale price shown on all valid real estate excise tax affidavits as an adjustment for values transferred that are not assessable as real property.

(4) **Sales not included in the study**~~((—))~~_ Assessment rolls using other than market value~~((—))~~_ New construction. Individual sales that show a sale price to assessed value ratio of under twenty-five percent, or over one hundred seventy-five percent shall be excluded from consideration in the study. However, if the number of individual sales meeting either one of these criteria exceeds five percent of the total number of valid sales for a county, then these sales shall be considered in the sales study.

(a) The exclusion of valid sales in accordance with this subsection shall not apply in situations where other than market value of a particular type of property is being listed on the assessment rolls of the county, as disclosed in any examination by the department. If other than market value is being listed on the assessment rolls for a particular type of real or personal property and, after notification by the department, is not corrected, the department shall adjust the ratio of that type of property, which adjustment shall be used in determining the county's indicated personal or real property ratio. When a particular type of property is found to be at other than market value, that type of property shall be separated from the other properties in the computation of the ratio. The department shall compile the total assessed value and total market value for that type of property, and it shall be included in the ratio as provided in WAC 458-53-135(3) and 458-53-160(3).

(b) The exclusion of valid sales in accordance with this subsection shall not apply to sales of property on which there is new construction value that has not yet been placed on the county assessment roll.

AMENDATORY SECTION (Amending WSR 96-05-002, filed 2/8/96, effective 3/10/96)

WAC 458-53-080 Real property sales sample selection. (1) **Sales included.** Except as provided in subsection (2) of this section, the sales study shall consider all transactions involving a warranty deed or a real estate contract that occurred during the ~~((eight-month))~~ twelve-month period described in WAC 458-53-070(2). Sales of mobile homes located on land owned by the owner of the mobile home shall also be included in the real property ratio study when the mobile home meets the definition of real property as defined in RCW 84.04.090. ~~((In the case of a county generated sales study (see WAC 458-53-100), the county may use a representative sample of all such transactions with the prior written approval of the department.))~~ Sales of mobile homes on leased land should be included in the invalid sales report utilizing a code 27 and the comment "MH on leased land." In the case of a county generated sales study (see WAC 458-53-100), the county may use a representative sample of all such transactions with the prior written approval of the department.

(2) **Sales excluded.** Sales or transfers of real property involving instruments other than a warranty deed or real estate contract shall not be considered in the sales study. The following types of sales transactions are examples of sales to be excluded from the sales study, regardless of the type of sale instrument used. Differences from the numerical coding

designations set forth in this example may be used by individual counties with prior approval from the department.

NUMERICAL

CODE	TYPE OF TRANSACTION
1	Family - <u>A</u> sale between relatives.
2	Transfers within a corporation by its affiliates or subsidiaries.
3	Administrator, guardian or executor of an estate.
4	Receiver or trustee in bankruptcy or equity.
5	Sheriff or bailee.
6	Tax deed.
7	Properties exempt from taxation (nonprofit, government, etc.).
8	Individual sales with assessment-to-sales ratios of less than twenty-five percent or greater than one hundred seventy-five percent except as provided in WAC 458-53-070.
9	Quitclaim deed.
10	Gift deed; love and affection deed.
11	Seller's or purchaser's assignment of contract or deed - <u>T</u> ransfer of interest.
12	Correction deed.
13	Trade - <u>E</u> xchange of property between same parties.
14	Deeds involving partial interest in property, such as one-third or one-half interest. (If transfer involves total interest i.e., one hundred percent of the property, sale is valid.)
15	Forced sales - <u>T</u> ransfers in lieu of imminent foreclosure, condemnation or liquidation.
16	Easement or right of way.
17	Deed in fulfillment of contract ((on a current transaction, a contract with a fulfillment deed is a valid sale))) .
18	Property physically improved after sale.
19	Timber or forest land.
20	Bare lots platted within the ((eight-month)) <u>twelve-month</u> time period described in WAC 458-53-070(2), with less than twenty percent sold.
21	Plottage - <u>W</u> hen a larger unit of land is being assembled and an adjoining property is sold at a price significantly different from the price of property of a similar type.
22	\$1,000 sale or under.
23	Lease - <u>A</u> ssignment, option, leasehold.
24	Classified as "current use" under chapter 84.34 RCW as of date of sale.

NUMERICAL

CODE	TYPE OF TRANSACTION
25	Change of use where rezoning takes place.
26	Current year segregations that have not been appraised.
27	Other - <u>Necessary to identify reason.</u>

AMENDATORY SECTION (Amending WSR 96-05-002, filed 2/8/96, effective 3/10/96)

WAC 458-53-100 County generated sales studies. (1) **Sales data provided by county.** ~~((When))~~ Sales data ~~((is))~~ provided to the department by counties in accordance with these rules and subject to audit by the department, ~~((the data))~~ shall be used by the department to determine the indicated real property ratio. The data provided shall be in the form of two reports, a report consisting of data from valid sales, and a report listing those sales deemed to be invalid.

(2) **Report of valid sales.** The county generated sales report consisting of data from valid sales shall include the following information for each valid sale:

- (a) The real estate excise tax affidavit number.
- (b) The transfer instrument type.
- (c) The parcel number(s), or other file identification number(s).

~~((e))~~ (d) The date of sale.

~~((d))~~ (e) The sale price of the transaction.

~~((e))~~ (f) The sale price of the transaction reduced by one percent.

~~((f))~~ (g) The land use code for the sale property.

~~((g))~~ (h) The current assessed value on the county's assessment roll for the sale property.

~~((h))~~ (i) The previous year's assessed value.

(j) A ratio determined by dividing the current year's assessed value by the adjusted sale price (the adjusted sale price is the amount determined in ~~((e))~~ (f) of this subsection).

(3) **Summary of valid sales data.** The county generated sales report shall also contain a summary of the sales information arranged according to land use categories and assessed value strata designated by the department for each county. The summaries for each stratum shall include:

- (a) The total number of sales;
- (b) The total assessed value of all sale property;
- (c) The total adjusted sale price for all sales;
- (d) The total average assessed value; and
- (e) The total average adjusted sale price.

(4) **Report of invalid sales.** The county generated sales report consisting of data from invalid sales shall include the following information for each invalid sale:

- (a) The real estate excise tax affidavit number.
- (b) The transfer instrument type.
- (c) The parcel number(s), or other file identification number(s).

~~((e))~~ (d) The date of sale.

~~((d))~~ (e) The sale price of the transaction.

~~((e))~~ (f) The sale price of the transaction reduced by one percent.

~~((f))~~ (g) The land use code for the sale property.

~~((g))~~ (h) The current assessed value on the county's assessment roll for the sale property.

~~((h))~~ (i) The previous year's assessed value.

(j) A ratio determined by dividing the current year's assessed value by the adjusted sale price (the adjusted sale price is the amount determined in ~~((e))~~ (f) of this subsection).

~~((j))~~ (k) The appropriate numerical code (see WAC 458-53-080) or the matching description of the reason for determining that the sale was invalid. If numerical code number 27 is used, the reason for determining that the sale was invalid shall be described.

(5) **Sales report**~~((—))~~ **—When submitted.** The county generated sales report shall be submitted as soon as possible following the close of the assessment rolls on May 31st and, for sales of property involving new construction, as soon as possible following August 31st.

AMENDATORY SECTION (Amending WSR 02-14-031, filed 6/24/02, effective 7/25/02)

WAC 458-53-140 Personal property ratio study. (1) **Introduction.** This rule provides information about the personal property ratio study, including the basis for a county's personal property ratio, the determination of strata for each county, and the effect of the discovery of omitted property on the ratio study.

(2) **Basis for personal property ratio.** The basis for a county's personal property ratio will be valuation data with respect to personal property from the three years preceding the current assessment year.

(3) **Stratification of rolls.** Determination of strata for each county will be made by the department to ensure the selection of a representative audit sample and will be reviewed periodically. After the strata have been determined, the department will notify the counties of the strata limits and each county must provide the department with the following, taken from the county's assessment rolls:

(a) A representative number of samples, as determined by the department, in each stratum, together with:

(i) The name and address of the taxpayer for each sample;

(ii) The previous year's assessed value for each sample;

~~((and))~~ (iii) The current year's assessed value for each sample;

and (iv) The actual number of samples;

(b) The total number of personal property accounts in each stratum; and

(c) The total assessed value in each stratum for both the previous and the current years.

(4) **Omitted property.** If the department discovers omitted property in a county, the results of the department's audit will be included in the ratio study.

AMENDATORY SECTION (Amending WSR 96-05-002, filed 2/8/96, effective 3/10/96)

WAC 458-53-160 Indicated personal property ratio—Computation. (1) **Determination of ratio for assessed value strata.** For each personal property assessed

value stratum, excluding properties identified in WAC 458-53-070 (4)(a), an average assessed value, and an average market value shall be determined from the results of selected audit studies. The average assessed value for each stratum divided by the average market value determines the ratio for each assessed value stratum.

(2) **Determination of indicated market value.** The actual total assessed value of the county for each stratum divided by the ratio for each assessed value stratum, as determined by using the calculation set forth in subsection (1) of this section, determines the indicated market value of each stratum for the county.

(3) **Additional categories.** ~~((a))~~ The actual county total assessed values of properties identified in WAC 458-53-070 (4)(a) are added as a separate category to the total county assessed value. A ratio determined for these properties is

applied against the total assessed value for the category to determine the indicated total market value for the category.

~~((b) If ten percent or more of the total personal property assessed value of a county consists of publicly owned timber sold by competitive bid to private purchasers, the assessed value of the timber is added as a separate category to the total county assessed value. A ratio determined for this property is applied against the total assessed value for this category to determine the indicated total market value for this category.))~~

(4) **Determination of county indicated ratio.** The sum of the actual total county assessed values is divided by the sum of the indicated market values to determine the county indicated personal property ratio.

(5) **Example.** The following illustration, using simulated values and ratios, indicates the ratio computation procedures for personal property.

STEP 1 - STRATUM AVERAGE VALUE AND RATIO COMPUTATIONS

Stratum	(1) Number of Samples	(2) Average Assessed Value of Samples	(3) Average Market Value of Samples	(4) Stratum Ratio (Col. 2 ÷ Col. 3)
\$ 0 - 74,999	25	\$ 17,000	\$ 22,000	.773
75,000 - 249,999	15	124,000	235,000	.528
Over - 250,000	10	850,000	960,000	.885

STEP 2 - APPLICATION OF STRATUM RATIOS TO ACTUAL COUNTY ASSESSED VALUES

Stratum	(1) Actual County Personal Property Assessed Values	(2) Ratio	(3) County Market Value Related to Actual Assessed Value (Col. 1 ÷ Col. 2)
\$ 0 - 74,999	\$21,500,000	.773	\$ 27,813,713
75,000 - 249,999	23,000,000	.528	43,560,606
Over - 250,000	50,000,000	.885	56,497,175
WAC 458-53-070 (4)(a) Properties	0		0
Totals	\$94,500,000		÷ \$127,871,499 = 73.9

County Indicated

Personal Property Ratio

73.9%

AMENDATORY SECTION (Amending WSR 96-05-002, filed 2/8/96, effective 3/10/96)

WAC 458-53-200 Certification of county preliminary and indicated ratios—Review. (1) **Preliminary ratio certified to assessor.** The department shall annually determine the real property and personal property preliminary ratios for each county and shall certify these ratios to the county assessor on or before the first Monday in September.

(2) **Request for review.** Upon request of the assessor, a landowner, or an owner of an intercounty public utility or private car company, the department shall review the county's preliminary ratio with the requesting party and may make any changes indicated by such review. This review shall take place between the first and third Mondays of September. If the department does not certify the preliminary ratios as required by subsection (1) of this section, the review period shall extend for two weeks from the date of certification.

(3) **Review exclusions.** For the personal property ratio study, the prior year's audit results shall not be subject to review.

(4) **Certification of indicated ratios.** Prior to equalization of assessments pursuant to RCW 84.48.080 and after the third Monday of September, the department shall certify to each county assessor the indicated real and personal property ratios for that county.

AMENDATORY SECTION (Amending WSR 96-05-002, filed 2/8/96, effective 3/10/96)

WAC 458-53-210 Appeals. If an assessor, landowner, or owner of an intercounty utility or private car company has reviewed the ratio study as provided in WAC 458-53-200, that person or company may appeal the department's indicated ratio determination, as certified for that county, to the state board of tax appeals pursuant to RCW 82.03.130(5). The appeal to the state board of tax appeals must be filed ~~((not))~~ no later than fifteen days after the date of mailing of the certification.

WSR 16-11-032

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed May 10, 2016, 9:31 a.m., effective June 10, 2016]

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

Purpose: WAC 458-16A-100 (Rule 16A-100) Senior citizen, disabled person, and one hundred percent disabled veteran exemption—Definitions, contains definitions of the terms used for the senior citizen, disabled person, and one hundred percent disabled veteran exemption from property taxes. Rule 16A-100 has been updated to narrow the meaning of "annuity" to more closely fit the traditional meaning of that term; replace the definition of "excess levies" with a reference to a definition for that term contained in WAC 458-19-005; and revise the definition of "pension" to clarify that pensions triggered by a person's disability are included within the meaning of that term.

Citation of Existing Rules Affected by this Order: Amending WAC 458-16A-100 Senior citizen, disabled person, and one hundred percent disabled veteran exemption—Definitions.

Statutory Authority for Adoption: RCW 82.32.300, 82.01.060(2), and 84.36.865.

Adopted under notice filed as WSR 16-07-146 on March 23, 2016.

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 10, 2016.

Kevin Dixon
Rules Coordinator

AMENDATORY SECTION (Amending WSR 13-08-028, filed 3/27/13, effective 4/27/13)

WAC 458-16A-100 Senior citizen, disabled person, and one hundred percent disabled veteran exemption—

Definitions. (1) **Introduction.** This rule contains definitions of the terms used for the senior citizen, disabled person, and one hundred percent disabled veteran exemption from property taxes. The definitions apply to the senior citizen, disabled person, and one hundred percent disabled veteran exemption contained in sections RCW 84.36.381 through 84.36.389 unless the context clearly requires otherwise.

(2) **Annuity.** "Annuity" means a series of long-term periodic payments, ~~((fixed or variable,))~~ under a contract or agreement. ~~((An annuity may be paid as the proceeds of a life insurance contract (other than as a lump sum payment), unemployment compensation, disability payments, or welfare receipts.))~~ It does not include payments for the care of dependent children. For purposes of this subsection, long-term means a period of more than one full year from the annuity starting date.

~~((a))~~ Annuity distributions must be included in "disposable income," as that term is defined in subsection (12) of this section, whether or not they are taxable under federal law. A one-time, lump sum, total distribution is not an "annuity" for purposes of this section, and only the taxable portion that would be included in federal adjusted gross income should be included in disposable income.

~~((b))~~ Disability payments include, but are not limited to, payments made by such agencies as the federal Department of Veterans Affairs for service-connected disabilities, the federal Social Security Administration, and the Washington state department of labor and industries.

~~((c))~~ A "series of payments" means at least one payment per period over more than one period, where a period can be a week, month, or year. Payment amounts do not have to be equal. Annuity distributions may fluctuate based on the age of the individual, the performance of the investment options, etc. Payment periods do not have to be consecutive. For example, if a distribution is made one year and four years pass before another distribution is made, this can still qualify as an "annuity" for purposes of this section.)

(3) **Assessment year.** "Assessment year" means the year when the assessor lists and values the principal residence for property taxes. The assessment year is the calendar year prior to the year the taxes become due and payable. It is always the year before the claimant receives a reduction in his or her property taxes because of the senior citizen, disabled person, and one hundred percent disabled veteran exemption.

(4) **Capital gain.** "Capital gain" means the amount the seller receives for property (other than inventory) over that seller's adjusted basis in the property. The seller's initial basis in the property is the property's cost plus taxes, freight charges, and installation fees. In determining the capital gain, the seller's costs of transferring the property to a new owner are also added onto the adjusted basis of the property. If the property is acquired in some other manner than by purchase, the seller's initial basis in the property is determined by the way the seller received the property (e.g., property exchange, payment for services, gift, or inheritance). The seller adjusts (increases and decreases) the initial basis of the property for events occurring between the time the property is acquired and when it is sold (e.g., increased by the cost of improvements made later to the property).

(5) **Claimant.** "Claimant" means a person claiming the senior citizen, disabled person, and one hundred percent disabled veteran exemption by filing an application with the county assessor in the county where the property is located.

(6) **Combined disposable income.** "Combined disposable income" means the annual disposable income of the claimant, the claimant's spouse or domestic partner, and any cotenant reduced by amounts paid by the claimant or the claimant's spouse or domestic partner for their:

- (a) Legally prescribed drugs;
- (b) Home health care;
- (c) Nursing home, boarding home, or adult family home expenses; and
- (d) Health care insurance premiums for medicare under Title XVIII of the Social Security Act.

Disposable income is not reduced by these amounts if payments are reimbursed by insurance or a government program (e.g., medicare or medicaid). When the application is made, the combined disposable income is calculated for the assessment year.

(7) **Cotenant.** "Cotenant" means a person who resides with the claimant and who has an ownership interest in the residence.

(8) **Department.** "Department" means the state department of revenue.

(9) **Depreciation.** "Depreciation" means the annual deduction allowed to recover the cost of business or investment property having a useful life of more than one year. In limited circumstances, this cost, or a part of this cost, may be taken as a section 179 expense on the federal income tax return in the year business property is purchased.

(10) **Disability.** "Disability" means the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months. (RCW 84.36.383(7); 42 U.S.C. Sec. 423(d)(1)(A).)

(11) **Disabled veteran.** "Disabled veteran" means a veteran of the armed forces of the United States entitled to and receiving compensation from the United States Department of Veterans Affairs at a total disability rating for a service-connected disability. (RCW 84.36.381 (3)(b).)

(12) **Disposable income.** "Disposable income" means the adjusted gross income as defined in the Federal Internal

Revenue Code of 2001, and as amended after that date, plus all the other items described below to the extent they are not included in or have been deducted from adjusted gross income. (RCW 84.36.383.)

(a) Capital gains, other than gain excluded from the sale of a principal residence that is reinvested prior to the sale or within the same calendar year in a different principal residence;

(b) Losses. Amounts deducted for loss;

(c) Depreciation. Amounts deducted for depreciation;

(d) Pension and annuity receipts;

(e) Military pay and benefits other than attendant-care and medical-aid payments. Attendant-care and medical-aid payments are any payments for medical care, home health care, health insurance coverage, hospital benefits, or nursing home benefits provided by the military;

(f) Veterans benefits other than:

(i) Attendant-care payments and medical-aid payments, defined as any payments for medical care, home health care, health insurance coverage, hospital benefits, or nursing home benefits provided by the Department of Veterans Affairs (VA);

(ii) Disability compensation, defined as payments made by the VA to a veteran because of service-connected disability;

(iii) Dependency and indemnity compensation, defined as payments made by the VA to a surviving spouse, child, or parent because of a service-connected death.

(g) Federal Social Security Act and railroad retirement benefits;

(h) Dividend receipts;

(i) Interest received on state and municipal bonds.

(13) **Domestic partner.** "Domestic partner" means a person registered under chapter 26.60 RCW or a partner in a legal union of two persons, other than a marriage, that was validly formed in another jurisdiction, and that is substantially equivalent to a domestic partnership under chapter 26.60 RCW.

(14) **Domestic partnership.** "Domestic partnership" means a partnership registered under chapter 26.60 RCW or a legal union of two persons, other than a marriage, that was validly formed in another jurisdiction, and that is substantially equivalent to a domestic partnership under chapter 26.60 RCW.

(15) **Excess levies.** "Excess levies" (~~means voter-approved levies by taxing districts, other than port or public utility districts, of additional taxes in excess of the statutory aggregate dollar rate limit, the statutory dollar rate limit, or the constitutional one percent levy limit. It does not include regular levies allowed to exceed a statutory limit with voter approval or voted regular levies.~~) has the same meaning as provided in WAC 458-19-005 for "excess property tax levy."

(16) **Excluded military pay or benefits.** "Excluded military pay or benefits" means military pay or benefits excluded from a person's federal gross income, other than those amounts excluded from that person's federal gross income for attendant-care and medical-aid payments. Members of the armed forces receive many different types of pay and allowances. Some payments or allowances are included in their gross income for the federal income tax while others are

excluded from their gross income. Excluded military pay or benefits include:

- (a) Compensation for active service while in a combat zone or a qualified hazardous duty area;
- (b) Death allowances for burial services, gratuity payment to a survivor, or travel of dependents to the burial site;
- (c) Moving allowances;
- (d) Travel allowances;
- (e) Uniform allowances;
- (f) Group term life insurance payments made by the military on behalf of the claimant, the claimant's spouse or domestic partner, or the cotenant; and
- (g) Survivor and retirement protection plan premiums paid by the military on behalf of the claimant, the claimant's spouse or domestic partner, or the cotenant.

(17) **Family dwelling unit.** "Family dwelling unit" means the dwelling unit occupied by a single person, any number of related persons, or a group not exceeding a total of eight related and unrelated nontransient persons living as a single noncommercial housekeeping unit. The term does not include a boarding or rooming house.

(18) **Home health care.** "Home health care" means the treatment or care of either the claimant or the claimant's spouse or domestic partner received in the home. It must be similar to the type of care provided in the normal course of treatment or care in a nursing home, although the person providing the home health care services need not be specially licensed. The treatment and care must meet at least one of the following criteria. It must be for:

- (a) Medical treatment or care received in the home;
- (b) Physical therapy received in the home;
- (c) Food, oxygen, lawful substances taken internally or applied externally, necessary medical supplies, or special needs furniture or equipment (such as wheel chairs, hospital beds, or therapy equipment), brought into the home as part of a necessary or appropriate in-home service that is being rendered (such as a meals on wheels type program); or
- (d) Attendant care to assist the claimant, or the claimant's spouse or domestic partner, with household tasks, and such personal care tasks as meal preparation, eating, dressing, personal hygiene, specialized body care, transfer, positioning, ambulation, bathing, toileting, self-medication a person provides for himself or herself, or such other tasks as may be necessary to maintain a person in his or her own home, but shall not include improvements or repair of the home itself.

(19) **Lease for life.** "Lease for life" means a lease that terminates upon the demise of the lessee.

(20) **Legally prescribed drugs.** "Legally prescribed drugs" means drugs supplied by prescription of a medical practitioner authorized to issue prescriptions by the laws of this state or another jurisdiction.

(21) **Life estate.** "Life estate" means an estate whose duration is limited to the life of the party holding it or of some other person.

(a) Reservation of a life estate upon a principal residence placed in trust or transferred to another is a life estate.

(b) Beneficial interest in a trust is considered a life estate for the settlor of a revocable or irrevocable trust who grants to himself or herself the beneficial interest directly in his or her

principal residence, or the part of the trust containing his or her personal residence, for at least the period of his or her life.

(c) Beneficial interest in an irrevocable trust is considered a life estate, or a lease for life, for the beneficiary who is granted the beneficial interest representing his or her principal residence held in an irrevocable trust, if the beneficial interest is granted under the trust instrument for a period that is not less than the beneficiary's life.

(22) **Owned.** "Owned" includes "contract purchase" as well as "in fee," a "life estate," and any "lease for life." A residence owned by a marital community or domestic partnership or owned by cotenants is deemed to be owned by each spouse or each domestic partner or each cotenant.

(23) **Ownership by a marital community or domestic partnership.** "Ownership by a marital community or domestic partnership" means property owned in common by both spouses or domestic partners. Property held in separate ownership by one spouse or domestic partner is not owned by the marital community or domestic partnership. The person claiming the exemption must own the property for which the exemption is claimed. Example: A person qualifying for the exemption by virtue of age, disability, or one hundred percent disabled veteran status cannot claim exemption on a residence owned by the person's spouse or domestic partner as a separate estate outside the marital community or domestic partnership unless the claimant has a life estate therein.

(24) **Pension.** "Pension" generally means ((an agreement to provide)) an arrangement providing for payments, not wages, to a person (or to that person's family) who has fulfilled certain conditions of service or reached a certain age. Pension distributions may be triggered by separation from service, attainment of a specific age, disability, death, or other events. A pension may allow payment of all or a part of the entire pension benefit, in lieu of regular periodic payments.

(25) **Principal residence.** "Principal residence" means the claimant owns and occupies the residence as his or her principal or main residence. It does not include a residence used merely as a vacation home. For purposes of this exemption:

- (a) Principal or main residence means the claimant occupies the residence for more than six months each year.
- (b) Confinement of the claimant to a hospital or nursing home does not disqualify the claim for exemption if:
 - (i) The residence is temporarily unoccupied;
 - (ii) The residence is occupied by the claimant's spouse or domestic partner or a person financially dependent on the claimant for support;
 - (iii) The residence is occupied by a caretaker who is not paid for watching the house;
 - (iv) The residence is rented for the purpose of paying nursing home, hospital, boarding home or adult family home costs.

(26) **Regular gainful employment.** "Regular gainful employment" means consistent or habitual labor or service which results in an increase in wealth or earnings.

(27) **Replacement residence.** "Replacement residence" means a residence that qualifies for the senior citizen, disabled person, and one hundred percent disabled veteran

exemption and replaces the prior residence of the person receiving the exemption.

(28) **Residence.** "Residence" means a single-family dwelling unit whether such unit be separate or part of a multiunit dwelling and includes up to one acre of the parcel of land on which the dwelling stands, and it includes any additional property up to a total of five acres that comprises the residential parcel if land use regulations require this larger parcel size. The term also includes:

(a) A share ownership in a cooperative housing association, corporation, or partnership if the person claiming exemption can establish that his or her share represents the specific unit or portion of such structure in which he or she resides.

(b) A single-family dwelling situated upon leased lands and upon lands the fee of which is vested in the United States, any instrumentality thereof including an Indian tribe, the state of Washington, or its political subdivisions.

(c) A mobile home which has substantially lost its identity as a mobile unit by being fixed in location upon land owned or rented by the owner of said mobile home and placed on a foundation, posts, or blocks with fixed pipe connections for sewer, water or other utilities even though it may be listed and assessed by the county assessor as personal property. It includes up to one acre of the parcel of land on which a mobile home is located if both the land and mobile home are owned by the same qualified claimant and it includes any additional property up to a total of five acres that comprises the residential parcel if land use regulations require this larger parcel size.

(29) **Veteran.** "Veteran" means a veteran of the armed forces of the United States.

(30) **Veterans benefits.** "Veterans benefits" means benefits paid or provided under any law, regulation, or administrative practice administered by the VA. Federal law excludes from gross income any veterans' benefits payments, paid under any law, regulation, or administrative practice administered by the VA.

WSR 16-11-038

PERMANENT RULES

SECRETARY OF STATE

[Filed May 11, 2016, 8:37 a.m., effective May 11, 2016]

Effective Date of Rule: May 11, 2016.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The effective date is expedited under provision of RCW 34.05.-380 (3)(c) because an earlier effective date is imminently necessary for the orderly and timely administration of an upcoming election. WAC 434-219-290 relates to the certification time period for the presidential primary conducted under chapter 29A.56 RCW. This rule was recently changed to remove four days from the certification time period. After adoption of the previous rule some county election departments expressed that the additional four days of certification time is required for election processes. This expedited effective date is required to timely clarify that county election departments will have fourteen days, rather than ten, to cer-

tify their presidential primary results. The expedited effective date is therefore necessary to preserve the welfare of the state. The affected organizations have been notified of the change directly, and will be notified directly of this filing as well.

Purpose: Rule change necessary to update and clarify procedure.

Citation of Existing Rules Affected by this Order: Amending WAC 434-219-290.

Statutory Authority for Adoption: RCW 29A.04.611 and 29A.04.620.

Adopted under notice filed as WSR 16-08-021 on March 29, 2016.

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 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 11, 2016.

Mark Neary
Assistant Secretary
of State

AMENDATORY SECTION (Amending WSR 15-24-001, filed 11/18/15, effective 12/19/15)

WAC 434-219-290 Certification of presidential primary by secretary of state. County canvassing boards shall certify the results of the presidential primary (~~ten~~) fourteen days following the primary. The county auditor shall transmit the returns to the secretary of state immediately. Not later than seventeen days following the presidential primary, the secretary of state shall certify the results of the presidential primary and notify the candidates and the chairperson of the national and state committees of each major political party of the votes cast for all candidates listed on the ballot.

WSR 16-11-053

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed May 13, 2016, 11:31 a.m., effective June 13, 2016]

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

Purpose: New WAC 246-828-060 Continuing education, adopting continuing education will help athletic trainers stay current on best practices for treatment, rehabilitation, and reconditioning of athletes and injured workers. The rule

implements SHB 2430 (chapter 194, Laws of 2014), sets enforceable requirements for continuing education, and establishes the required number of hours and acceptable categories of continuing education.

Statutory Authority for Adoption: RCW 18.250.020 and SHB 2430 (chapter 194, Laws of 2014).

Adopted under notice filed as WSR 16-04-056 on January 28, 2016.

Changes Other than Editing from Proposed to Adopted Version: Added new subsection (3)(f) "Any other evidence-based practice activity as approved by the secretary." as a result of stakeholder comments.

A final cost-benefit analysis is available by contacting Janette Benham, Department of Health, P.O. Box 47852, Olympia, WA 98504, phone (360) 236-4857, fax (360) 236-2901, e-mail janette.benham@doh.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 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: May 13, 2016.

John Wiesman, DrPH, MPH
Secretary

NEW SECTION

WAC 246-916-060 Continuing education. The goal of continuing education is to promote continued competence, development of current knowledge and skills, and enhancement of professional skills and judgment. Continuing education activities must focus on increasing knowledge, skills, and abilities related to the practice of athletic training.

(1) A licensed athletic trainer shall complete a minimum of fifty hours of continuing education every two years. At least ten of those hours must include evidence-based practice as outlined in subsection (3) of this section. The remaining hours may be in categories listed in subsection (4) of this section.

(2) A licensed athletic trainer may alternatively meet the requirement of fifty hours of continuing education if they hold a current certification from the board of certification for the athletic trainer (BOC). The required documentation is proof of certification during the two-year period.

(3) At least ten hours of evidence-based practice must be obtained during the two-year reporting period through any of the following activities:

(a) Complete BOC approved workshops, seminars, conferences, webinars, or home study courses. The required documentation for this activity is a certificate of completion.

(b) Graduate from a Commission on Accreditation of Athletic Training Education (CAATE) accredited post-professional athletic training graduate program. A maximum of ten hours may be applied in the two-year period. The required documentation for this activity is an official transcript indicating graduation within the two-year period.

(c) Graduate from a PhD, EdD, DSc program if dissertation has a narrow focus of athletic training. A maximum of ten hours may be applied in the two-year period. The required documentation for this activity is an official transcript indicating graduation within the reporting period and a copy of the dissertation.

(d) Present a BOC approved evidence-based practice program. A maximum of ten hours per evidence-based practice topic may be applied in the two-year period. The required documentation for this activity is a letter of acknowledgment that includes the date, title, and intended audience from the conference coordinator.

(e) Complete a CAATE accredited athletic trainer residency or fellowship. A maximum of twenty hours per year may be applied in the two-year period. The required documentation for this activity is a letter from the residency or fellowship director.

(f) Any other evidence-based practice activity as approved by the secretary.

(4) Remaining hours may be obtained through any of the following activities:

(a) BOC approved workshops, seminars, conferences, webinars, or home study courses. The required documentation for this activity is a certificate of completion.

(b) Professional activities.

(i) Speaker at a conference or seminar for health care providers. A maximum of ten hours may be applied per topic in the two-year period. The required documentation for this activity is a letter of acknowledgment that includes the date, title, and intended audience from the conference coordinator.

(ii) Panelist at a conference or seminar for health care providers. A maximum of five hours may be applied per topic in the two-year period. The required documentation for this activity is a letter of acknowledgment that includes the date, title, and intended audience from the conference coordinator.

(iii) Primary author of an article in a nonrefereed journal. A maximum of five hours may be applied per article in the two-year period. The required documentation for this activity is a copy of the article.

(iv) Author of an article in a refereed journal. A maximum of fifteen hours may be applied per article in the two-year period for primary authors. A maximum of ten hours may be applied per article in the two-year period for secondary authors. The required documentation for this activity is a copy of the article.

(v) Author of an abstract in a refereed journal. A maximum of ten hours may be applied per abstract in the two-year period for primary authors. A maximum of five hours may be applied per abstract in the two-year period for secondary authors. The required documentation for this activity is a copy of the abstract.

WSR 16-11-055

PERMANENT RULES

OFFICE OF

FINANCIAL MANAGEMENT

[Filed May 13, 2016, 12:22 p.m., effective June 20, 2016]

Effective Date of Rule: June 20, 2016.

Purpose: This rule amendment was requested by several higher education institutions to clarify the way an employee's periodic increment date (PID) is adjusted. Adjusting for any ten days of leave without pay (LWOP) in the month ensures that the PID is deferred appropriately when the LWOP crosses into two separate months. This change also coincides with how sick leave and vacation leave are adjusted.

Citation of Existing Rules Affected by this Order: Amending WAC 357-31-346.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 16-08-074 on April 4, 2016.

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 13, 2016.

Roselyn Marcus
Assistant Director for
Legal and Legislative Affairs

AMENDATORY SECTION (Amending WSR 05-12-081, filed 5/27/05, effective 7/1/05)

WAC 357-31-346 Does leave without pay affect a higher education employee's periodic increment date? For a higher education employee, the periodic increment date will be moved forward by one month when any period of leave without pay which exceeds ten working days in a month (~~or ten consecutive working days~~) except when the leave without pay is taken for:

(1) Military leave of absence without pay as provided in WAC 357-31-370;

(2) Compensable work-related injury or illness leave; and/or

(3) Scheduled periods of leave without pay for cyclic appointments in accordance with WAC 357-19-295.

(vi) Author of a published textbook. A maximum of forty hours may be applied per book in the two-year reporting period for primary authors. A maximum of twenty hours may be applied per book in the two-year reporting period for secondary authors. The required documentation for this activity is a copy of the title page with the publication date.

(vii) Contributing author of a published textbook. A maximum of ten hours may be applied per book in the two-year period. The required documentation for this activity is a copy of the title page with the publication date and list of contributors.

(viii) Author of a peer-reviewed or refereed poster presentation. A maximum of ten hours may be applied per presentation in the two-year period for primary authors. A maximum of five hours may be applied per presentation in the two-year period for secondary authors. The required documentation for this activity is a letter of acknowledgment that includes the date and title of the presentation from the conference coordinator.

(ix) Primary author of published multimedia material, including CD, audio, or video. A maximum of ten hours may be applied per publication in the two-year period. The required documentation for this activity is a copy of the publication.

(x) Participating member of clinical research study team. A maximum of ten hours may be applied in the two-year period. The required documentation for this activity is a letter from the principal investigator or a copy of the institutional review board approval with investigators listed.

(xi) Primary author of a home study course. A maximum of ten hours may be applied per course in the two-year reporting period. The required documentation for this activity is a letter of approval.

(xii) Reviewer of a refereed publication. A maximum of five hours may be applied per review, with a limit of twenty hours applied per two-year period. The required documentation for this activity is a disposition letter.

(xiii) Exam item writer for BOC exam or other health care professional exams. A maximum of five hours may be applied per year of active item writing. The required documentation for this activity is a letter of acknowledgment from the exam company.

(c) Post certification college or university course work. A maximum of ten continuing education hours per credit hour may be applied during the two-year period. The required documentation for this activity is an official transcript from an accredited college or university.

(d) Activities by non-BOC approved providers.

(i) Workshops, seminars, conferences, webinars that are directly related to athletic training. The required documentation for this activity is verification of attendance.

(ii) Videos, DVDs, audiotapes, multimedia, webinars, home study courses. Each activity must have an examination. The required documentation for this activity is documentation verifying completion.

(5) A licensed athletic trainer shall comply with the requirements of chapter 246-12 WAC, Part 7.

WSR 16-11-056
PERMANENT RULES
OFFICE OF
FINANCIAL MANAGEMENT

[Filed May 13, 2016, 12:24 p.m., effective June 20, 2016]

Effective Date of Rule: June 20, 2016.

Purpose: To address the requirement for agencies to request and receive approval from the director for placement of a position in a Washington management service (WMS) medical band. This formalizes the current practice which has been done since the inception of WMS medical bands.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 16-08-073 on April 4, 2016.

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 1, 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: May 13, 2016.

Roselyn Marcus
Assistant Director for
Legal and Legislative Affairs

Citation of Existing Rules Affected by this Order:
Amending WAC 246-916-020.

Statutory Authority for Adoption: RCW 18.250.020 and 18.250.060.

Adopted under notice filed as WSR 16-04-054 on January 28, 2016.

Changes Other than Editing from Proposed to Adopted Version: In subsection (1) changed "approved" to "accepted" because the Board of Certification for the Athletic Trainer does not approve programs. The change was made as a result of stakeholder comments.

A final cost-benefit analysis is available by contacting Janette Benham, P.O. Box 47852, Olympia, WA 98504, phone (360) 236-4857, fax (360) 236-2901, e-mail janette.benham@doh.wa.gov.

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

Number of Sections Adopted at 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 13, 2016.

John Wiesman, DrPH, MPH
Secretary

NEW SECTION

WAC 357-58-081 How are positions placed into the WMS medical band? Decisions regarding placement of positions in the WMS medical band can only be made by the director. In order for a position to be placed in the WMS medical band, agencies must submit a request to OFM for approval by the director.

WSR 16-11-057
PERMANENT RULES
DEPARTMENT OF HEALTH

[Filed May 13, 2016, 12:24 p.m., effective June 13, 2016]

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

Purpose: Amending WAC 246-916-020 Approved educational programs, the rule amends WAC 246-916-020 to allow graduates of accredited athletic training educational programs outside of the United States to meet athletic trainer licensure requirements in Washington. The adopted amendment simplifies rule language and allows qualified applicants who have received training in accredited programs in other countries to obtain licensure in Washington.

AMENDATORY SECTION (Amending WSR 08-11-060, filed 5/16/08, effective 7/1/08)

WAC 246-916-020 Approved educational programs. The secretary (~~(recognizes and)~~) approves (~~(these educational programs:~~

~~(1) Courses of instruction conducted by schools that have obtained accreditation of the program in athletic training from the commission on accreditation of athletic training education (CAATE) or its predecessor or successor organization as approved by the secretary; or)~~;

(1) Any accredited educational program accepted by the board of certification for the athletic trainer (BOC) as meeting the requirements to sit for the certification examination:
or

(2) Completion of a bachelors or advanced degree attained prior to January 1, 2004, including at a minimum:

(a) Course work in:

(i) Health, such as, nutrition, drugs/substance abuse, health education, personal health and wellness or a course in pathology or pathophysiology or pharmacology is considered an acceptable substitution;

(ii) Human anatomy;

(iii) Kinesiology/biomechanics;

(iv) Human physiology;

(v) Physiology of exercise;

(vi) Basic and advanced athletic training; and

(b) Completion of an internship with a minimum of 1,500 practical hours under direct supervision of ~~((a National Athletic Trainers' Association Board of Certification (NATABOC) certified athletic trainer))~~ an athletic trainer certified by the BOC.

WSR 16-11-058

PERMANENT RULES

OFFICE OF

FINANCIAL MANAGEMENT

[Filed May 13, 2016, 12:25 p.m., effective June 20, 2016]

Effective Date of Rule: June 20, 2016.

Purpose: These amendments are a result of the office of financial management state human resources going through the lean process to review the director's review request process. Chapter 357-49 WAC provides employees the opportunity to request a review by the state human resources director for certain actions taken by the employer. These rules describe what actions an individual can request a review of, the process for filing a request for a review, the process used to conduct a review and the rights of an employee to appeal to the Washington personnel resources board.

Because individuals no longer request a director's review of their examination results through the director's office, we are proposing removing the language currently found in WAC 357-49-010(1). These reviews are now performed by the hiring agency. As a result, we removed references to the director's office in chapter 357-16 WAC.

Citation of Existing Rules Affected by this Order: Repealing WAC 357-49-017, 357-49-019, 357-49-020, 357-49-025 and 357-49-027; and amending WAC 357-16-155, 357-16-160, 357-16-170, 357-16-175, 357-49-010, 357-49-015, 357-49-018, 357-49-022, 357-49-023, and 357-49-035.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Adopted under notice filed as WSR 16-02-098 on January 5, 2016.

Changes Other than Editing from Proposed to Adopted Version: Three WAC were changed to address comments that we received from stakeholders. WAC 357-49-0158 was confusing as written; it was changed to clarify that the requestor may submit additional documents provided they are not duplicates. WAC 357-49-018 was changed to correct an incorrect reference to a WAC that is being repealed. WAC 357-49-022 was changed to remove the requestor must prove that the employer's determination should be reconsidered.

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 9, Amended 10, Repealed 5.

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 9, Amended 10, Repealed 5.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 9, Amended 10, Repealed 5.

Date Adopted: May 13, 2016.

Roselyn Marcus
Assistant Director for
Legal and Legislative Affairs

AMENDATORY SECTION (Amending WSR 11-23-054, filed 11/10/11, effective 12/13/11)

WAC 357-16-155 Can an ~~((eligible's))~~ individual's name be removed from an applicant or candidate pool for a class or all classes in a class series? An employer ~~((or the director's office))~~ may disqualify an individual by removing ~~((or directing the removal of))~~ the individual's name from an applicant and/or candidate pool for a class or all classes in a class series at ~~((anytime))~~ any time for good and sufficient reason.

AMENDATORY SECTION (Amending WSR 11-23-054, filed 11/10/11, effective 12/13/11)

WAC 357-16-160 Must an applicant or candidate who has been removed for good and sufficient reason per WAC 357-16-155 be notified of the removal? When an applicant or candidate is removed from an applicant or candidate pool for good and sufficient reason per WAC 357-16-155, the employer ~~((or the director's office))~~ must notify the applicant or candidate at the time of the removal. The notice must be in writing and specify the reason for the removal. The notice must explain the right to request a review of the removal under the provisions of WAC 357-16-170, 357-16-175 and 357-16-180. For purposes of this rule, written notice may be provided using alternative methods such as e-mail, campus mail, the state mail service, or commercial parcel delivery in accordance with WAC 357-04-105.

AMENDATORY SECTION (Amending WSR 06-03-071, filed 1/12/06, effective 2/13/06)

WAC 357-16-170 Can an applicant or candidate request a review of ~~((his/her))~~ their examination results or the removal of ~~((his/her))~~ their name from an applicant or candidate pool? An applicant or candidate may request a review of ~~((his/her))~~ their examination results or the removal of ~~((his/her))~~ their name from an applicant or candidate pool when the removal is due to good and sufficient reason under the provisions of WAC 357-16-155.

AMENDATORY SECTION (Amending WSR 11-23-054, filed 11/10/11, effective 12/13/11)

WAC 357-16-175 ~~((To whom and by))~~ When must an applicant or candidate request a review of the results of an examination or removal from an applicant or candi-

date pool? ~~((1) If the employer is responsible for the assessment process, requests for reviews of examination results under the provisions of WAC 357-16-170 must be made to the employer. If the department of enterprise services is responsible for the assessment process, requests for reviews of examination results under the provisions of WAC 357-16-170 must be made under the provisions of WAC 357-49-010.~~

~~(2) If the employer is responsible for the removal of an individual's name from an applicant or candidate pool for good and sufficient reason, the request for review under the provisions of WAC 357-16-170 must be made to the employer. If the director's office is responsible for the removal of an individual's name from an applicant or candidate pool for good and sufficient reason, the request for review will be under the provisions of WAC 357-49-010.~~

~~(3)) If an applicant or candidate requests a review of the results of an examination or removal from an applicant or candidate pool, the request ((for a review)) must be received at the employer's office ((or the director's office)) within twenty calendar days following notice of the action for which a review is requested.~~

AMENDATORY SECTION (Amending WSR 14-24-023, filed 11/21/14, effective 12/22/14)

WAC 357-49-010 For what actions ~~((can))~~ may an individual request a director's review? An individual may request a director's review of:

(1) ~~((If the department of enterprise services is responsible for the assessment process, an applicant or candidate may request a director's review of his/her examination results. If the director's office is responsible for the removal of his/her name from an applicant or candidate pool as specified in WAC 357-16-175 the individual may request a director's review. Director review decisions regarding the removal of an individual's name from an applicant or candidate pool or an individual's examination results are final and not subject to further review or appeal.~~

~~(2) An individual may request a director's review of the removal of his/her name from a layoff list as specified in WAC 357-46-145.~~

~~(3) An employee may request a director's review of the following:~~

~~((a)) Allocation or reallocation per WAC 357-13-080; ((or~~

~~(b) Performance evaluation process or procedure per WAC 357-37-080.~~

~~(4) An individual may request the director review his/her request for))~~

~~(2) Remedial action per WAC 357-19-430 or 357-19-450. Requests for remedial action must be received within thirty calendar days of the date the individual could reasonably be expected to have knowledge of the action giving rise to violation of the nonpermanent appointment or temporary appointment rules((-~~

~~(5) An employee may not request a director's review of:~~

~~(a) An alleged violation of civil service laws or rules including those pertaining to layoff, except for))~~

~~(3) Removal of ((his/her)) an individual's name from a layoff list as ((provided in subsection (2) of this section)) specified in WAC 357-46-145; or~~

~~((b) The actions of reduction, dismissal, suspension, demotion or separation.))~~

~~(4) Performance evaluation process or procedure per WAC 357-37-080.~~

NEW SECTION

WAC 357-49-013 What actions are not subject to a director's review? The following actions are not subject to a director's review:

(1) Alleged violation of civil service rules including those pertaining to layoff, except for removal of an individual's name from a layoff list as provided in WAC 357-49-010(3); or

(2) Actions of reduction, dismissal, suspension, demotion or separation.

AMENDATORY SECTION (Amending WSR 05-01-183, filed 12/21/04, effective 7/1/05)

WAC 357-49-015 How does an individual or employee request a director's review? ~~((+))~~ Director's review requests must be filed ~~((in writing at))~~ with the ~~((office of the director.~~

~~(2) Review requests must include:~~

~~((a)) director's office. Review requests must include:~~

~~(1) The requestor's name ((and)), address ((of the employee, applicant or candidate)) and telephone number;~~

~~((b)) (2) The name of the employer that took the action for which a review is requested;~~

~~((c) (3) If applicable, the employee representative's name, address and telephone number ((at which the employee, applicant or candidate can be reached;~~

~~((d));~~

~~(4) For allocations and reallocations, the job classification or position of the employee;~~

~~((e)) (5) A short statement of the grounds or reasons for the request((- and if applicable, the rule(s) the employee believes has been violated)); and~~

~~((f)) (6) A short statement of the relief or remedy sought by the ((employee, applicant or candidate.~~

~~(3) The employee, applicant or candidate is responsible for notifying the director of any change in address or telephone number. Employees, applicants or candidates who are represented shall include the name, address and telephone number of their representative)) requestor.~~

NEW SECTION

WAC 357-49-0150 What happens if the individual requesting a director's review does not submit all the information required by WAC 357-49-015? (1) When the director or designee receives a request for review, the director or designee reviews the document(s) to determine whether the information required by this section has been provided.

(2) If any of the required information is not provided with the request for review, the director or designee notifies

the requestor and instructs the requestor to provide the missing information and sends a copy of the notice to all parties.

(3) The requestor must provide the missing information to the director or designee and the requestor's employer, if applicable, as requested within twenty-one calendar days of the date the notification is mailed.

(4) If the requestor fails to comply with the requirements of this section, the director or designee may dismiss the request for review.

NEW SECTION

WAC 357-49-0152 Who is responsible to notify the director or designee when there is a change in address, telephone number or representation? The requestor is responsible for notifying the director or designee of their change in address, telephone number or representation.

NEW SECTION

WAC 357-49-0154 What actions will the director or designee perform once the request for a director's review is received? Once the request for a director's review is received, the director or designee will send acknowledgment including:

- (1) Case number;
- (2) Instructions on how to prepare and submit the exhibits;
- (3) Information on how to expedite the allocation review process; and
- (4) Any additional information needed.

NEW SECTION

WAC 357-49-0156 What documents must an employer provide when a request for director's review of an allocation or reallocation is filed? (1) The employer must provide all documents considered during its review. For allocation or reallocation reviews, the documents must include:

- (a) Employee's position review request or equivalent;
 - (b) Supervisor's statement section of the position review request or equivalent;
 - (c) Employee's current position description form;
 - (d) Organizational chart containing the employee's position;
 - (e) Employer's decision letter; and
 - (f) All other documents considered during the review.
- (2) All documents must be provided to the requestor and the requestor's representative, if applicable.
- (3) The director or designee may request additional information at any time.

NEW SECTION

WAC 357-49-0158 What additional documents may the requestor submit when a request for director's review of an allocation or reallocation is filed? The requestor may submit additional documents that are not duplicates of documents already provided. The additional documents must be relevant to the time period under review.

NEW SECTION

WAC 357-49-016 What process is used to conduct a director's review? (1) The director's review is an informal process conducted by the director or designee.

(2) The review may be conducted by review of written documents, in person, by telephone or by other electronic means as determined by the director or designee.

(3) If the review is conducted by telephone, in person or by other electronic means, the director or designee shall prepare an official audio record of the review. A copy of the audio recording may be ordered from the director for a reasonable charge.

(4) The director or designee shall prepare a record of the documents reviewed and issue a written determination.

NEW SECTION

WAC 357-49-0165 Which director's review determinations may be appealed? The following director's review determinations may be appealed to the personnel resources board:

- (1) Allocation or reallocation per WAC 357-13-080;
- (2) Removal of an employee's name from a layoff list as specified in WAC 357-46-145; and
- (3) Remedial action request per WAC 357-49-010(2).

AMENDATORY SECTION (Amending WSR 05-19-011, filed 9/8/05, effective 10/10/05)

WAC 357-49-018 ~~((Does an individual or an employer have))~~ Who has the right to appeal the results of a director's review ~~((to the board))~~ determination? ~~((Except as provided in WAC 357-49-010(1);))~~ Either party may appeal ~~((the results of the director's review to the board by filing written exceptions to))~~ the director's determination ~~((in accordance with chapter 357-52 WAC. In accordance with WAC 357-52-010, written exceptions for appeals of allocation or reallocation are filed:~~

- ~~(1) Through December 31, 2005, with personnel appeals board; and~~
- ~~(2) As of January 1, 2006, with personnel resources board)) to the personnel resources board for the actions listed in WAC 357-49-0165 by filing written exceptions in accordance with chapter 357-52 WAC.~~

AMENDATORY SECTION (Amending WSR 05-19-011, filed 9/8/05, effective 10/10/05)

WAC 357-49-022 Who has the burden of proof in a director's review? The ~~((individual or employee requesting the director's review))~~ requestor has the burden of proof in a director's review.

AMENDATORY SECTION (Amending WSR 06-03-070, filed 1/12/06, effective 2/13/06)

WAC 357-49-023 For purposes of this chapter, how must ~~((written))~~ documents be filed with the director? (1) **Filing ~~((papers for director's review requests. Papers that must be filed with the director for))~~ by mail:** Director's

review requests are considered ~~((to be))~~ filed ~~((only))~~ when ~~((the papers are actually))~~ received in the director's review office in Olympia, Washington.

(2) Filing ~~((papers for director's review requests by telephone facsimile))~~ by fax:

(a) ~~((Written))~~ Documents ~~((filed with the director for review requests by telephone facsimile))~~ by fax are considered ~~((received))~~ filed when a legible copy of the documents is ~~((reproduced on the director's telephone facsimile equipment in the director's review office))~~ received. If transmission begins after ~~((customary))~~ office hours, ~~((which are))~~ 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays, the document will be deemed filed on the next business day.

(b) ~~((Any))~~ Documents ~~((filed with the director by telephone facsimile should be preceded))~~ by fax must have a cover page identifying the addressee; the ~~((party))~~ person making the transmission, including the address, telephone and ~~((telephone facsimile number of such party))~~ fax number; the review to which the document relates; the date of transmission; and the total number of pages included in the transmission.

(c) The ~~((party))~~ person attempting to file ~~((papers by telephone facsimile))~~ by fax bears the risk that the papers ~~((will))~~ may not be timely received or legibly printed, regardless of the cause. If the ~~((telephone facsimile))~~ fax is not legible, it will not be considered ~~((as if it had never been))~~ sent.

~~((d))~~ The original of any document filed by telephone facsimile should be mailed to the director within twenty-four hours of the time that the telephone facsimile was sent.

~~((3))~~ The filing of papers for director's review requests) **(3) Filing by electronic mail ~~((e-mail))~~ ~~((is not authorized without the express prior approval of the director, and only under such circumstances as the director allows))~~: If the document is sent after office hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays, the document will be deemed filed on the next business day.**

AMENDATORY SECTION (Amending WSR 05-19-011, filed 9/8/05, effective 10/10/05)

WAC 357-49-035 When does a director's review determination become final? ~~((1))~~ Director review decisions regarding the removal of an individual's name from an applicant or candidate pool or an individual's examination results are not subject to further review or appeal and become final when notice of the determination is served on the parties.

~~((2))~~ For all other director's determinations, If no exceptions are filed, the determination becomes final thirty calendar days after notice of the determination is served on the parties.

NEW SECTION

WAC 357-49-040 How are director's review determinations served? Service of director's review determinations is accomplished as provided in WAC 357-04-105.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 357-49-017 When is a director's review part of the appeal process?
- WAC 357-49-019 What civil service rules govern the director's review process?
- WAC 357-49-020 What process is used to conduct a director's review?
- WAC 357-49-025 How must exhibits for director's reviews be prepared and exchanged?
- WAC 357-49-027 What happens if the person requesting a director's review does not submit all the information required by WAC 357-49-015?

WSR 16-11-059

PERMANENT RULES

DEPARTMENT OF HEALTH

(Pharmacy Quality Assurance Commission)

[Filed May 13, 2016, 12:49 p.m., effective June 13, 2016]

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

Purpose: WAC 246-887-040 Designation of nonnarcotic stimulant drugs for purposes of RCW 69.50.402 (1)(c) and 246-887-045 Prescribing, dispensing, or administering of Schedule II nonnarcotic stimulants, the commission adopted rules adding Lisdexamfetamine to the list of Schedule II nonnarcotic stimulants a practitioner may lawfully prescribe, order, dispense, administer, supply, or give to a person for the treatment of binge eating disorder in adults.

Citation of Existing Rules Affected by this Order: Amending WAC 246-887-040 and 246-887-045.

Statutory Authority for Adoption: RCW 18.64.005 and 69.50.402.

Adopted under notice filed as WSR 16-02-016 on December 28, 2015.

A final cost-benefit analysis is available by contacting Doreen Beebe, Department of Health, Pharmacy Quality Assurance Commission, P.O. Box 47852, Olympia, WA 98501, phone (360) 236-4834, fax (360) 236-2260, e-mail doreen.beebe@doh.wa.gov.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 2, 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 2, Repealed 0.

Date Adopted: March 3, 2016.

Tim Lynch, PharmD, Chair
Pharmacy Quality Assurance Commission

AMENDATORY SECTION (Amending WSR 92-04-029, filed 1/28/92, effective 2/29/92)

WAC 246-887-040 Designation of nonnarcotic stimulant drugs for purposes of RCW 69.50.402 (1)(c). The ~~(board of)~~ pharmacy quality assurance commission hereby designates, the following Schedule II controlled substances as nonnarcotic stimulants for purposes of RCW 69.50.402 ~~((a)(3) [69.50.402 (1)(c)])~~ (1)(c):

- (1) Amphetamine sulfate in any of its generic forms.
- (2) Dextroamphetamine sulfate in any of its generic forms and under the following brand names:
 - (a) Dexedrine (SKF);
 - (b) Dexedrine spansules (SKF).
- (3) Dextroamphetamine HCL in any of its generic forms.
- (4) Dextroamphetamine tannate in any of its generic forms.
- (5) Methamphetamine HCL (Desoxyephedrine HCL) in any of its generic forms and under the following brand name: Desoxyn (Abbott).
- (6) Amphetamine complex in any of its generic forms and under the following brand names:
 - (a) Biphphetamine 12 1/2 (Pennwalt);
 - (b) Biphphetamine 20 (Pennwalt).
- (7) Combined amphetamines sold under the following brand names:
 - Obetrol-10 and 20 (Obetrol).
- (8) Phenmetrazine HCL in any of its generic forms and under the following brand name:
 - ~~((a))~~ Preludin (Boehringer-Ingelheim).
- (9) Methylphenidate HCL in any of its generic forms and under the following brand name:
 - ~~((a))~~ Ritalin (Ciba).
- (10) Lisdexamfetamine in any of its generic forms and under the following brand name:
Vyvanse.

AMENDATORY SECTION (Amending WSR 15-12-070, filed 5/29/15, effective 7/1/15)

WAC 363-116-300 Pilotage rates for the Puget Sound pilotage district. Effective 0001 hours July 1, 2015, through 2400 hours ~~(June 30)~~ December 31, 2016.

CLASSIFICATION

Ship length overall (LOA)

Charges:

Per LOA rate schedule in this section.

AMENDATORY SECTION (Amending WSR 03-04-045, filed 1/28/03, effective 2/28/03)

WAC 246-887-045 Prescribing, dispensing, or administering of Schedule II nonnarcotic stimulants. The Schedule II stimulants listed in WAC 246-887-040 may be prescribed, dispensed, or administered to patients for the following disease states or conditions:

- (1) Disease states or conditions listed in RCW 69.50.402 ~~((a)(ii))~~ (1)(c)(ii);
- (2) Multiple sclerosis; and
- (3) Moderate to severe binge eating disorder in adults.

WSR 16-11-068

PERMANENT RULES

BOARD OF

PILOTAGE COMMISSIONERS

[Filed May 16, 2016, 10:35 a.m., effective July 1, 2016]

Effective Date of Rule: July 1, 2016.

Purpose: To extend the expiration date of the current Puget Sound tariff through December 31, 2016.

Citation of Existing Rules Affected by this Order: Amending WAC 363-116-300.

Statutory Authority for Adoption: RCW 88.16.035.

Adopted under notice filed as WSR 16-08-075 on April 4, 2016.

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 1, 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 12, 2016.

Peggy Larson
Executive Director

RATE

CLASSIFICATION	RATE
Pilot boat fee:	\$348.00
Per each boarding/deboarding at the Port Angeles pilot station.	
Harbor shift - Live ship (Seattle Port)	LOA Zone I
Harbor shift - Live ship (other than Seattle Port)	LOA Zone I
Harbor shift - Dead ship	Double LOA Zone I
Towing charge - Dead ship:	Double LOA Zone
LOA of tug + LOA of tow + beam of tow	

Any tow exceeding seven hours, two pilots are mandatory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.

Compass Adjustment	\$359.00
Radio Direction Finder Calibration	\$359.00
Launching Vessels	\$540.00
Trial Trips, 6 hours or less (minimum \$1,014.00)	\$169.00 per hour
Trial Trips, over 6 hours (two pilots)	\$338.00 per hour
Shilshole Bay - Salmon Bay	\$211.00
Salmon Bay - Lake Union	\$164.00
Lake Union - Lake Washington (plus LOA zone from Webster Point)	\$211.00
Cancellation Charge	LOA Zone I
Cancellation Charge - Port Angeles:	LOA Zone II

(When a pilot is ordered and vessel proceeds to a port outside the Puget Sound pilotage district without stopping for a pilot or when a pilot order is canceled less than twelve hours prior to the original ETA.)

Waterway and Bridge Charges:

Ships up to 90' beam:

A charge of \$266.00 shall be in addition to bridge charges for any vessel movements both inbound and outbound required to transit south of Spokane Street in Seattle, south of Eleventh Street in any of the Tacoma waterways, in Port Gamble, or in the Snohomish River. Any vessel movements required to transit through bridges shall have an additional charge of \$127.00 per bridge.

Ships 90' beam and/or over:

A charge of \$361.00 shall be in addition to bridge charges for any vessel movements both inbound and outbound required to transit south of Spokane Street in Seattle and south of Eleventh Street in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of \$251.00 per bridge.

(The above charges shall not apply to transit of vessels from Shilshole Bay to the limits of Lake Washington.)

Two or three pilots required:

In a case where two or three pilots are employed for a single vessel waterway or bridge transit, the second and/or third pilot charge shall include the bridge and waterway charge in addition to the harbor shift rate.

Docking Delay After Anchoring:

Applicable harbor shift rate to apply, plus \$274.00 per hour standby. No charge if delay is 60 minutes or less. If the delay

is more than 60 minutes, charge is \$274.00 for every hour or fraction thereof.

Sailing Delay:

No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$274.00 for every hour or fraction thereof. The assessment of the standby charge shall not exceed a period of twelve hours in any twenty-four-hour period.

Slowdown:

When a vessel chooses not to maintain its normal speed capabilities for reasons determined by the vessel and not the pilot, and when the difference in arrival time is one hour, or greater, from the predicted arrival time had the vessel maintained its normal speed capabilities, a charge of \$274.00 per hour, and each fraction thereof, will be assessed for the resultant difference in arrival time.

Delayed Arrival - Port Angeles:

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the vessel does not arrive within two hours of its ETA, or its ETA is amended less than six hours prior to the original ETA, a charge of \$274.00 for each hour delay, or fraction thereof, shall be assessed in addition to all other appropriate charges.

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the ETA is delayed to six hours or more beyond the original ETA, a cancellation charge shall be assessed, in

addition to all other appropriate charges, if the ETA was not amended at least twelve hours prior to the original ETA.

Tonnage Charges:

0 to 20,000 gross tons:

Additional charge to LOA zone mileage of \$0.0084 a gross ton for all gross tonnage up to 20,000 gross tons.

20,000 to 50,000 gross tons:

Additional charge to LOA zone mileage of \$0.0814 a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons.

50,000 gross tons and up:

In excess of 50,000 gross tons, the charge shall be \$0.0974 per gross ton.

Notwithstanding the above tonnage charges, there shall be a minimum tonnage charge of \$500.00 applied to:

- (1) All LOA Zone I assignments other than assignments of an additional pilot(s) on ship movements involving more than one pilot jointly piloting the vessel; and
- (2) All LOA Zone II and greater assignments.

For vessels where a certificate of international gross tonnage is required, the appropriate international gross tonnage shall apply.

Transportation to Vessels on Puget Sound:

March Point or Anacortes	\$195.00
Bangor	190.00
Bellingham	225.00
Bremerton	167.50
Cherry Point	260.00
Dupont	120.00
Edmonds	42.50
Everett	72.50
Ferndale	247.50
Manchester	162.50
Mukilteo	65.00
Olympia	155.00
Point Wells	42.50
Port Gamble	230.00
Port Townsend (Indian Island)	277.50
Seattle	18.75
Tacoma	87.50

(a) Intraharbor transportation for the Port Angeles port area: Transportation between Port Angeles pilot station and Port Angeles harbor docks - \$15.00.

(b) Interport shifts: Transportation paid to and from both points.

(c) Intraharbor shifts: Transportation to be paid both ways. If intraharbor shift is canceled on or before scheduled reporting time, transportation paid one way only.

(d) Cancellation: Transportation both ways unless notice of cancellation is received prior to scheduled reporting time in which case transportation need only be paid one way.

(e) Any new facilities or other seldom used terminals, not covered above, shall be based on mileage x \$2.00 per mile.

Delinquent Payment Charge:

1 1/2% per month after 30 days from first billing.

Nonuse of Pilots:

Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland waters shall pay full pilotage charges on the LOA zone mileage basis from Port Angeles to destination, from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.

British Columbia Direct Transit Charge:

In the event that a pilot consents to board or disembark a vessel at a British Columbia port, which consent shall not unreasonably be withheld, the following additional charges shall apply in addition to the normal LOA, tonnage and other charges provided in this tariff that apply to the portion of the transit in U.S. waters:

Direct Transit Charge	\$2,107.00
Sailing Delay Charge. Shall be levied for each hour or fraction thereof that the vessel departure is delayed beyond its scheduled departure from a British Columbia port, provided that no charge will be levied for delays of one hour or less and further provided that the charge shall not exceed a period of 12 hours in any 24 hour period.	\$283.00 per hour
Slow Down Charge. Shall be levied for each hour or fraction thereof that a vessel's arrival at a U.S. or BC port is delayed when a vessel chooses not to maintain its normal safe speed capabilities for reasons determined by the vessel and not the pilot, and when the difference in arrival time is one hour, or greater from the arrival time had the vessel maintained its normal safe speed capabilities.	\$283.00 per hour
Cancellation Charge. Shall be levied when a pilot arrives at a vessel for departure from a British Columbia port and the job is canceled. The charge is in addition to the applicable direct transit charge, standby, transportation and expenses.	\$525.00
Transportation Charge Vancouver Area. Vessels departing or arriving at ports in the Vancouver-Victoria-New Westminster Range of British Columbia.	\$514.00
Transportation Charge Outports. Vessels departing or arriving at British Columbia ports other than those in the Vancouver-Victoria-New Westminster Range.	\$649.00

Training Surcharge:

On January 1, 2011, a surcharge of \$15.00 for each pilot trainee then receiving a stipend pursuant to the training program provided in WAC 363-116-078 shall be added to each pilotage assignment.

LOA Rate Schedule:

The following rate schedule is based upon distances furnished by National Oceanic and Atmospheric Administration, computed to the nearest half-mile and includes retirement fund contributions.

LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
(Length Overall)	Intra Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
UP to 449	263	381	650	968	1,304	1,692
450 - 459	274	388	653	983	1,325	1,700
460 - 469	276	392	665	999	1,343	1,708
470 - 479	285	404	672	1,020	1,347	1,711
480 - 489	294	410	675	1,038	1,355	1,719
490 - 499	298	416	685	1,057	1,371	1,728
500 - 509	313	423	695	1,068	1,383	1,738
510 - 519	315	431	702	1,085	1,398	1,744
520 - 529	319	447	712	1,090	1,410	1,758
530 - 539	329	452	721	1,102	1,432	1,778
540 - 549	334	458	738	1,114	1,454	1,795
550 - 559	341	474	742	1,130	1,466	1,812
560 - 569	353	493	757	1,141	1,479	1,828
570 - 579	361	496	760	1,146	1,495	1,841
580 - 589	376	505	778	1,154	1,503	1,859
590 - 599	393	516	782	1,160	1,526	1,882
600 - 609	408	532	794	1,164	1,544	1,890
610 - 619	431	537	807	1,169	1,559	1,907
620 - 629	447	543	814	1,183	1,577	1,929
630 - 639	468	552	824	1,186	1,591	1,946
640 - 649	486	566	832	1,188	1,604	1,960
650 - 659	520	575	847	1,197	1,624	1,981
660 - 669	530	582	854	1,205	1,642	1,996
670 - 679	550	597	863	1,226	1,660	2,009
680 - 689	557	607	874	1,237	1,674	2,028
690 - 699	574	616	888	1,258	1,692	2,071
700 - 719	599	637	904	1,275	1,725	2,093
720 - 739	634	653	927	1,292	1,758	2,128
740 - 759	659	685	945	1,304	1,795	2,167
760 - 779	685	707	968	1,325	1,828	2,194
780 - 799	719	738	983	1,343	1,859	2,234
800 - 819	748	760	1,002	1,350	1,890	2,268
820 - 839	771	788	1,025	1,371	1,929	2,293
840 - 859	804	820	1,046	1,387	1,958	2,333
860 - 879	834	847	1,064	1,423	1,996	2,367
880 - 899	863	871	1,085	1,455	2,028	2,402
900 - 919	889	900	1,103	1,494	2,071	2,434
920 - 939	917	927	1,130	1,526	2,091	2,468
940 - 959	950	952	1,147	1,559	2,128	2,498
960 - 979	971	980	1,167	1,591	2,167	2,535

LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
(Length Overall)	Intra Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
980 - 999	1,003	1,002	1,187	1,624	2,194	2,568
1000 - 1019	1,065	1,067	1,240	1,710	2,299	2,678
1020 - 1039	1,094	1,098	1,279	1,758	2,368	2,757
1040 - 1059	1,127	1,125	1,316	1,812	2,435	2,838
1060 - 1079	1,161	1,165	1,355	1,866	2,511	2,922
1080 - 1099	1,196	1,197	1,394	1,920	2,585	3,011
1100 - 1119	1,230	1,234	1,437	1,980	2,662	3,102
1120 - 1139	1,268	1,274	1,481	2,037	2,742	3,194
1140 - 1159	1,304	1,310	1,523	2,098	2,825	3,291
1160 - 1179	1,343	1,347	1,571	2,161	2,909	3,388
1180 - 1199	1,384	1,388	1,616	2,226	2,997	3,491
1200 - 1219	1,427	1,430	1,664	2,293	3,087	3,593
1220 - 1239	1,467	1,473	1,713	2,362	3,177	3,701
1240 - 1259	1,511	1,516	1,763	2,432	3,274	3,811
1260 - 1279	1,555	1,561	1,817	2,505	3,373	3,925
1280 - 1299	1,602	1,609	1,872	2,580	3,471	4,044
1300 - 1319	1,651	1,655	1,927	2,657	3,576	4,164
1320 - 1339	1,701	1,705	1,986	2,736	3,682	4,290
1340 - 1359	1,749	1,756	2,045	2,817	3,792	4,419
1360 - 1379	1,803	1,807	2,106	2,903	3,905	4,549
1380 - 1399	1,855	1,861	2,171	2,989	4,022	4,687
1400 - 1419	1,912	1,918	2,233	3,077	4,142	4,826
1420 - 1439	1,968	1,976	2,301	3,171	4,268	4,971
1440 - 1459	2,029	2,035	2,371	3,265	4,395	5,120
1460 - 1479	2,086	2,094	2,440	3,362	4,527	5,270
1480 - 1499	2,150	2,157	2,512	3,462	4,661	5,429
1500 - Over	2,215	2,222	2,587	3,568	4,800	5,591

WSR 16-11-074
PERMANENT RULES

OFFICE OF
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2016-02—Filed May 16, 2016, 2:25 p.m., effective January 1, 2017]

Effective Date of Rule: January 1, 2017.

Purpose: The rules are intended to streamline the prior authorization process. They will allow additional time for issuers to process a medical prior authorization request if insufficient information has been provided to them to make a decision.

Citation of Existing Rules Affected by this Order:
Amending WAC 284-43-2000.

Statutory Authority for Adoption: RCW 48.02.060, 48.43.510, 48.165.0301.

Adopted under notice filed as WSR 16-08-025 on March 29, 2016.

Changes Other than Editing from Proposed to Adopted Version: Clarified the issuer's obligation to abide by specified time frames by adding "The issuer" to the beginning of WAC 284-43-2000 (6)(b)(iii)(A), (B), (iv)(A), and (B).

A final cost-benefit analysis is available by contacting Jim Freeburg, P.O. Box 40260, Olympia, WA 98504-0260, phone (360) 724-7170, fax (360) 586-3109, e-mail rules coordinator@oic.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 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 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 19, 2016.

Mike Kreidler
Insurance Commissioner

AMENDATORY SECTION (Amending WSR 16-01-081, filed 12/14/15, effective 12/14/15)

WAC 284-43-2000 Health care services utilization review—Generally. (1) These definitions apply to this section:

(a) "Concurrent care review request" means any request for an extension of a previously authorized inpatient stay or a previously authorized ongoing outpatient service, e.g., physical therapy, home health, etc.

(b) "Immediate review request" means any request for approval of an intervention, care or treatment where passage of time without treatment would, in the judgment of the provider, result in an imminent emergency room visit or hospital admission and deterioration of the patient's health status. Examples of situations that do not qualify under an immediate review request include, but are not limited to, situations where:

(i) The requested service was prescheduled, was not an emergency when scheduled, and there has been no change in the patient's condition;

(ii) The requested service is experimental or in a clinical trial;

(iii) The request is for the convenience of the patient's schedule or physician's schedule; and

(iv) The results of the requested service are not likely to lead to an immediate change in the patient's treatment.

(c) "Nonurgent preservice review request" means any request for approval of care or treatment where the request is made in advance of the patient obtaining medical care or services and is not an urgent care request.

(d) "PostsERVICE review request" means any request for approval of care or treatment that has already been received by the patient.

(e) "Urgent care review request" means any request for approval of care or treatment where the passage of time could seriously jeopardize the life or health of the patient, seriously jeopardize the patient's ability to regain maximum function, or, in the opinion of a physician with knowledge of the patient's medical condition, would subject the patient to severe pain that cannot be adequately managed without the care or treatment that is the subject of the request.

(2) Each issuer must maintain a documented utilization review program description and written clinical review criteria based on reasonable medical evidence. The program must include a method for reviewing and updating criteria. Issuers must make clinical review criteria available upon request to participating providers. An issuer need not use medical evidence or standards in its utilization review of religious non-medical treatment or religious nonmedical nursing care.

(3) The utilization review program must meet accepted national certification standards such as those used by the National Committee for Quality Assurance except as otherwise required by this chapter and must have staff who are properly qualified, trained, supervised, and supported by explicit written clinical review criteria and review procedures.

(4) Each issuer when conducting utilization review must:

(a) Accept information from any reasonably reliable source that will assist in the certification process;

(b) Collect only the information necessary to certify the admission, procedure or treatment, length of stay, or frequency or duration of services;

(c) Not routinely require providers or facilities to numerically code diagnoses or procedures to be considered for certification, but may request such codes, if available;

(d) Not routinely request copies of medical records on all patients reviewed;

(e) Require only the section(s) of the medical record during prospective review or concurrent review necessary in that specific case to certify medical necessity or appropriateness of the admission or extension of stay, frequency or duration of service;

(f) For prospective and concurrent review, base review determinations solely on the medical information obtained by the issuer at the time of the review determination;

(g) For retrospective review, base review determinations solely on the medical information available to the attending physician or order provider at the time the health service was provided;

(h) Not retrospectively deny coverage for emergency and nonemergency care that had prior authorization under the plan's written policies at the time the care was rendered unless the prior authorization was based upon a material misrepresentation by the provider;

(i) Not retrospectively deny coverage or payment for care based upon standards or protocols not communicated to the provider or facility within a sufficient time period for the provider or facility to modify care in accordance with such standard or protocol; and

(j) Reverse its certification determination only when information provided to the issuer is materially different from that which was reasonably available at the time of the original determination.

(5) Each issuer must reimburse reasonable costs of medical record duplication for reviews.

(6) Each issuer must have written procedures to assure that reviews and second opinions are conducted in a timely manner.

(a) Review time frames must be appropriate to the severity of the patient condition and the urgency of the need for treatment, as documented in the review request.

(b) If the review request from the provider is not accompanied by all necessary information, the issuer must tell the provider what additional information is needed and the deadline for its submission. Upon the sooner of the receipt of all necessary information or the expiration of the deadline for providing information, the time frames for issuer review determination and notification must be no less favorable than federal Department of Labor standards, as follows:

(i) For immediate request situations, within one business day when the lack of treatment may result in an emergency visit or emergency admission;

(ii) For concurrent review requests that are also urgent care review requests, as soon as possible, taking into account the medical exigencies, and no later than twenty-four hours, provided that the request is made at least twenty-four hours prior to the expiration of previously approved period of time or number of treatments;

(iii) For urgent care review requests (~~within forty-eight hours~~):

(A) The issuer must approve the request within forty-eight hours if the information provided is sufficient to approve the claim;

(B) The issuer must deny the request within forty-eight hours if the requested service is not medically necessary and the information provided is sufficient to deny the claim; or

(C) Within twenty-four hours, if the information provided is not sufficient to approve or deny the claim, the issuer must request that the provider submits additional information to make the prior authorization determination;

(I) The issuer must give the provider forty-eight hours to submit the requested information;

(II) The issuer must then approve or deny the request within forty-eight hours of the receipt of the requested additional information.

(iv) For nonurgent preservice review requests, including nonurgent concurrent review requests (~~(, within five calendar days; or)~~):

(A) The issuer must approve the request within five calendar days if the information is sufficient to approve the claim;

(B) The issuer must deny the request within five calendar days if the requested service is not medically necessary and the information provided is sufficient to deny the claim; or

(C) Within five calendar days, if the information provided is not sufficient to approve or deny the claim, the issuer must request that the provider submits additional information to make the prior authorization determination;

(I) The issuer must give the provider five calendar days to submit the requested additional information;

(II) The issuer must then approve or deny the request within four calendar days of the receipt of the additional information.

(v) For postservice review requests, within thirty calendar days.

(c) Notification of the determination must be provided as follows:

(i) Information about whether a request was approved or denied must be made available to the attending physician, ordering provider, facility, and covered person. Issuers must

at a minimum make the information available on their web site or from their call center.

(ii) Whenever there is an adverse determination the issuer must notify the ordering provider or facility and the covered person. The issuer must inform the parties in advance whether it will provide notification by phone, mail, fax, or other means. For an adverse determination involving an urgent care review request, the issuer may initially provide notice by phone, provided that a written or electronic notification meeting United States Department of Labor standards is furnished within seventy-two hours of the oral notification.

(d) As appropriate to the type of request, notification must include the number of extended days, the next anticipated review point, the new total number of days or services approved, and the date of admission or onset of services.

(e) The frequency of reviews for the extension of initial determinations must be based on the severity or complexity of the patient's condition or on necessary treatment and discharge planning activity.

(7) No issuer may penalize or threaten a provider or facility with a reduction in future payment or termination of participating provider or participating facility status because the provider or facility disputes the issuer's determination with respect to coverage or payment for health care service.

WSR 16-11-082
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 17, 2016, 10:36 a.m., effective July 1, 2016]

Effective Date of Rule: July 1, 2016.

Purpose:

	WAC Numbers	WAC Description	What is Changing	Reason for Change
1.	296-17A-0504-21 296-17A-0512-00 296-17A-0512-01 296-17A-0521-00 296-17A-4305-20	Painting: Exterior buildings or structures, N.O.C.; Cleaning: Interior/exterior of oil or gas storage tanks, beer vats, and sewage treatment tanks. Insulation or sound proofing materials: Installation, N.O.C. Asbestos abatement. Painting building interiors; wallpaper hanging/removal. Hazardous waste and toxic material processing or handling, N.O.C.	Add the following reference for asbestos information: <i>Special note: See asbestos certification and training requirements at www.lni.wa.gov.</i>	Safety and ease of doing business. Staff from DOSH requested we reference requirements for handling asbestos in our classification rules. Asbestos handling is allowed in several classifications and DOSH staff want to make sure customers are thinking of the safety requirements also.
2.	296-17A-4808-01	Farms: Diversified field crops - not for fresh market.	Correcting reference from 2102, Warehouse general merchandise, to 2104, Vegetable packing - Fresh.	The wrong classification was referenced in the July 2015 rewrite of the classification.
3.	296-17A-4814 296-17A-4815 296-17A-4816	Farms - internship program.	Remove outdated references to "governing classification" and WAC 296-17-310171.	References are no longer correct due to rule language changes made in July 2014 that repealed WAC 296-17-310171, which removed the practice of identifying the governing classification.
4.	296-17A-6408 296-17A-6409	Dealers: Farm machinery/implement. Dealers: Service/repair garages, machinery, equipment, N.O.C.	Add note that sales may be reported in 6303 if businesses have sales representatives with no exposure to machinery and who meet criteria for WAC 296-17-31018 Exception classifications.	Ease of doing business. The scopes language for 6408 and 6409 was not clear about whether sales activities in 6408 and 6409 were allowed to be reported in 6303. Staff requested clarification due to the difficulty understanding the intent of the language. This will reduce confusion for external customers and allow staff to provide consistent guidance to customers.
5.	296-17A-6902-03	Logging railroad - construction or maintenance.	Correct classification reference from WAC 296-17-675 to 296-17A-5206.	This reference was overlooked when classifications were renamed and put into new chapter 296-17A WAC in 2006.

	WAC Numbers	WAC Description	What is Changing	Reason for Change
6.	296-17A-6907	Household furnishings - moving and storage.	Add exclusion to 6907 for modular work stations and office furniture, which are to be reported in 2002-13.	Ease of doing business. Currently, the exclusions in 6907 do not reference moving/assembly of office furniture and modular work stations - 6907 exclusions only say that non-household furnishings go in the warehouse classification. Classification 2002 is not for warehouses; subclassification 2002-13 is freight handling, and already includes office furniture and modular work stations. Staff requested clarification due to the difficulty understanding the intent of the language. This will reduce confusion for external customers and allow staff to provide consistent guidance to customers.
7.	296-17A-7204	Preferred workers.	Delete descriptions of eligibility and program details; add reference to preferred worker, chapter 296-16 WAC; specify that all jobs are allowed in classification 7204.	SHB 1496, enacted July 24, 2015, allows employers of injury [injured workers] to employ their injured workers as preferred workers (PW), if the employer and the injured worker qualify for the PW program. 7204 currently outlines eligibility and program details of the PW program. By removing the chapter 296-16 WAC details, adding a reference to chapter 296-16 WAC, and specifying that all jobs are allowed in classification 7204, we are minimizing potential for future classification inconsistencies and required updates if changes happen within the PW program.

The department reviewed these chapters and made 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).
- Revise wording in Classification 7204, Preferred workers, to align with PW program changes made as a result of SHB 1496 enacted July 24, 2015.

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 reviewed 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 16-07-119 on March 22, 2016.

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 13, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 13, 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 17, 2016.

Joel Sacks
Director

AMENDATORY SECTION (Amending WSR 12-11-109, filed 5/22/12, effective 7/1/12)

WAC 296-17A-0504 Classification 0504.

0504-06 Waterproofing, N.O.C.: Buildings or structures

Applies to contractors engaged in waterproofing buildings or structures not covered by another classification (N.O.C.). This classification includes the application of waterproofing or sealant material to surfaces or cracks and voids to eliminate leaks in all types of buildings or structures, regardless of height. Such structures may include, but are not limited to:

- Foundations and foundation walls((?));
- Walls((?));
- Floors((?));
- Decks((?));
- Fences((?));
- Walkways; and
- Driveways.

Waterproof material is applied to a variety of surfaces such as:

- Wood((?));
- Concrete((?));
- Asphalt((?));
- Steel((?));
- Metal((?));
- Plaster((?)); or
- Stone.

There are several types of waterproof processes which may include:

- Membrane, which adheres long strips of rubber and pumice to exterior walls or foundations with the use of primer;
- Pressure injection, which uses a long wand inserted into the ground to fill cracks;
- Epoxy injection, which is performed on the interior or exterior with use of a caulk gun to inject a silicon material into cracks; or
- Application with use of a brush, roller or spray directly onto the surface.

This classification excludes:

- Excavation work performed in conjunction with a waterproofing contract which is to be reported separately in classification 0101;
- Waterproofing operations performed in connection with roofing or subaqueous work which are to be reported separately in the classification applicable to the work being performed;

- The application of asphalt sealant or waterproof materials to roadways and parking lots which is to be reported separately in classification 0219;

- Filling cracks or voids with like materials which is to be reported separately in the classification applicable to the repair work being performed; and

- The application of waterproof materials performed by a concrete contractor as part of the concrete construction project which is to be reported separately in the classification applicable to the work being performed.

Special note: If excavation work is performed (to remove dirt away from a foundation wall or to push it against the wall after the waterproofing material is applied) classification 0101 applies, regardless of the type of contractor performing the excavation work.

0504-18 Pressure washing services or sandblasting, N.O.C.: Buildings or structures

Applies to contractors engaged in pressure washing or sandblasting buildings or structures, not covered by another classification (N.O.C.). This classification includes cleaning, washing, pressure washing or sandblasting to remove dirt, moss, rust or old paint. Pressure washing involves a forced spray of air and water to remove unwanted surface materials. Sandblasting, or abrasive blasting, involves a forced spray of sand, steel, or glass. This classification includes the cleaning of roofs, gutters, and downspouts, and the removal of moss or snow from multiple story buildings.

This classification excludes:

- Contractors engaged in multimedia blasting in shop which is to be reported separately in classification 3402;

- Pressure washing or sandblasting by a painting contractor as a part of the preparation for painting exterior buildings, structures, or the interior/exterior of tanks which is to be reported separately in the classification 0504-21;

- Pressure washing as a part of interior building painting contracts which is to be reported separately in classification 0521;

- Cleaning or washing roofs, or removing snow from, single story buildings (when the cleaning or washing is not part of a painting or roofing contract) which is to be reported separately in classification 6602;

- Waterproofing buildings or structures, N.O.C. which is to be reported separately in classification 0504-06; and

- Pressure washing or sandblasting operations performed in conjunction with and as a part of another type of business such as a foundry, metal goods manufacturer, auto body repair shop, etc., which is to be reported separately in the applicable classification.

0504-20 Lead abatement

Applies to contractors engaged in lead abatement which is performed on structures where there are significant amounts of lead-based paint and lead dust. Contractors must comply with various governmental regulations. The first step in all lead abatement projects is the preliminary testing of the site to determine the presence of lead and the extent of the contamination. If the ground surrounding the proposed worksite is contaminated, it will require remediation, which is done by a soil remediation contractor who is to be reported separately in the appropriate classification. The next step is

deciding which abatement procedure is right for the project such as:

- Encapsulation which is used on interior surfaces to seal the lead-based paint with a bonding material;
- Enclosure which is used on interior and exterior surfaces and involves constructing special airtight enclosures made out of gypsum wallboard, plywood paneling, aluminum, vinyl or wood exterior sidings;
- Component replacement which involves removing building components such as paneling, moldings, windows and doors which are coated with lead-based paint and replacing them with new components; and
- Chemical removal, abrasive removal or hand scraping which are methods to physically remove the lead paint.

This classification includes all preparation work and all cleanup work.

This classification excludes:

- Soil remediation work which is to be reported separately in classification 0101;
- Asbestos abatement which is to be reported separately in classification 0512; and
- Lead abatement as part of a painting contract for interior/exterior of buildings or structures, or the interior/exterior of tanks which is to be reported separately in the applicable classification.

0504-21 Painting: Exterior buildings or structures, N.O.C.; Cleaning: Interior/exterior of oil or gas storage tanks, beer vats, and sewage treatment tanks

Applies to contractors engaged in painting the exterior of all types of buildings or structures not covered by another classification (N.O.C.), regardless of height. Buildings and structures include, but are not limited to:

- Bridges((;));
- Towers((;));
- Smokestacks((;));
- Stadiums((;));
- Factories((;));
- Warehouses((;));
- Stores((;));
- Churches((;)); and

• Residential or commercial single or multiple story buildings.

Paint is applied by brush, roller or spray to a variety of surfaces such as wood, concrete, steel, metal, plaster, stone, or other types of exterior surfaces. This classification includes all preparation work such as the set up of scaffolding or power lifts, pressure washing, removal of old paint or asbestos, sandblasting, taping or masking, and cleanup work. This classification also applies to cleaning, coating, or painting the interior/exterior of oil or gas storage tanks, beer vats, or sewage treatment tanks.

This classification excludes:

- Contractors engaged in waterproofing buildings or structures, N.O.C. which are to be reported separately in classification 0504-06;
- Pressure washing services or sandblasting of buildings or structures which are to be reported separately in classification 0504-18;
- Interior painting of buildings which is to be reported separately in classification 0521;

- Painting of murals or other artwork on the interior of buildings which is to be reported separately in classification 4109; and

- Painting of murals or other artwork on the exterior of buildings which is to be reported separately in classification 0403.

Special note: See asbestos certification and training requirements at www.lni.wa.gov.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-0512 Classification 0512.

0512-00 Insulation or sound proofing materials: Installation, N.O.C.

Applies to contractors engaged in installing insulation or sound proofing materials not covered by another classification (N.O.C.). This classification includes the installation or removal of insulation material for all types of residential or commercial buildings or structures. Insulation materials include, but are not limited to((;));

- Flexible types in the form of blankets, rolls or quilts((;));

- Loose fills or mineral substances in granulated, powder, cellulose or fibrous wood forms((;));

- Pads and bats of mineral wool((;));

- Slabs of cork board or wood fiber((;));

- Rigid types such as wood and sugarcane fiberboard or panels((;)); and

- The reflective type often consisting of aluminum foil encased in paper.

The methods of installation include hand, blower, nailing, or cementing with special adhesive.

This classification includes ((the));

- Installation of suspended or acoustical grid ceilings((-This classification includes));

- Installation of weather strip and caulking, roof or soffit ventilators, energy efficient doors and related carpentry work done in connection with the weatherization or retrofitting of buildings and residences((-This classification also includes the));

- Application of polystyrene strips placed as insulation on the tops of mobile homes.

This classification excludes ((the));

- Installation of glass windows in buildings which is to be reported separately in classification 0511;

- Energy auditors with no installation or delivery duties who may be reported separately in classification 6303 provided all the conditions of the general reporting rules covering standard exception employees have been met;

- Asbestos abatement which is to be reported separately in classification 0512-01; lead abatement which is to be reported separately in classification 0504; and ((the))

- Installation of insulated covering on boilers or steam pipes which is to be reported separately in classification 0306.

Special note: See asbestos certification and training requirements at www.lni.wa.gov.

0512-01 Asbestos abatement

Applies to contractors engaged in the removal of asbestos. Work contemplated by this classification includes all operations such as, but not limited to ~~((the))~~;

- Removal of damaged, deteriorated or unwanted existing asbestos coverings and material from buildings and other structures such as, but not limited to, ceilings, walls, partitions, floors, and from around air conditioning and heating ducts~~((Also included in this classification is the))~~;

- Removal of asbestos insulated covering around boilers and steam pipes, asbestos used as insulation, fireproofing, and in various building materials such as floor coverings, ceiling tiles, cement sheeting, granular and corrugated wrap, and acoustical and decorative treatment for walls and ceilings.

This classification excludes;

- Contractors engaged in the installation of boiler and steam pipe insulation coverings who are to be reported separately in classification 0306;

- Lead abatement which is to be reported separately in classification 0504;

- Asbestos abatement as a part of painting the interior or exterior of buildings or structures or the interior/exterior of tanks which is to be reported separately in the applicable classification.

Special note: See asbestos certification and training requirements at www.lni.wa.gov.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-0521 Classification 0521.**0521-00 Painting building interiors; wallpaper hanging/removal**

Applies to contractors engaged in painting building interiors regardless of the height inside the building. This classification includes building interiors such as, but not limited to ~~((;))~~;

- Single and multiple story residential houses and commercial buildings~~((;))~~;

- Warehouses~~((;))~~;

- Factories~~((;))~~;

- Coliseums~~((;))~~;

- Theaters~~((;))~~;

- Stores; and

- Churches.

The following structures are examples which would ***not meet*** the definition of a building or qualify as interior painting:

- Bridges~~((;))~~;

- Refineries~~((;))~~;

- Grain silos~~((;))~~;

- Water towers~~((;))~~;

- Service station canopies~~((;))~~; or

- Tanks.

Paint is applied by brush, roller or spray to a variety of surfaces such as wood, wallboard, plaster, stucco, metal, concrete, or other types of surfaces found within the interior of a building.

This classification includes;

- All preparation work such as the set up of scaffolding, sanding, removal of old paint or asbestos, taping or masking, and clean up work~~((This classification also includes))~~;

- The hanging or removal of wallpaper. The process of hanging wallpaper includes cleaning or scraping walls to ensure the wallpaper will adhere to the surface. Depending on the type of wallpaper, adhesive is applied to the wall surface, the wallpaper, or both. Patterns are matched and the strip is applied to the surface and brushed smooth to remove the air pockets. This process is repeated until the entire job is complete~~((This classification also includes))~~;

- Refinishing or resurfacing of tubs, sinks, appliances and countertops.

This classification excludes;

- Exterior painting of buildings or structures which is to be reported separately in classification 0504. Classifications 0521 and 0504 may be assigned to the same employer provided accurate records are maintained which distinguish interior building painting contracts from exterior building or structure painting contracts~~((This classification also excludes))~~;

- Contractors engaged in waterproofing buildings or structures N.O.C., pressure washing services or sandblasting of buildings or structures, lead paint abatement, and the exterior painting of buildings or structures, including interior/exterior tanks which are all to be reported separately in classification 0504;

- Painting of murals or other artwork on the interior of buildings which is to be reported separately in classification 4109; and

- Painting of murals or other artwork on the exterior of buildings which is to be reported separately in classification 0403.

Special note: See asbestos certification and training requirements at www.lni.wa.gov.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-4305 Classification 4305.**4305-06 Garbage works or landfill: Reduction or incineration**

Applies to establishments engaged in the disposal of refuse by processing or destruction, or in the operation of incinerators, landfills or other sites for disposal of such materials. Sanitary landfilling involves spreading typical household waste, in thin layers, compacting them to the smallest practical volume, and covering them with soil each working day in a manner that minimizes environmental impact. Sanitary landfills must have permits issued by a state regulatory program. Also included in this classification are solid waste landfills which are designed to accept construction debris such as plasterboard, cement, dirt, wood, and brush. Compactors may be used to compact the trash before it is discarded in the landfill. Incinerator operations reduce the volume of refuse with the remaining material and ashes being discarded in a landfill. Front end loaders are frequently used to feed the refuse into the incinerator. This classification includes;

- Cashiers collecting fees from customers~~((;))~~;

- Incidental recycling or sorting operations conducted in connection with a landfill or garbage works operation by employees of an employer subject to this classification(-); and

- Establishments that only sort refuse. (Refuse sorting centers are distinguished from "buy back centers" in that "buy back centers" collect recyclable materials which they sell to others while refuse sorting centers collect and dispose of materials.)

This classification excludes:

- Establishments engaged in solid waste, refuse or ashes collecting, including curbside recycle services which are to be reported separately in classification 4305-18;

- Cities or towns engaged in solid waste, refuse or ashes collecting, including curbside recycle services which are to be reported separately in classification 0803;

- Counties and taxing districts engaged in operating garbage works, landfill, reduction or incineration operations which are to be reported separately in classification 1501;

- Establishments engaged in hazardous waste and toxic material processing or handling, including processing of medical or septic tank waste, drug lab or hazardous spill cleanup (excluding oil spill cleanup on land), and reprocessing or handling of low-level radioactive materials, which are to be reported separately in classification 4305-20;

- Establishments engaged in tire dumps or collection centers which are to be reported separately in classification 4305-21; and

- Buy back (recycle) center operations that include the collecting, buying from customers, sorting and the baling and sales of materials which are to be reported separately in classification 2102.

4305-18 Solid waste, refuse or ashes collecting

Applies to establishments engaged in collecting and removing waste from private homes, commercial establishments, industrial facilities, and other sites. Refuse may be picked up on a daily, weekly, or other regular basis. Drivers are usually assigned designated routes to collect curbside garbage or transport metal dumpsters for commercial businesses. This classification also includes the curbside collection of recyclable material when performed by employees of an employer subject to this classification. Garbage collection companies have contracts to dump refuse at landfills or local transfer stations where refuse is compacted and later transferred to a landfill. Independent owners may also contract to run the services for a county or city. This classification also includes establishments engaged in mobile paper shredding services. A truck, similar to a small moving van, is outfitted with a paper shredder. Empty bins or cans are left at establishments such as banks and law offices which need to have documents shredded, the filled containers are picked up either on a regular basis or on call, and the paper shredded on-site. The shredded paper is delivered to recyclers or other businesses who use shredded paper.

This classification excludes:

- Establishments engaged in garbage works, landfill, reduction or incineration operations which are to be reported separately in classification 4305-06;

- Counties or taxing districts engaged in garbage works, landfill, reduction or incineration operations which are to be reported separately in classification 1501;

- Cities or towns engaged in solid waste, refuse or ashes collecting, including curbside recycling services which are to be reported separately in classification 0803;

- Establishments engaged in hazardous waste and toxic material processing or handling, including processing of medical or septic tank waste, drug lab or hazardous spill cleanup (excluding oil spill cleanup on land), and reprocessing or handling of low-level radioactive materials, which are to be reported separately in classification 4305-20;

- Establishments engaged in tire dumps or collection centers which are to be reported separately in classification 4305-21; and

- Recycle ("buy-back") center operations that include the collecting, buying from customers, sorting, and the baling of materials which are to be reported separately in classification 2102.

4305-20 Hazardous waste and toxic material processing or handling, N.O.C.

Applies to establishments engaged in the *processing or handling* of hazardous/toxic materials not covered by another classification (N.O.C.), including the *processing* of medical or septic tank waste, drug lab or hazardous spill *cleanup* (excluding oil spill cleanup on land), and *reprocessing or handling* of low-level radioactive materials. This classification is distinguished from classification 3701-27, in that 4305-20 applies to the *processing or cleanup* of hazardous/toxic materials while 3701-27 includes the *identifying and repackaging for disposal* of such materials as drugs, pesticides, chemicals, and toners. Hazardous waste can be defined as any material that contains hazardous elements in amounts high enough to pose a significant threat to human health and the environment and therefore should be isolated. Hazardous characteristics include the ability to bioconcentrate, ignite, corrode, react with water or other materials, or show toxicity such as toxic metals including lead, cadmium and mercury; organic solvents such as benzene and trichloroethylene; and toxic materials such as asbestos.

This classification excludes:

- Establishments engaged in garbage works, landfill, reduction or incineration operations which are to be reported separately in classification 4305-06;

- Establishments engaged in solid waste and refuse or ashes collecting, including curbside recycle services and mobile paper shredding operations, which are to be reported separately in classification 4305-18;

- Establishments engaged in tire dumps or collection centers which are to be reported separately in classification 4305-21;

- Soil remediation, including oil spill cleanup on land, which is to be reported separately in classification 0101;

- Asbestos abatement, all operations, which is to be reported separately in classification 0512;

- Processing of waste oils, solvents, antifreeze, paints, and other hazardous materials, which is to be reported separately in classification 3407; and

- Hazardous/toxic material repackaging for disposal, including drugs, pesticides, chemicals, and toners, which is to be reported separately in classification 3701.

Special note: See asbestos certification and training requirements at www.lni.wa.gov.

4305-21 Tire dumps or collection centers

Applies to establishments engaged in operating tire dumps or collection centers. The primary source of used vehicle tires are tire retailers who remove the tires from their customers' vehicles when replacement tires are sold. Occasionally community or charitable groups will hold a fund raising event where the public can drop off their used tires for a fee. Operations include, but are not limited to, picking up and hauling the used tires to a location where the tires can be stored or manually sorted into those with enough tread to be used on the highways; those casings suitable for retreading (either of which have a resale value); and those with no resale value which are hauled to an appropriate disposal site. This classification includes drivers as well as workers involved in the sorting operations.

4305-22 Debris removal: Construction sites or nonconstruction debris N.O.C.

Applies to establishments engaged in the collecting and removing of construction site debris left by construction crews. The debris may consist of scrap lumber, metal, wire, drywall, carpet and any other materials used in the construction of residential or commercial projects. This classification also includes the collecting and removal of nonconstruction debris. This includes, but is not limited to(☺);

- Basement debris(☺);
- Household junk(☺);
- Garden waste(☺);
- Furniture; and
- Appliances.

The debris is loaded into dump trucks, utility trucks, dump trailers, or roll off dumpsters then transferred to a landfill or local transfer station.

This classification excludes;

- Establishments engaged in residential or commercial construction that remove and haul their own debris which is to be reported in the construction classification applicable to the work being performed;

- Establishments engaged in garbage works, landfill reduction or incineration operations which are to be reported separately in classification 4305-06;

- Establishments engaged in solid waste and refuse or ashes collecting, including curbside recycle services and mobile paper shredding operations which are to be reported separately in classification 4305-18;

- Establishments engaged in hazardous waste and toxic material processing or handling, including processing of medical or septic tank waste, drug lab or hazardous spill cleanup (excluding oil spill cleanup on land), and reprocessing or handling of low-level radioactive materials which are to be reported separately in classification 4305-20;

- Establishments engaged in tire dumps or collection centers which are to be reported separately in classification 4305-21; and

- Establishments engaged in preoccupancy cleanup of newly constructed residential or commercial structures which includes washing windows, vacuuming carpets, dusting woodwork, doors, cabinets, washing floors and fixtures which are to be reported separately in classification 6602-03.

AMENDATORY SECTION (Amending WSR 15-02-060, filed 1/6/15, effective 7/1/15)

WAC 296-17A-4808 Classification 4808.

4808-01 Farms: Diversified field crops - Not for fresh market

Applies to:

Establishments engaged in growing a variety of grain, vegetable, or grass crops during a single season.

Work in this classification includes, but is not limited to:

- Preparing soil for new crops;
- Planting;
- Fertilizing;
- Weeding;
- Harvesting;
- Grading;
- Sorting;
- Packing;
- Shipping of farm products grown subject to this classification;
- Maintaining or installing sprinkler or irrigation systems.

Typical crops:

Alfalfa	Garlic	Rye
Barley	Grain	Sugar beets (for sugar)
Beans, dry	Grass seed	Timothy
Clover	Grass hay	Wheat
Corn (dry, silage)	Peas, dry	

Notes:

- Roadside stands are included in the farming classification when operated at or near the farm, even if a small stock of products not produced by the employer is also sold.

- If all the conditions of the general reporting rules covering the operations of a secondary business are met, farms operating multiple retail locations, such as those found in parking lots of shopping centers or at farmer's markets, may qualify to have those activities reported separately.

- This classification differs from classification 4802 "Vegetable farm operations" in that vegetable crops in classification 4808 generally have a long growing season and are harvested upon reaching maturity at the end of the season. Vegetable crops grown in classification 4802 are generally planted so that harvesting will occur continuously over the season and in smaller quantities. Crops grown in classification 4808 are generally used as feed, flour, or cereal grains, as opposed to crops grown in classification 4802, which are used for fresh market, cannery or frozen foods.

What activities are not included in this classification?

- Fresh vegetable packing (report in classification (2102) 2104);
- Canneries or freezer operations (report in classification 3902);
- Employers growing only cereal grain crops, such as barley, corn, rye, or wheat (report in subclassification 4808-06);
- Establishments engaged exclusively in the sale of fresh vegetables but not involved in the cultivation of plants (report in classification 6403); and
- Contractors hired by farm to install, repair or build any farm equipment or structures (report in the classification applicable to the work being performed).

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; and
- Generally the work involves manual labor tasks as opposed to machine operation.

What risk classification are farm labor contractors to report in?

- Farm labor contractors are to be reported in the classification that applies to the farm they are contracting with; and
- Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "Custom farm services," as the process involved in operating machinery is the same regardless of the type of farm they are providing services to or the type of crop involved.

4808-02 Farms: Alfalfa, clover, and grass seed**Applies to:**

Establishments engaged exclusively in raising alfalfa, clover, and grass crops for seed.

Work in this classification includes, but is not limited to:

- Preparing soil for crops;
- Planting;
- Fertilizing;
- Machine harvesting;
- Drying of seeds;
- Grading;
- Sorting;
- Packing and shipping of seeds;
- Maintaining or installing sprinkler or irrigation systems.

What activities are not included in this classification?

- Grading, sorting, and packaging seeds; or selling baled alfalfa or clover by establishments not engaged in growing operations (report in classification 2101);
- Establishments engaged exclusively in grain or seed storage that are not engaged in growing operations (report in classification 2007); and
- Contractors hired by farm to install, repair or build any farm equipment or structures (report in the classification applicable to the work being performed).

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; and

- Generally the work involves manual labor tasks as opposed to machine operation.

What risk classification are farm labor contractors to report in?

- Farm labor contractors are to be reported in the classification that applies to the farm they are contracting with; and
- Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "Custom farm services," as the process involved in operating machinery is the same regardless of the type of farm they are providing services to or the type of crop involved.

4808-04 Farms: Hay**Applies to:**

Establishments engaged exclusively in raising hay, which includes, but is not limited to, grass hay, straw, clover, alfalfa, and timothy.

Work in this classification includes, but is not limited to:

- Raising of hay crops for seed;
- Preparing soil for crops;
- Planting;
- Fertilizing;
- Machine harvesting;
- Grading;
- Sorting;
- Drying of seeds;
- Packing and shipping of seeds;
- Maintaining or installing sprinkler or irrigation systems.

Note:

- Roadside stands are included in the farming classification when operated at or near the farm, even if a small stock of products not produced by the employer is also sold.

What activities are not included in this classification?

- Grading, sorting, and packaging seeds, or selling baled hay by establishments not engaged in growing operations (report in classification 2101); and
- Contractors hired by farm to install, repair or build any farm equipment or structures (report in the classification applicable to the work being performed).

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; and
- Generally the work involves manual labor tasks as opposed to machine operation.

What risk classification are farm labor contractors to report in?

- Farm labor contractors are to be reported in the classification that applies to the farm they are contracting with; and
- Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "Custom farm services," as the process involved in operating machinery is the same regardless of the type of farm they are providing services to or the type of crop involved.

4808-06 Farms: Cereal grains

Applies to:

Establishments engaged in growing cereal grain crops.

Work in this classification includes, but is not limited to:

- Preparing soil for new crops;
- Planting;
- Fertilizing;
- Weeding;
- Harvesting;
- Grading;
- Sorting;
- Packaging and shipping of farm products grown subject to this classification;
- Maintaining or installing sprinkler or irrigation systems.

Note:

• Roadside stands are included in the farming classification when operated at or near the farm, even if a small stock of products not produced by the employer is also sold.

Typical crops:

Barley	Rye
Corn	Wheat

What activities are not included in this classification?

• Contractors hired by farm to install, repair or build any farm equipment or structures (report in the classification applicable to the work being performed).

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; and

• Generally the work involves manual labor tasks as opposed to machine operation.

What risk classification are farm labor contractors to report in?

• Farm labor contractors are to be reported in the classification that applies to the farm they are contracting with; and

• Contractors who provide both equipment or machinery and the machine operators are to be reported in classification 4808 "Custom farm services," as the process involved in operating machinery is the same regardless of the type of farm they are providing services to or the type of crop involved.

4808-07 Potato sorting and storage

Applies to:

Establishments engaged in storing potatoes in storage warehouses or cellars.

Work in this classification includes, but is not limited to:

- Sorting good potatoes from damaged ones, or from debris such as vines or rocks;
- Piling potatoes into storage area by size, and storing them until they are taken to processing or packaging plants;
- Sorting done in either the field or at a storage warehouse;
- Potato digging and piling when performed by employees of an employer who stores potatoes, but who is not engaged in growing potatoes.

What activities are not included in this classification?

- Fresh vegetable packing operations (report in classification 2104);
- Canneries or freezer operations (report in classification 3902);
- Potato chip manufacturing (report in classification 3906);
- Establishments engaged exclusively in the sale of fresh vegetables but not involved in the cultivation of plants (report in classification 6403); and
- Contractors hired by farm to install, repair or build any farm equipment or structures (report in the classification applicable to the work being performed).

Special note: The farm labor contractor provision is not applicable to this classification as such establishments are not engaged in a farming operation.

4808-08 Custom hay baling

Applies:

Exclusively to a specialist farm labor contractor engaged in mowing, turning, and baling hay owned by others.

Work in this classification includes:

- Incidental loading of hay onto trucks;
- Stacking of hay in barns or warehouses.

Special note: The farm labor contractor provision is not applicable to this classification as such establishments are not engaged in a farming operation.

4808-11 Custom farm services by contractor

Applies:

Exclusively to contractors engaged in supplying and operating agriculture machinery and equipment at their customers' locations.

Typical equipment used:

Boom loaders	Pickers	Reapers
Combines	Plows	Tractors
Fertilizer spreaders	Potato diggers	

Work in this classification includes, but is not limited to:

- Preparing fields for crops;
- Planting;
- Cultivating crops;
- Fertilizing;
- Harvesting;
- This classification also includes seasonal agriculture produce hauling from the field to a processing or storage plant when performed by employees of an employer not engaged in the related farming operations associated with the crops being hauled.

What activities are not included in this classification?

• Contractors subject to this classification are generally not responsible for the overall care of the crops, but are merely hired to provide specified services, which involve the use of machinery and employee equipment operators;

• Hauling of agriculture produce from anywhere other than field to processing or storage plant is to be reported in classification 1102.

AMENDATORY SECTION (Amending WSR 10-17-028, filed 8/9/10, effective 9/9/10)

WAC 296-17A-4814 Classification 4814.

4814-00 Farms: Internship program (to be assigned only by the agricultural specialist)

Applies to qualified farms engaged in providing an internship program for agricultural education. To qualify, the farm must hold a valid certification from labor and industries to provide an internship program that includes a curriculum of learning modules and supervised participation. The internship program is designed to teach farm interns about farming practices and farm enterprise.

Classification 4814 can only be assigned to those farms which have one of the following classifications assigned to their account as the governing classification: 4806, 4810, or 4813. ~~((For governing classification, reference: WAC 296-17-310171-))~~

Special note: The term "farm intern" applies to those certified to participate in the farm internship program. Intern hours must be reported exclusively in classification 4814. All other farm employees' hours are to be reported separately in the applicable farm classification that applies to the farm operation.

AMENDATORY SECTION (Amending WSR 10-17-028, filed 8/9/10, effective 9/9/10)

WAC 296-17A-4815 Classification 4815.

4815-00 Farms: Internship program (to be assigned only by the agricultural specialist)

Applies to qualified farms engaged in providing an internship program for agricultural education. To qualify, the farm must hold a valid certification from labor and industries to provide an internship program that includes a curriculum of learning modules and supervised participation. The internship program is designed to teach farm interns about farming practices and farm enterprise.

Classification 4815 can only be assigned to those farms which have one of the following classifications assigned to their account as the governing classification: 4802, 4803, 4805, 4809, 4811, or 4812. ~~((For governing classification, reference: WAC 296-17-310171-))~~

Special note: The term "farm intern" applies to those certified to participate in the farm internship program. Intern hours must be reported exclusively in classification 4815. All other farm employees' hours are to be reported separately in the applicable farm classification that applies to the farm operation.

AMENDATORY SECTION (Amending WSR 10-17-028, filed 8/9/10, effective 9/9/10)

WAC 296-17A-4816 Classification 4816.

4816-00 Farms: Internship program (to be assigned only by the agricultural specialist)

Applies to qualified farms engaged in providing an internship program for agricultural education. To qualify, the farm must hold a valid certification from labor and industries

to provide an internship program that includes a curriculum of learning modules and supervised participation. The internship program is designed to teach farm interns about farming practices and farm enterprise.

Classification 4816 can only be assigned to those farms which have one of the following classifications assigned to their account as the governing classification: 4804, 4808, 7301, 7302, or 7307. ~~((For governing classification, reference: WAC 296-17-310171-))~~

Special note: The term "farm intern" applies to those certified to participate in the farm internship program. Intern hours must be reported exclusively in classification 4816. All other farm employees' hours are to be reported separately in the applicable farm classification that applies to the farm operation.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-6408 Classification 6408.

6408-03 Dealers: Farm machinery/implement

Applies to establishments engaged in the sale, lease, and/or rental, of new or used farm machinery and implements. This classification also applies to the service, repair and/or demonstration of those items by the dealer either on their premises or at the customer's site. For purposes of this classification the term farm machinery refers to engine-powered machinery such as, but not limited to((;)):

- Tractors, combines, and swathers((;))
- Riding mowers((;))
- Sprayers((;))
- Pumps((;)) and
- Generators.

Implements include, but are not limited to((;)):

- Plows((;))
- Discs((;))
- Balers((;)) or
- Rakes which are attached to and/or powered by farm machinery.

The variety of merchandise varies with the needs of the geographical area and may be displayed in inside showrooms and/or outside yards. In addition to parts for the machinery or implements, establishments in this classification may carry some automobile parts, hardware items, and supplies such as oil, filters, and belts. This classification includes:

- Lot sales and lot personnel((;))
- Service managers and employees((;))
- Parts department employees who have exposure to the service/repair shop or duties related to the sale of farm machinery or implements((;))
- Towing service for in-shop repairs((;))
- Delivery of merchandise to the customer((;)) and
- Regional sales and/or service representatives who provide factory service or training to local dealers and other customers.

Parts department employees who are not exposed to any hazards of the service/repair shop or have no duties related to the sale of farm machinery or implements may be reported separately in classification 6309. Sales employees with no exposure to machinery and who meet the criteria of WAC

296-17-31018 Exception classifications, may be reported in 6303.

This classification excludes:

- Establishments that repair and/or service farm type tractors, but ~~((who))~~ that are not involved in the sale of them, which are to be reported separately in classification 6409;
- Store operations of dairy equipment and supply dealers which are to be reported separately in classification 6407;
- The installation, service, or repair of dairy machinery or equipment which is to be reported separately in classification 0603;
- All field installation, service, or repair work of wind machine dealers which is to be reported separately in classification 0603; and
- The manufacture or structural repair of heavy machinery or equipment which is to be reported separately in classification 3402.

Special note: Care needs to be taken when considering the assignment of classification 6309 for the sale of parts. Most businesses assigned to classification 6408-03 have an inventory of parts or accessories which they use in the service or repair of farm machinery or implements, or maintain as a convenience to their customers. *Only* those businesses that maintain a complete line of replacement parts that is physically separated from the service/repair shop should be considered for classification 6309.

AMENDATORY SECTION (Amending WSR 14-17-085, filed 8/19/14, effective 9/19/14)

WAC 296-17A-6409 Classification 6409.

6409-00 Dealers: Service/repair garages, machinery, equipment, N.O.C.

Applies to establishments engaged in the sale, lease, rental, service, and/or repair of new or used machinery and equipment not covered by another classification (N.O.C.). For purposes of this classification the terms machinery or equipment include((s)), but are not limited to((:));

- Semi-trucks((:));
- Diesel tractors((:));
- Buses((:));
- Construction equipment((:));
- Concrete barriers and other flagging equipment used in construction projects((:));
- Logging equipment((:));
- Transportation equipment((:));
- Freight hauling equipment((:));
- Well drilling equipment((:));
- Power generators((:)); and
- Industrial or manufacturing machinery.

Operations of dealers include, but are not limited to, the sale, lease, rental, demonstration, service, or repair of their equipment, either on their premises or at the customer's site, and delivery to customer. The variety of merchandise carried by a machinery and equipment dealer varies with the needs of the geographical area and may be displayed in inside showrooms and/or outside yards. Operations of service centers include diagnostic services, all phases of mechanical service such as, but not limited to, tuning, overhauling and/or rebuilding engines, motors, or transmissions, resurfacing

heads, repairing carburetors or fuel injection systems and grinding valves or brakes on equipment or machinery owned by others. In addition to parts for the machinery and equipment, establishments in this classification may carry some automobile parts, hardware items, and supplies such as oil, filters, and belts. This classification includes:

- Lot sales and lot personnel((:));
- Service managers and employees((:));
- Parts department employees who have exposure to the service/repair shop or duties related to the sale of machinery/equipment((:));
- Towing service for in-shop repairs(~~(-and)~~);
- Regional sales and/or service representatives who provide factory service or training to local dealers and other customers; and
- The rental and installation of temporary fences.

Parts department employees who are not exposed to any hazards of the service/repair shop or have no duties related to the sale of machinery/equipment may be reported separately in classification 6309. ~~((This classification also includes the rental and installation of temporary fences.))~~ Sales employees with no exposure to machinery and who meet the criteria of WAC 296-17-31018 Exception classifications, may be reported in 6303.

This classification excludes:

- Farm machinery and equipment dealers who are to be reported separately in classification 6408;
- Store operations of dairy equipment and supply dealers which is to be reported separately in classification 6407;
- The installation of industrial plant equipment which is to be reported separately in classification 0603;
- The installation, service, or repair of dairy machinery or equipment which is to be reported separately in classification 0603;
- All field installation, service, or repair work of wind machine dealers which is to be reported separately in classification 0603; and
- The manufacture or structural repair of heavy machinery or equipment which is to be reported separately in classification 5109.

Special note: Care needs to be taken when considering the assignment of classification 6309 for the sale of parts. Most businesses assigned to classification 6409-00 have an inventory of parts or accessories which they use in the service or repair of machinery or equipment, or maintain as a convenience to their customers. *Only* those businesses that maintain a complete line of replacement parts that is physically separated from the service/repair shop should be considered for classification 6309.

AMENDATORY SECTION (Amending WSR 14-17-085, filed 8/19/14, effective 9/19/14)

WAC 296-17A-6902 Classification 6902.

6902-02 Logging road: Construction or maintenance

Applies to the construction or maintenance of logging roads. For purposes of this classification logging roads are roads for which the basic use is to provide access into a timber or forest area and for the transporting of logs out of the area by truck. This classification includes roads constructed

on public or private land in connection with timber sales or logging, such as roads being constructed in accordance with the State Department of Natural Resources or the United States Forest Service timber sales. Logging roads contemplated by this classification are typically cleared and graded with a bulldozer and then paved with gravel, crushed rock, or large stones. Logging roads are generally engineered to support the weight of logging equipment and trucks but not necessarily to handle speeds and volume of nonlogging traffic. As a rule, these roads are not surfaced with asphalt or paved with concrete. Classification 6902 includes log road maintenance which is limited to keeping the road bed in good repair such as regrading and fill to repair washouts and ruts.

This classification excludes:

- The felling of timber, bucking and delimiting of all trees in the proposed roadway or adjacent shoulder and all other logging activities which are to be reported separately in classification 5001;
- All excavation, land clearing or grading as a part of roadway construction not in connection with a logging road which is to be reported separately in classification 0101;
- Construction of asphalt roads which is to be reported separately in classification 0210;
- Construction of concrete roads which is to be reported separately in classification 0214;
- Mechanical roadside brushing or machine application of chemicals which is to be reported separately in classification 5006; and
- Permanent shop or yard operations which are to be reported separately in classification 5206 provided the conditions of WAC 296-17A-5206 have been met.

6902-03 Logging railroad: Construction or maintenance

Applies to the construction or maintenance of logging railroads. For purposes of this classification logging railroads are side tracks and spurs which feed into existing railroad main lines. Log trucks haul logs from the cutting site to the logging railroad where they are loaded onto the logging railroad cars and transported to the main line. This classification includes railroads constructed on public or private land in connection with timber sales or logging, such as roads being constructed in accordance with the State Department of Natural Resources or the United States Forest Service timber sales. The construction includes clearing and grading with use of a bulldozer; laying dirt, rock and ballast; laying ties and track; and installing crossover frogs, switches, switch stands, switch mechanisms and crossing planks as needed. This classification also includes log railroad maintenance which is limited to keeping the railroad line operational.

This classification excludes:

- The falling of timber, bucking and delimiting of all trees in the proposed roadway or adjacent shoulder, and all other logging activities which are to be reported separately in classification 5001;
- The construction of railroad lines not in connection with a logging railroad which is to be reported separately in classification 0101;
- Construction of logging roads which is to be reported separately in classification 6902-02; and
- Maintenance and storage of equipment and material at a permanent yard or shop which is to be reported separately

in classification 5206 provided the conditions of WAC ((296-17-675)) 296-17A-5206 have been met.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-6907 Classification 6907.

6907-01 Household furnishings moving and storage

Applies to establishments engaged in interstate and/or intrastate moving and/or storage of household furnishings. Work contemplated by this classification includes packing and unpacking, loading and unloading of household goods, transportation from one residence to another, and temporary storage of household goods in a warehouse. This classification includes the moving van drivers, packing personnel, laborers who assist in the loading and unloading operations, warehouse employees and truck mechanics.

This classification excludes:

- Intrastate and/or interstate delivery of nonhousehold furnishings which are to be reported separately in either classification 1101 or 1102, as applicable((-and));
- Nonhousehold furnishing warehouses, which are to be reported separately in the appropriate warehouse classification; and
- Firms providing moving and assembly of office furniture and modular work stations, which are reported in classification 2002-13.

Special note: Establishments subject to this classification are to report actual hours worked for each driver. However, the hours are to be capped at 520 hours per driver per quarter. Detailed information can be found in the general audit rule covering the trucking industry and in RCW 51.12.095.

AMENDATORY SECTION (Amending WSR 07-01-014, filed 12/8/06, effective 12/8/06)

WAC 296-17A-7204 Classification 7204.

7204-00 Preferred workers

Applies to "preferred workers" as certified by the department of labor and industries(~~(-Preferred workers are workers who, because of a work-related injury or occupational disease, are unable to return to work with the same employer or, because of substantial impairment, unable to return to the same type of work. Before this classification can be assigned to an employer's account, the department must receive a completed "intent to hire" form from that employer within sixty days from the first date of employment. A worker may be certified as a preferred worker for a period of thirty-six months. A qualified employer who hires a preferred worker will receive up to thirty-six months of premium relief provided the preferred worker is in their employment during the same period of time. The only cost to the preferred worker and the employer will be the supplemental pension premium. If an injured worker sustains an injury within three years of the hiring date, all claims will be paid by the department through the second injury fund with no costs to the employer))~~ chapter 296-16 WAC and employers qualified according to chapter 296-16 WAC. The type of work performed by the preferred

worker has no bearing on the assignment of this classification.

WSR 16-11-086
PERMANENT RULES
DEPARTMENT OF HEALTH

[Filed May 17, 2016, 12:05 p.m., effective June 17, 2016]

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

Purpose: New chapter 246-71 WAC, Medical marijuana authorization data base, the rules implement a medical marijuana authorization data base and establish a process for patients and designated providers authorized to use medical marijuana to obtain recognition cards. The cards allow for possession of larger amounts of marijuana products, sales tax exemption, and arrest protection. The rules also outline how authorized users may access data in the data base.

Statutory Authority for Adoption: RCW 69.51A.230.

Adopted under notice filed as WSR 16-05-061 on February 12, 2016.

Changes Other than Editing from Proposed to Adopted Version: WAC 246-71-040 (1)(d) was revised in order to not restrict the types of laminators a marijuana retail establishment may use to create recognition cards.

A final cost-benefit analysis is available by contacting Susan Reynolds, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-2820, fax (360) 236-4626, e-mail susan.reynolds@doh.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 16, 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 16, Amended 0, Repealed 0.

Date Adopted: May 17, 2016.

John Wiesman, DrPH, MPH
Secretary

Chapter 246-71 WAC

**MEDICAL MARIJUANA AUTHORIZATION DATA
BASE**

NEW SECTION

WAC 246-71-010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authorization" means a form developed by the department that is completed and signed by a qualifying

patient's health care professional and printed on tamper-resistant paper approved by the Washington pharmacy quality assurance commission.

(2) "Consultant" means a person who holds a valid medical marijuana consultant certificate issued by the secretary under chapter 246-72 WAC and who is employed by a retail outlet with a medical marijuana endorsement.

(3) "Credential for access" or "credentials" means information, electronic device, or certificate provided by the department or the department's designee to a data requestor to electronically access the data base. The authentication may include, but is not limited to, a user name, password, or an identification electronic device or certificate.

(4) "Data base" means the medical marijuana authorization data base established under RCW 69.51A.230.

(5) "Department" means the Washington state department of health.

(6) "Designated provider" has the same meaning as RCW 69.51A.010(4).

(7) "Dispenser" means a person authorized to dispense controlled substances other than marijuana under chapter 69.50 RCW.

(8) "Health care practitioner" or "authorizing health care practitioner," for purposes of this chapter only, means a physician licensed under chapter 18.71 RCW, a physician assistant licensed under chapter 18.71A RCW, an osteopathic physician licensed under chapter 18.57 RCW, an osteopathic physician's assistant licensed under chapter 18.57A RCW, a naturopath licensed under chapter 18.36A RCW, or an advanced registered nurse practitioner licensed under chapter 18.79 RCW.

(9) "Official" means an official of a local, state, tribal, or federal law enforcement or prosecutorial agency.

(10) "Prescriber" means a person authorized to prescribe or dispense controlled substances other than marijuana under chapter 69.50 RCW.

(11) "Qualifying patient" or "patient" has the same meaning as RCW 69.51A.010(19).

(12) "Recognition card" means a card issued to qualifying patients and designated providers by a marijuana retailer with a medical marijuana endorsement that has entered them into the medical marijuana authorization data base.

(13) "Retail outlet with a medical marijuana endorsement" or "endorsed outlet" means a location licensed by the WSLCB under RCW 69.50.325 for the retail sale of usable marijuana and marijuana-infused products to the public, and under RCW 69.50.375 to qualifying patients and designated providers for medical use.

(14) "Valid photographic identification" means:

(a) A driver's license or instruction permit issued by any state of the United States or province of Canada. If the patient's driver's license has expired, the patient must also show a valid temporary driver's license with the expired card.

(b) A state identification card issued by any state of the United States or province of Canada.

(c) An official passport issued by any nation.

(d) A United States armed forces identification card issued to active duty, reserve, and retired personnel and the personnel's dependents.

(e) A merchant marine identification card issued by the United States Coast Guard.

(f) An enrollment card issued by the governing authority of a federally recognized Indian tribe located in Washington, if the enrollment card incorporates security features comparable to those implemented by the department of licensing for Washington drivers' licenses.

A recognition card, whether current or expired, does not qualify as valid photographic identification.

(15) "Vendor" means the third-party administrator with whom the department has contracted to operate the data base.

(16) "WSCLB" means the Washington state liquor and cannabis board.

NEW SECTION

WAC 246-71-020 Adding qualifying patients and designated providers to the data base. A qualifying patient or designated provider may take their authorization to an endorsed outlet to be entered into the data base.

(1) Only a consultant employed by an endorsed outlet is allowed to enter a qualifying patient's or designated provider's information into the data base.

(2) Consultants must register with the department to receive credentials to access the data base. The process for registration will be established by the department.

(3) The department shall verify the consultant's identity and certificate status before providing credentials to access the data base.

(4) The consultant shall access the data base using the credentials issued by the department or the department's designee. If the credentials are lost or missing, or the security of the credentials is compromised, the consultant shall notify the department by telephone and in writing within one business day.

(5) The consultant shall ensure that the authorization form provided is valid, complete, unaltered, and meets all requirements specified in RCW 69.51A.030 and complies with the instructions on the form. If any requirement is not met, or the form is altered or incomplete, the person cannot be entered into the data base.

(6) The consultant shall verify the identity of every patient age eighteen and older and every designated provider by inspecting the patient's or designated provider's valid photographic identification. Except for patients under the age of eighteen, a person cannot be entered into the data base without valid photographic identification.

(7) In the event of an inexact match of names on the identification and the authorization, the consultant shall ensure that the patient or designated provider named on the authorization form is the same person presenting the authorization for entry into the data base.

(8) The consultant shall check the data base to ensure that a designated provider is not currently associated with a different patient in the data base before associating the designated provider with a new patient in the data base. If a designated provider is still associated with a different patient, the consultant cannot enter the designated provider into the data base as associated with the new patient.

(9) The consultant shall enter the following information into the data base for each patient and designated provider (unless specified below):

(a) The type of valid photographic identification verified and the unique number from the identification;

(b) Full legal name, as it appears on the valid photographic identification, including first name, middle initial, last name, and generational suffixes, if any;

(c) Date of birth;

(d) Actual address if different from the address on the identification;

(e) Gender;

(f) Name of the authorizing health care practitioner;

(g) Authorizing health care practitioner's full license number;

(h) Business address of the authorizing health care practitioner;

(i) Telephone number of the authorizing health care practitioner, as listed on the authorization form;

(j) The patient's qualifying condition(s);

(k) For the designated provider only, the patient the designated provider is authorized to assist;

(l) The date the authorization was issued;

(m) The date the authorization expires; and

(n) The number of plants the patient is allowed to grow.

If the authorizing health care practitioner does not indicate a specific number, the presumptive number is six plants. The health care practitioner cannot authorize more than fifteen plants. An authorization for more than fifteen plants is invalid.

(10) All requests for, uses of, and disclosures of information from the data base by authorized persons must be consistent with chapter 69.51A RCW and this chapter.

NEW SECTION

WAC 246-71-030 Renewing qualifying patients and designated providers in the data base. (1) Recognition cards expire on the expiration date indicated on the patient's or designated provider's authorization. To be valid, an authorization must expire no later than:

(a) Twelve months after the date it was issued for patients age eighteen and over;

(b) Twelve months after the date it was issued for designated providers; or

(c) Six months after the date it was issued for patients under the age of eighteen.

(2) To renew a recognition card a patient or designated provider must receive a new authorization following reexamination of the patient by a health care practitioner. The qualifying patient or designated provider may take their new authorization to an endorsed outlet to be entered into the data base.

(3) The procedures in WAC 246-71-020 must be used to enter the patient's or designated provider's new authorization into the data base.

(4) The consultant shall ensure that the information required by WAC 246-71-020(9) is updated and accurate at the time of renewal.

NEW SECTION

WAC 246-71-040 Requirements for recognition cards. (1) An endorsed outlet must have the following equipment readily available and maintained in good working order:

- (a) A computer with internet access and capability of running a supported version of a common web browser;
- (b) A digital camera with at least 10 megapixel resolution;
- (c) A standard color printer able to print at least 300 dots per inch;
- (d) A laminator; and
- (e) A solid white backdrop to use as the background for each picture.

(2) When issuing a recognition card to a qualifying patient or designated provider, an endorsed outlet must comply with the following requirements:

- (a) Only a consultant employed by the endorsed outlet is allowed to print and create a card;
- (b) The consultant shall take a picture of the face of the patient or designated provider at the same time they are entered into the data base following the process specified by the department;
- (c) The consultant shall create, print and laminate the card, and issue it to the patient or designated provider following the process specified by the department; and
- (d) The consultant shall return the authorization to the patient or designated provider. The endorsed outlet shall not retain a copy of the authorization.
- (3) The data base vendor shall ensure recognition cards contain the following:
 - (a) A randomly generated and unique identification number;
 - (b) The name of the patient or designated provider;
 - (c) For designated providers, the unique identification number of the patient they are assisting;
 - (d) A photograph of the patient or designated provider;
 - (e) The amounts of marijuana concentrates, usable marijuana, or marijuana-infused products the patient or designated provider is authorized to purchase or obtain at an endorsed outlet;
 - (f) The number of plants the patient or designated provider is authorized to grow;
 - (g) The effective date and expiration date of the card;
 - (h) The name of the health care professional who issued the authorization; and
 - (i) Additional security features required by the department to ensure the validity of the card.

NEW SECTION

WAC 246-71-050 Data base access by marijuana retailers with medical endorsements. Employees of an endorsed outlet may access the data base to confirm the validity of a recognition card presented by a patient or designated provider.

(1) An employee of an endorsed outlet must register with the department to receive credentials for access. The registration process shall be established by the department.

(2) The department shall verify the employee's identity and employment status before providing credentials to access the data base.

(3) The employee shall access the data base using the credentials issued by the department or the department's designee. If the credentials issued are lost or missing, or the security of the credentials is compromised, the employee shall notify the department by telephone and in writing within one business day.

(4) An endorsed outlet owner or manager shall inform the department and the data base vendor in writing immediately upon the termination of employment of an employee with access.

(5) All requests for, uses of, and disclosures of information from the data base by authorized persons must be consistent with chapter 69.51A RCW and this chapter.

NEW SECTION

WAC 246-71-060 Data base access by qualifying patients or designated providers. Qualifying patients and designated providers may request and receive their own authorization information from the data base or information about any person or entity that has queried their name or information.

(1) A patient or designated provider may submit a request using a process and format established by the department for requesting and receiving information from the data base.

(2) The department shall require proof of identity including, but not limited to, valid photographic identification prior to releasing any information to a patient or designated provider.

(3) The information will be delivered using a process and format established by the department.

NEW SECTION

WAC 246-71-070 Data base access by prescribers and dispensers. Prescribers and dispensers may access patient information in the data base for the purpose of providing medical or pharmaceutical care for their patients.

(1) Prescribers and dispensers who want access to the data base shall register with the department in order to receive credentials for access. The registration process shall be established by the department.

(2) The department shall verify the prescriber's or dispenser's identity and health care practitioner license(s) before providing credentials to access the data base.

(3) Prescribers and dispensers shall access the data base using the credentials issued by the department or the department's designee. If the credentials issued are lost or missing, or the security of the credentials is compromised, the prescriber or dispenser shall notify the department by telephone and in writing within one business day.

(4) Prescribers and dispensers registered to access the data base must inform the department and the data base vendor immediately in writing when they no longer have the authority to prescribe or dispense controlled substances.

(5) All requests for, uses of, and disclosures of information from the data base by authorized persons must be consistent with chapter 69.51A RCW and this chapter.

NEW SECTION

WAC 246-71-080 Data base access by local, state, tribal, and federal law enforcement and prosecutorial officials. Officials who are engaged in a bona fide specific investigation of suspected marijuana-related activity that may be illegal under Washington state law may access the data base to confirm the validity of the recognition card of a patient or designated provider.

(1) Officials who want access to the data base shall register with the department in order to receive credentials for access. The registration process shall be established by the department.

(2) The department or the department's designee shall verify the official's identity and position before providing credentials to access the data base.

(3) Officials shall access the data base using the credentials issued by the department or the department's designee. If the credentials issued are lost or missing, or the security of the credentials is compromised, the official shall notify the department or its designee by telephone and in writing within one business day.

(4) Officials with an active data base account must inform the department and the data base vendor in writing immediately when they no longer hold a position as a law enforcement or prosecutorial official.

(5) All requests for, uses of, and disclosures of information from the data base by authorized persons must be consistent with chapter 69.51A RCW and this chapter.

NEW SECTION

WAC 246-71-090 Data base access by the department of revenue. The Washington department of revenue may access information in the data base to verify tax exemptions under chapters 82.08 and 82.12 RCW. The process and format for request and receiving the information shall be established by the department and the data base vendor in coordination with the Washington department of revenue.

NEW SECTION

WAC 246-71-100 Confidentiality. (1) Under RCW 42.56.625, records in the data base containing names and other personally identifiable information of qualifying patients and designated providers are exempt from public disclosure, inspection, or copying.

(2) The vendor must retain data base records for at least five calendar years to permit the WSLCB and Washington department of revenue to verify eligibility for tax exemptions.

NEW SECTION

WAC 246-71-110 Penalties and sanctions. (1) Pursuant to RCW 69.51A.240, unlawful access to the data base is a class C felony.

(2) If the department or vendor determines a person or entity has intentionally, knowingly, or negligently accessed, used or disclosed data base information in violation of chapter 69.51A RCW or this chapter, the department may take action including, but not limited to:

(a) Terminating access to the data base;

(b) Filing a complaint with appropriate health profession disciplining authority; or

(c) Reporting the violation to the appropriate government agency, including WSLCB or law enforcement.

NEW SECTION

WAC 246-71-120 Process to obtain a replacement recognition card. A patient or designated provider may request a replacement recognition card at an endorsed outlet if the original recognition card is lost or stolen.

(1) The replacement recognition card will expire on the same date as the original recognition card unless the patient is reexamined by a health care practitioner and a new authorization is provided.

(2) Only consultants shall issue a replacement recognition card to the patient or designated provider. The consultant shall issue the replacement recognition card in compliance with the procedure in WAC 246-71-030.

(3) Information regarding the issuance of a replacement recognition card must be entered into the data base as determined by the department prior to the card being printed and given to the patient or designated provider.

NEW SECTION

WAC 246-71-130 Removal of a qualifying patient or designated provider from the data base. (1) The vendor must automatically deactivate patient and designated provider records in the data base upon expiration of a recognition card.

(2) Patients and designated providers may request to be removed from the data base before the expiration of their recognition card using the process established by the department.

(3) The authorizing health care practitioner may request removal of a patient or designated provider from the data base if the patient no longer qualifies for the medical use of marijuana. This request must be made using the process established by the department.

NEW SECTION

WAC 246-71-140 Revocation of a designated provider. (1) Patients may revoke their designation of a specific designated provider. The revocation must be in writing using a form developed by the department. The patient must send the revocation to the vendor and give a copy to the designated provider. The vendor must verify the form's authenticity prior to revoking the designated provider and deactivating the designated provider's recognition card.

(2) A patient may designate a new designated provider after revoking a prior designated provider. The new designated provider must receive an authorization form from the patient's authorizing health care practitioner. The new desig-

nated provider may then go to a retail outlet to be entered into the data base and receive a recognition card.

(3) A person may stop serving as a designated provider by providing a letter to the patient. If the person is currently in the data base as a designated provider for the patient, the person shall also submit a form established by the department to the vendor. The vendor shall verify the form's authenticity prior to revoking the designated provider in the data base and deactivating the designated provider's recognition card.

NEW SECTION

WAC 246-71-150 Release of aggregate information from the data base. (1) The department may provide aggregate information from the data base, with all personally identifiable information redacted, for the purpose of statistical analysis and oversight of agency performance and actions.

(2) To obtain information from the program a person or public or private entity must submit a request on a form established by the department.

(3) All requests for, uses of, and disclosures of information from the authorization data base must be consistent with chapter 69.51A RCW and this chapter.

NEW SECTION

WAC 246-71-990 Recognition card fees. (1) Endorsed outlets must collect a one dollar fee for each initial, replacement, and renewal recognition card. The fee shall be collected by the endorsed outlet from the patient or designated provider when the card is issued.

(2) Endorsed outlets must periodically remit fees collected using the process established by the department.

(3) Failure by an endorsed outlet to promptly remit fee revenue when due will result in notice to the WSLCB and any other action necessary to ensure compliance.

WSR 16-11-091

PERMANENT RULES

TRANSPORTATION COMMISSION

[Filed May 18, 2016, 8:09 a.m., effective July 1, 2016]

Effective Date of Rule: July 1, 2016.

Purpose: Under current law, the commission must consider toll rates that will help maintain travel time, speed, and reliability on the SR 520 corridor and must set and adjust toll rates to generate revenue sufficient and necessary to cover costs and obligations. The purpose of the proposed rule is to amend the Washington Administrative Code, removing the automatic 2.5 percent yearly toll rate increase and establishing new toll rates on the SR 520 Bridge for both fiscal years 2017 and 2018.

Citation of Existing Rules Affected by this Order: Amending WAC 468-270-040, 468-270-071, and 468-270-300.

Statutory Authority for Adoption: Chapter 47.56 RCW.

Adopted under notice filed as WSR 16-08-095 on April 5, 2016.

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 3, Repealed 0.

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

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

Date Adopted: May 17, 2016.

Reema Griffith
Executive Director

AMENDATORY SECTION (Amending WSR 15-08-038, filed 3/25/15, effective 4/25/15)

WAC 468-270-040 How are the tolls determined and adjusted? In determining toll amounts, the transportation commission considers data and information provided by the department of transportation, public opinion and advice from any required citizen advisory committee.

(1) Tacoma Narrows Bridge. In accordance with chapter 47.46 RCW, the commission must consider the toll rate advice of the citizen advisory committee and must set toll amounts that cover the debt and operations and maintenance until the indebtedness is repaid as required by law.

(2) SR 520 Bridge. ~~((a))~~ The commission must consider toll rates that will help maintain travel time, speed, and reliability on the corridor and must set and adjust toll rates to generate revenue sufficient and necessary to cover costs and obligations described in RCW 47.56.830 and 47.56.850.

~~((b) Starting July 1, 2012, the toll rates will increase two and one-half percent annually, subject to review and potential adjustment by the commission, in order to generate toll revenue sufficient to meet the costs and obligations listed in RCW 47.56.830 through 47.56.850.))~~

(3) I-405 express toll lanes.

(a) The commission must consider a schedule of toll rates that will maintain travel time, speed, and reliability on the corridor as described in RCW 47.56.850 and 47.56.880. The schedule adopted by the commission will allow toll rates to vary in amount by time of day, level of traffic congestion within the highway facility, and other criteria.

(b) The commission must set a minimum and a maximum toll rate, each subject to review on an annual basis or as needed to maintain performance requirements outlined in RCW 47.56.880.

(c) The commission must set an additional fixed amount to be added to the toll rate for vehicles that are not registered for a *Good To Go!*TM account who pay the Pay By Mail toll rate.

AMENDATORY SECTION (Amending WSR 15-12-010, filed 5/21/15, effective 7/1/15)

WAC 468-270-071 What are the toll rates on the SR 520 Bridge? Tables ((3)) 2 through ((7)) 12 show the applicable toll rates by vehicle axles, day and time of travel, and method of payment.

TABLE ((3)) 2. Effective July 1, 2016
SR 520 BRIDGE
TWO-AXLE VEHICLE TOLL RATES

Mondays through Fridays	Good To Go!TM Pass¹	Pay By Mail¹	Pay By Plate²	Short-Term Account³
Midnight to 5 a.m.	\$0.00	\$0.00	\$0.00	\$0.00
5 a.m. to 6 a.m.	\$(1.80) 1.90	\$(3.45) 3.90	\$(2.05) 2.15	\$(2.95) 3.40
6 a.m. to 7 a.m.	\$(3.10) 3.25	\$(4.70) 5.25	\$(3.35) 3.50	\$(4.20) 4.75
7 a.m. to 9 a.m.	\$(3.90) 4.10	\$(5.55) 6.10	\$(4.15) 4.35	\$(5.05) 5.60
9 a.m. to 10 a.m.	\$(3.10) 3.25	\$(4.70) 5.25	\$(3.35) 3.50	\$(4.20) 4.75
10 a.m. to 2 p.m.	\$(2.45) 2.55	\$(4.15) 4.55	\$(2.70) 2.80	\$(3.65) 4.05
2 p.m. to 3 p.m.	\$(3.10) 3.25	\$(4.70) 5.25	\$(3.35) 3.50	\$(4.20) 4.75
3 p.m. to 6 p.m.	\$(3.90) 4.10	\$(5.55) 6.10	\$(4.15) 4.35	\$(5.05) 5.60
6 p.m. to 7 p.m.	\$(3.10) 3.25	\$(4.70) 5.25	\$(3.35) 3.50	\$(4.20) 4.75
7 p.m. to 9 p.m.	\$(2.45) 2.55	\$(4.15) 4.55	\$(2.70) 2.80	\$(3.65) 4.05
9 p.m. to 11 p.m.	\$(1.80) 1.90	\$(3.45) 3.90	\$(2.05) 2.15	\$(2.95) 3.40
11 p.m. to 11:59 p.m.	\$0.00	\$0.00	\$0.00	\$0.00

Saturdays and Sundays⁴	Good To Go!TM Pass¹	Pay By Mail¹	Pay By Plate²	Short-Term Account³
Midnight to 5 a.m.	\$0.00	\$0.00	\$0.00	\$0.00
5 a.m. to 8 a.m.	\$(1.25) 1.30	\$(2.85) 3.30	\$(1.50) 1.55	\$(2.35) 2.80
8 a.m. to 11 a.m.	\$(1.85) 1.95	\$(3.50) 3.95	\$(2.10) 2.20	\$(3.00) 3.45
11 a.m. to 6 p.m.	\$(2.40) 2.50	\$(4.10) 4.50	\$(2.65) 2.75	\$(3.60) 4.00
6 p.m. to 9 p.m.	\$(1.85) 1.95	\$(3.50) 3.95	\$(2.10) 2.20	\$(3.00) 3.45
9 p.m. to 11 p.m.	\$(1.25) 1.30	\$(2.85) 3.30	\$(1.50) 1.55	\$(2.35) 2.80
11 p.m. to 11:59 p.m.	\$0.00	\$0.00	\$0.00	\$0.00

Notes: ¹The rate for electronic tolls has been rounded to the nearest five cents, as needed.

²For this type of payment method, the customer is charged the Good to Go!TM Pass toll rate plus a \$0.25 fee as provided in WAC 468-270-300.

³For this type of payment method, the customer is given a \$0.50 discount off the Pay By Mail toll rate as provided in WAC 468-270-300.

⁴The weekend rates will be assessed on the days on which holidays are observed: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

TABLE ((4)) 3. Effective July 1, 2016
SR 520 BRIDGE
THREE-AXLE VEHICLE TOLL RATES

Mondays through Fridays	Good To Go!TM Pass¹	Pay By Mail¹	Pay By Plate²	Short-Term Account³
Midnight to 5 a.m.	\$0.00	\$0.00	\$0.00	\$0.00
5 a.m. to 6 a.m.	\$(2.60) 2.85	\$(5.15) 5.85	\$(2.85) 3.10	\$(4.65) 5.35
6 a.m. to 7 a.m.	\$(4.60) 4.90	\$(7.10) 7.90	\$(4.85) 5.15	\$(6.60) 7.40
7 a.m. to 9 a.m.	\$(5.80) 6.15	\$(8.30) 9.15	\$(6.05) 6.40	\$(7.80) 8.65
9 a.m. to 10 a.m.	\$(4.60) 4.90	\$(7.10) 7.90	\$(4.85) 5.15	\$(6.60) 7.40
10 a.m. to 2 p.m.	\$(3.80) 3.85	\$(6.25) 6.85	\$(4.05) 4.10	\$(5.75) 6.35
2 p.m. to 3 p.m.	\$(4.60) 4.90	\$(7.10) 7.90	\$(4.85) 5.15	\$(6.60) 7.40
3 p.m. to 6 p.m.	\$(5.80) 6.15	\$(8.30) 9.15	\$(6.05) 6.40	\$(7.80) 8.65
6 p.m. to 7 p.m.	\$(4.60) 4.90	\$(7.10) 7.90	\$(4.85) 5.15	\$(6.60) 7.40
7 p.m. to 9 p.m.	\$(3.80) 3.85	\$(6.25) 6.85	\$(4.05) 4.10	\$(5.75) 6.35
9 p.m. to 11 p.m.	\$(2.60) 2.85	\$(5.15) 5.85	\$(2.85) 3.10	\$(4.65) 5.35
11 p.m. to 11:59 p.m.	\$0.00	\$0.00	\$0.00	\$0.00

Saturdays and Sundays⁴	Good To Go!TM Pass¹	Pay By Mail¹	Pay By Plate²	Short-Term Account³
Midnight to 5 a.m.	\$0.00	\$0.00	\$0.00	\$0.00
5 a.m. to 8 a.m.	\$(1.85) 1.95	\$(4.30) 4.95	\$(2.10) 2.20	\$(3.80) 4.45
8 a.m. to 11 a.m.	\$(2.70) 2.95	\$(5.30) 5.95	\$(2.95) 3.20	\$(4.80) 5.45
11 a.m. to 6 p.m.	\$(3.65) 3.75	\$(6.15) 6.75	\$(3.90) 4.00	\$(5.65) 6.25
6 p.m. to 9 p.m.	\$(2.70) 2.95	\$(5.30) 5.95	\$(2.95) 3.20	\$(4.80) 5.45
9 p.m. to 11 p.m.	\$(1.85) 1.95	\$(4.30) 4.95	\$(2.10) 2.20	\$(3.80) 4.45
11 p.m. to 11:59 p.m.	\$0.00	\$0.00	\$0.00	\$0.00

Notes: ¹The rate for electronic tolls has been rounded to the nearest five cents, as needed.

²For this type of payment method, the customer is charged the Good to Go!TM Pass toll rate plus a \$0.25 fee as provided in WAC 468-270-300.

³For this type of payment method, the customer is given a \$0.50 discount off the Pay By Mail toll rate as provided in WAC 468-270-300.

⁴The weekend rates will be assessed on the days on which holidays are observed: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

TABLE ((~~5~~)) 4. Effective July 1, 2016
 SR 520 BRIDGE
 FOUR-AXLE VEHICLE TOLL RATES

Mondays through Fridays	Good To Go!TM Pass¹	Pay By Mail¹	Pay By Plate²	Short-Term Account³
Midnight to 5 a.m.	\$0.00	\$0.00	\$0.00	\$0.00
5 a.m. to 6 a.m.	\$(3.55) <u>3.80</u>	\$(6.80) <u>7.80</u>	\$(3.80) <u>4.05</u>	\$(6.30) <u>7.30</u>
6 a.m. to 7 a.m.	\$(6.20) <u>6.50</u>	\$(9.55) <u>10.50</u>	\$(6.45) <u>6.75</u>	\$(9.05) <u>10.00</u>
7 a.m. to 9 a.m.	\$(7.75) <u>8.20</u>	\$(11.00) <u>12.20</u>	\$(8.00) <u>8.45</u>	\$(10.50) <u>11.70</u>
9 a.m. to 10 a.m.	\$(6.20) <u>6.50</u>	\$(9.55) <u>10.50</u>	\$(6.45) <u>6.75</u>	\$(9.05) <u>10.00</u>
10 a.m. to 2 p.m.	\$(4.95) <u>5.10</u>	\$(8.30) <u>9.10</u>	\$(5.20) <u>5.35</u>	\$(7.80) <u>8.60</u>
2 p.m. to 3 p.m.	\$(6.20) <u>6.50</u>	\$(9.55) <u>10.50</u>	\$(6.45) <u>6.75</u>	\$(9.05) <u>10.00</u>
3 p.m. to 6 p.m.	\$(7.75) <u>8.20</u>	\$(11.00) <u>12.20</u>	\$(8.00) <u>8.45</u>	\$(10.50) <u>11.70</u>
6 p.m. to 7 p.m.	\$(6.20) <u>6.50</u>	\$(9.55) <u>10.50</u>	\$(6.45) <u>6.75</u>	\$(9.05) <u>10.00</u>
7 p.m. to 9 p.m.	\$(4.95) <u>5.10</u>	\$(8.30) <u>9.10</u>	\$(5.20) <u>5.35</u>	\$(7.80) <u>8.60</u>
9 p.m. to 11 p.m.	\$(3.55) <u>3.80</u>	\$(6.80) <u>7.80</u>	\$(3.80) <u>4.05</u>	\$(6.30) <u>7.30</u>
11 p.m. to 11:59 p.m.	\$0.00	\$0.00	\$0.00	\$0.00

Saturdays and Sundays⁴	Good To Go!TM Pass¹	Pay By Mail¹	Pay By Plate²	Short-Term Account³
Midnight to 5 a.m.	\$0.00	\$0.00	\$0.00	\$0.00
5 a.m. to 8 a.m.	\$(2.40) <u>2.60</u>	\$(5.75) <u>6.60</u>	\$(2.65) <u>2.85</u>	\$(5.25) <u>6.10</u>
8 a.m. to 11 a.m.	\$(3.65) <u>3.90</u>	\$(6.90) <u>7.90</u>	\$(3.90) <u>4.15</u>	\$(6.40) <u>7.40</u>
11 a.m. to 6 p.m.	\$(4.80) <u>5.00</u>	\$(8.20) <u>9.00</u>	\$(5.05) <u>5.25</u>	\$(7.70) <u>8.50</u>
6 p.m. to 9 p.m.	\$(3.65) <u>3.90</u>	\$(6.90) <u>7.90</u>	\$(3.90) <u>4.15</u>	\$(6.40) <u>7.40</u>
9 p.m. to 11 p.m.	\$(2.40) <u>2.60</u>	\$(5.75) <u>6.60</u>	\$(2.65) <u>2.85</u>	\$(5.25) <u>6.10</u>
11 p.m. to 11:59 p.m.	\$0.00	\$0.00	\$0.00	\$0.00

Notes: ¹The rate for electronic tolls has been rounded to the nearest five cents, as needed.

²For this type of payment method, the customer is charged the Good to Go!TM Pass toll rate plus a \$0.25 fee as provided in WAC 468-270-300.

³For this type of payment method, the customer is given a \$0.50 discount off the Pay By Mail toll rate as provided in WAC 468-270-300.

⁴The weekend rates will be assessed on the days on which holidays are observed: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

TABLE ((6)) 5. Effective July 1, 2016
 SR 520 BRIDGE
 FIVE-AXLE VEHICLE TOLL RATES

Mondays through Fridays	Good To Go!™ Pass¹	Pay By Mail¹	Pay By Plate²	Short-Term Account³
Midnight to 5 a.m.	\$0.00	\$0.00	\$0.00	\$0.00
5 a.m. to 6 a.m.	\$(4.40) 4.75	\$(8.55) 9.75	\$(4.65) 5.00	\$(8.05) 9.25
6 a.m. to 7 a.m.	\$(7.75) 8.15	\$(11.90) 13.15	\$(8.00) 8.40	\$(11.40) 12.65
7 a.m. to 9 a.m.	\$(9.70) 10.25	\$(13.85) 15.25	\$(9.95) 10.50	\$(13.35) 14.75
9 a.m. to 10 a.m.	\$(7.75) 8.15	\$(11.90) 13.15	\$(8.00) 8.40	\$(11.40) 12.65
10 a.m. to 2 p.m.	\$(6.25) 6.40	\$(10.40) 11.40	\$(6.50) 6.65	\$(9.90) 10.90
2 p.m. to 3 p.m.	\$(7.75) 8.15	\$(11.90) 13.15	\$(8.00) 8.40	\$(11.40) 12.65
3 p.m. to 6 p.m.	\$(9.70) 10.25	\$(13.85) 15.25	\$(9.95) 10.50	\$(13.35) 14.75
6 p.m. to 7 p.m.	\$(7.75) 8.15	\$(11.90) 13.15	\$(8.00) 8.40	\$(11.40) 12.65
7 p.m. to 9 p.m.	\$(6.25) 6.40	\$(10.40) 11.40	\$(6.50) 6.65	\$(9.90) 10.90
9 p.m. to 11 p.m.	\$(4.40) 4.75	\$(8.55) 9.75	\$(4.65) 5.00	\$(8.05) 9.25
11 p.m. to 11:59 p.m.	\$0.00	\$0.00	\$0.00	\$0.00

Saturdays and Sundays⁴	Good To Go!™ Pass¹	Pay By Mail¹	Pay By Plate²	Short-Term Account³
Midnight to 5 a.m.	\$0.00	\$0.00	\$0.00	\$0.00
5 a.m. to 8 a.m.	\$(3.00) 3.25	\$(7.20) 8.25	\$(3.25) 3.50	\$(6.70) 7.75
8 a.m. to 11 a.m.	\$(4.55) 4.90	\$(8.70) 9.90	\$(4.80) 5.15	\$(8.20) 9.40
11 a.m. to 6 p.m.	\$(6.10) 6.25	\$(10.20) 11.25	\$(6.35) 6.50	\$(9.70) 10.75
6 p.m. to 9 p.m.	\$(4.55) 4.90	\$(8.70) 9.90	\$(4.80) 5.15	\$(8.20) 9.40
9 p.m. to 11 p.m.	\$(3.00) 3.25	\$(7.20) 8.25	\$(3.25) 3.50	\$(6.70) 7.75
11 p.m. to 11:59 p.m.	\$0.00	\$0.00	\$0.00	\$0.00

Notes: ¹The rate for electronic tolls has been rounded to the nearest five cents, as needed.

²For this type of payment method, the customer is charged the Good to Go!™ Pass toll rate plus a \$0.25 fee as provided in WAC 468-270-300.

³For this type of payment method, the customer is given a \$0.50 discount off the Pay By Mail toll rate as provided in WAC 468-270-300.

⁴The weekend rates will be assessed on the days on which holidays are observed: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

TABLE ((7)) 6. Effective July 1, 2016
SR 520 BRIDGE
SIX-AXLE OR MORE VEHICLE TOLL RATES

Mondays through Fridays	Good To Go!™ Pass¹	Pay By Mail¹	Pay By Plate²	Short-Term Account³
Midnight to 5 a.m.	\$0.00	\$0.00	\$0.00	\$0.00
5 a.m. to 6 a.m.	\$(5.35) 5.70	\$(10.25) 11.70	\$(5.60) 5.95	\$(9.75) 11.20
6 a.m. to 7 a.m.	\$(9.30) 9.75	\$(14.25) 15.75	\$(9.55) 10.00	\$(13.75) 15.25
7 a.m. to 9 a.m.	\$(11.65) 12.30	\$(16.55) 18.30	\$(11.90) 12.55	\$(16.05) 17.80
9 a.m. to 10 a.m.	\$(9.30) 9.75	\$(14.25) 15.75	\$(9.55) 10.00	\$(13.75) 15.25
10 a.m. to 2 p.m.	\$(7.50) 7.65	\$(12.40) 13.65	\$(7.75) 7.90	\$(11.90) 13.15
2 p.m. to 3 p.m.	\$(9.30) 9.75	\$(14.25) 15.75	\$(9.55) 10.00	\$(13.75) 15.25
3 p.m. to 6 p.m.	\$(11.65) 12.30	\$(16.55) 18.30	\$(11.90) 12.55	\$(16.05) 17.80
6 p.m. to 7 p.m.	\$(9.30) 9.75	\$(14.25) 15.75	\$(9.55) 10.00	\$(13.75) 15.25
7 p.m. to 9 p.m.	\$(7.50) 7.65	\$(12.40) 13.65	\$(7.75) 7.90	\$(11.90) 13.15
9 p.m. to 11 p.m.	\$(5.35) 5.70	\$(10.25) 11.70	\$(5.60) 5.95	\$(9.75) 11.20
11 p.m. to 11:59 p.m.	\$0.00	\$0.00	\$0.00	\$0.00

Saturdays and Sundays⁴	Good To Go!™ Pass¹	Pay By Mail¹	Pay By Plate²	Short-Term Account³
Midnight to 5 a.m.	\$0.00	\$0.00	\$0.00	\$0.00
5 a.m. to 8 a.m.	\$(3.65) 3.90	\$(8.60) 9.90	\$(3.90) 4.15	\$(8.10) 9.40
8 a.m. to 11 a.m.	\$(5.50) 5.85	\$(10.45) 11.85	\$(5.75) 6.10	\$(9.95) 11.35
11 a.m. to 6 p.m.	\$(7.30) 7.50	\$(12.25) 13.50	\$(7.55) 7.75	\$(11.75) 13.00
6 p.m. to 9 p.m.	\$(5.50) 5.85	\$(10.45) 11.85	\$(5.75) 6.10	\$(9.95) 11.35
9 p.m. to 11 p.m.	\$(3.65) 3.90	\$(8.60) 9.90	\$(3.90) 4.15	\$(8.10) 9.40
11 p.m. to 11:59 p.m.	\$0.00	\$0.00	\$0.00	\$0.00

Notes: ¹The rate for electronic tolls has been rounded to the nearest five cents, as needed.

²For this type of payment method, the customer is charged the Good to Go!™ Pass toll rate plus a \$0.25 fee as provided in WAC 468-270-300.

³For this type of payment method, the customer is given a \$0.50 discount off the Pay By Mail toll rate as provided in WAC 468-270-300.

⁴The weekend rates will be assessed on the days on which holidays are observed: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

TABLE 7. Effective July 1, 2017
SR 520 BRIDGE
TWO-AXLE VEHICLE TOLL RATES

<u>Mondays through Fridays</u>	<u>Good To Go!™ Pass¹</u>	<u>Pay By Mail¹</u>	<u>Pay By Plate²</u>	<u>Short-Term Account³</u>
<u>Midnight to 5 a.m.</u>	<u>\$1.25</u>	<u>\$3.25</u>	<u>\$1.50</u>	<u>\$2.75</u>
<u>5 a.m. to 6 a.m.</u>	<u>\$2.00</u>	<u>\$4.00</u>	<u>\$2.25</u>	<u>\$3.50</u>
<u>6 a.m. to 7 a.m.</u>	<u>\$3.40</u>	<u>\$5.40</u>	<u>\$3.65</u>	<u>\$4.90</u>
<u>7 a.m. to 9 a.m.</u>	<u>\$4.30</u>	<u>\$6.30</u>	<u>\$4.55</u>	<u>\$5.80</u>
<u>9 a.m. to 10 a.m.</u>	<u>\$3.40</u>	<u>\$5.40</u>	<u>\$3.65</u>	<u>\$4.90</u>
<u>10 a.m. to 2 p.m.</u>	<u>\$2.70</u>	<u>\$4.70</u>	<u>\$2.95</u>	<u>\$4.20</u>
<u>2 p.m. to 3 p.m.</u>	<u>\$3.40</u>	<u>\$5.40</u>	<u>\$3.65</u>	<u>\$4.90</u>
<u>3 p.m. to 6 p.m.</u>	<u>\$4.30</u>	<u>\$6.30</u>	<u>\$4.55</u>	<u>\$5.80</u>
<u>6 p.m. to 7 p.m.</u>	<u>\$3.40</u>	<u>\$5.40</u>	<u>\$3.65</u>	<u>\$4.90</u>
<u>7 p.m. to 9 p.m.</u>	<u>\$2.70</u>	<u>\$4.70</u>	<u>\$2.95</u>	<u>\$4.20</u>
<u>9 p.m. to 11 p.m.</u>	<u>\$2.00</u>	<u>\$4.00</u>	<u>\$2.25</u>	<u>\$3.50</u>
<u>11 p.m. to 11:59 p.m.</u>	<u>\$1.25</u>	<u>\$3.25</u>	<u>\$1.50</u>	<u>\$2.75</u>

<u>Saturdays and Sundays⁴</u>	<u>Good To Go!™ Pass¹</u>	<u>Pay By Mail¹</u>	<u>Pay By Plate²</u>	<u>Short-Term Account³</u>
<u>Midnight to 5 a.m.</u>	<u>\$1.25</u>	<u>\$3.25</u>	<u>\$1.50</u>	<u>\$2.75</u>
<u>5 a.m. to 8 a.m.</u>	<u>\$1.40</u>	<u>\$3.40</u>	<u>\$1.65</u>	<u>\$2.90</u>
<u>8 a.m. to 11 a.m.</u>	<u>\$2.05</u>	<u>\$4.05</u>	<u>\$2.30</u>	<u>\$3.55</u>
<u>11 a.m. to 6 p.m.</u>	<u>\$2.65</u>	<u>\$4.65</u>	<u>\$2.90</u>	<u>\$4.15</u>
<u>6 p.m. to 9 p.m.</u>	<u>\$2.05</u>	<u>\$4.05</u>	<u>\$2.30</u>	<u>\$3.55</u>
<u>9 p.m. to 11 p.m.</u>	<u>\$1.40</u>	<u>\$3.40</u>	<u>\$1.65</u>	<u>\$2.90</u>
<u>11 p.m. to 11:59 p.m.</u>	<u>\$1.25</u>	<u>\$3.25</u>	<u>\$1.50</u>	<u>\$2.75</u>

Notes: ¹The rate for electronic tolls has been rounded to the nearest five cents, as needed.

²For this type of payment method, the customer is charged the Good to Go!™ Pass toll rate plus a \$0.25 fee as provided in WAC 468-270-300.

³For this type of payment method, the customer is given a \$0.50 discount off the Pay By Mail toll rate as provided in WAC 468-270-300.

⁴The weekend rates will be assessed on the days on which holidays are observed: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

TABLE 8. Effective July 1, 2017
SR 520 BRIDGE
THREE-AXLE VEHICLE TOLL RATES

<u>Mondays through Fridays</u>	<u>Good To Go!™ Pass¹</u>	<u>Pay By Mail¹</u>	<u>Pay By Plate²</u>	<u>Short-Term Account³</u>
<u>Midnight to 5 a.m.</u>	<u>\$1.90</u>	<u>\$4.90</u>	<u>\$2.15</u>	<u>\$4.40</u>
<u>5 a.m. to 6 a.m.</u>	<u>\$3.00</u>	<u>\$6.00</u>	<u>\$3.25</u>	<u>\$5.50</u>
<u>6 a.m. to 7 a.m.</u>	<u>\$5.10</u>	<u>\$8.10</u>	<u>\$5.35</u>	<u>\$7.60</u>
<u>7 a.m. to 9 a.m.</u>	<u>\$6.45</u>	<u>\$9.45</u>	<u>\$6.70</u>	<u>\$8.95</u>
<u>9 a.m. to 10 a.m.</u>	<u>\$5.10</u>	<u>\$8.10</u>	<u>\$5.35</u>	<u>\$7.60</u>
<u>10 a.m. to 2 p.m.</u>	<u>\$4.05</u>	<u>\$7.05</u>	<u>\$4.30</u>	<u>\$6.55</u>
<u>2 p.m. to 3 p.m.</u>	<u>\$5.10</u>	<u>\$8.10</u>	<u>\$5.35</u>	<u>\$7.60</u>
<u>3 p.m. to 6 p.m.</u>	<u>\$6.45</u>	<u>\$9.45</u>	<u>\$6.70</u>	<u>\$8.95</u>
<u>6 p.m. to 7 p.m.</u>	<u>\$5.10</u>	<u>\$8.10</u>	<u>\$5.35</u>	<u>\$7.60</u>
<u>7 p.m. to 9 p.m.</u>	<u>\$4.05</u>	<u>\$7.05</u>	<u>\$4.30</u>	<u>\$6.55</u>

<u>Mondays through Fridays</u>	<u>Good To Go!TM Pass¹</u>	<u>Pay By Mail¹</u>	<u>Pay By Plate²</u>	<u>Short-Term Account³</u>
<u>9 p.m. to 11 p.m.</u>	<u>\$3.00</u>	<u>\$6.00</u>	<u>\$3.25</u>	<u>\$5.50</u>
<u>11 p.m. to 11:59 p.m.</u>	<u>\$1.90</u>	<u>\$4.90</u>	<u>\$2.15</u>	<u>\$4.40</u>
<u>Saturdays and Sundays⁴</u>	<u>Good To Go!TM Pass¹</u>	<u>Pay By Mail¹</u>	<u>Pay By Plate²</u>	<u>Short-Term Account³</u>
<u>Midnight to 5 a.m.</u>	<u>\$1.90</u>	<u>\$4.90</u>	<u>\$2.15</u>	<u>\$4.40</u>
<u>5 a.m. to 8 a.m.</u>	<u>\$2.10</u>	<u>\$5.10</u>	<u>\$2.35</u>	<u>\$4.60</u>
<u>8 a.m. to 11 a.m.</u>	<u>\$3.10</u>	<u>\$6.10</u>	<u>\$3.35</u>	<u>\$5.60</u>
<u>11 a.m. to 6 p.m.</u>	<u>\$4.00</u>	<u>\$7.00</u>	<u>\$4.25</u>	<u>\$6.50</u>
<u>6 p.m. to 9 p.m.</u>	<u>\$3.10</u>	<u>\$6.10</u>	<u>\$3.35</u>	<u>\$5.60</u>
<u>9 p.m. to 11 p.m.</u>	<u>\$2.10</u>	<u>\$5.10</u>	<u>\$2.35</u>	<u>\$4.60</u>
<u>11 p.m. to 11:59 p.m.</u>	<u>\$1.90</u>	<u>\$4.90</u>	<u>\$2.15</u>	<u>\$4.40</u>

Notes: ¹The rate for electronic tolls has been rounded to the nearest five cents, as needed.
²For this type of payment method, the customer is charged the Good to Go!TM Pass toll rate plus a \$0.25 fee as provided in WAC 468-270-300.
³For this type of payment method, the customer is given a \$0.50 discount off the Pay By Mail toll rate as provided in WAC 468-270-300.
⁴The weekend rates will be assessed on the days on which holidays are observed: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

TABLE 9. Effective July 1, 2017
SR 520 BRIDGE
FOUR-AXLE VEHICLE TOLL RATES

<u>Mondays through Fridays</u>	<u>Good To Go!TM Pass¹</u>	<u>Pay By Mail¹</u>	<u>Pay By Plate²</u>	<u>Short-Term Account³</u>
<u>Midnight to 5 a.m.</u>	<u>\$2.50</u>	<u>\$6.50</u>	<u>\$2.75</u>	<u>\$6.00</u>
<u>5 a.m. to 6 a.m.</u>	<u>\$4.00</u>	<u>\$8.00</u>	<u>\$4.25</u>	<u>\$7.50</u>
<u>6 a.m. to 7 a.m.</u>	<u>\$6.80</u>	<u>\$10.80</u>	<u>\$7.05</u>	<u>\$10.30</u>
<u>7 a.m. to 9 a.m.</u>	<u>\$8.60</u>	<u>\$12.60</u>	<u>\$8.85</u>	<u>\$12.10</u>
<u>9 a.m. to 10 a.m.</u>	<u>\$6.80</u>	<u>\$10.80</u>	<u>\$7.05</u>	<u>\$10.30</u>
<u>10 a.m. to 2 p.m.</u>	<u>\$5.40</u>	<u>\$9.40</u>	<u>\$5.65</u>	<u>\$8.90</u>
<u>2 p.m. to 3 p.m.</u>	<u>\$6.80</u>	<u>\$10.80</u>	<u>\$7.05</u>	<u>\$10.30</u>
<u>3 p.m. to 6 p.m.</u>	<u>\$8.60</u>	<u>\$12.60</u>	<u>\$8.85</u>	<u>\$12.10</u>
<u>6 p.m. to 7 p.m.</u>	<u>\$6.80</u>	<u>\$10.80</u>	<u>\$7.05</u>	<u>\$10.30</u>
<u>7 p.m. to 9 p.m.</u>	<u>\$5.40</u>	<u>\$9.40</u>	<u>\$5.65</u>	<u>\$8.90</u>
<u>9 p.m. to 11 p.m.</u>	<u>\$4.00</u>	<u>\$8.00</u>	<u>\$4.25</u>	<u>\$7.50</u>
<u>11 p.m. to 11:59 p.m.</u>	<u>\$2.50</u>	<u>\$6.50</u>	<u>\$2.75</u>	<u>\$6.00</u>
<u>Saturdays and Sundays⁴</u>	<u>Good To Go!TM Pass¹</u>	<u>Pay By Mail¹</u>	<u>Pay By Plate²</u>	<u>Short-Term Account³</u>
<u>Midnight to 5 a.m.</u>	<u>\$2.50</u>	<u>\$6.50</u>	<u>\$2.75</u>	<u>\$6.00</u>
<u>5 a.m. to 8 a.m.</u>	<u>\$2.80</u>	<u>\$6.80</u>	<u>\$3.05</u>	<u>\$6.30</u>
<u>8 a.m. to 11 a.m.</u>	<u>\$4.10</u>	<u>\$8.10</u>	<u>\$4.35</u>	<u>\$7.60</u>
<u>11 a.m. to 6 p.m.</u>	<u>\$5.30</u>	<u>\$9.30</u>	<u>\$5.55</u>	<u>\$8.80</u>
<u>6 p.m. to 9 p.m.</u>	<u>\$4.10</u>	<u>\$8.10</u>	<u>\$4.35</u>	<u>\$7.60</u>
<u>9 p.m. to 11 p.m.</u>	<u>\$2.80</u>	<u>\$6.80</u>	<u>\$3.05</u>	<u>\$6.30</u>
<u>11 p.m. to 11:59 p.m.</u>	<u>\$2.50</u>	<u>\$6.50</u>	<u>\$2.75</u>	<u>\$6.00</u>

- Notes: ¹The rate for electronic tolls has been rounded to the nearest five cents, as needed.
²For this type of payment method, the customer is charged the Good to Go!TM Pass toll rate plus a \$0.25 fee as provided in WAC 468-270-300.
³For this type of payment method, the customer is given a \$0.50 discount off the Pay By Mail toll rate as provided in WAC 468-270-300.
⁴The weekend rates will be assessed on the days on which holidays are observed: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

TABLE 10. Effective July 1, 2017
SR 520 BRIDGE
FIVE-AXLE VEHICLE TOLL RATES

<u>Mondays through Fridays</u>	<u>Good To Go!TM Pass¹</u>	<u>Pay By Mail¹</u>	<u>Pay By Plate²</u>	<u>Short-Term Account³</u>
<u>Midnight to 5 a.m.</u>	<u>\$3.15</u>	<u>\$8.15</u>	<u>\$3.40</u>	<u>\$7.65</u>
<u>5 a.m. to 6 a.m.</u>	<u>\$5.00</u>	<u>\$10.00</u>	<u>\$5.25</u>	<u>\$9.50</u>
<u>6 a.m. to 7 a.m.</u>	<u>\$8.50</u>	<u>\$13.50</u>	<u>\$8.75</u>	<u>\$13.00</u>
<u>7 a.m. to 9 a.m.</u>	<u>\$10.75</u>	<u>\$15.75</u>	<u>\$11.00</u>	<u>\$15.25</u>
<u>9 a.m. to 10 a.m.</u>	<u>\$8.50</u>	<u>\$13.50</u>	<u>\$8.75</u>	<u>\$13.00</u>
<u>10 a.m. to 2 p.m.</u>	<u>\$6.75</u>	<u>\$11.75</u>	<u>\$7.00</u>	<u>\$11.25</u>
<u>2 p.m. to 3 p.m.</u>	<u>\$8.50</u>	<u>\$13.50</u>	<u>\$8.75</u>	<u>\$13.00</u>
<u>3 p.m. to 6 p.m.</u>	<u>\$10.75</u>	<u>\$15.75</u>	<u>\$11.00</u>	<u>\$15.25</u>
<u>6 p.m. to 7 p.m.</u>	<u>\$8.50</u>	<u>\$13.50</u>	<u>\$8.75</u>	<u>\$13.00</u>
<u>7 p.m. to 9 p.m.</u>	<u>\$6.75</u>	<u>\$11.75</u>	<u>\$7.00</u>	<u>\$11.25</u>
<u>9 p.m. to 11 p.m.</u>	<u>\$5.00</u>	<u>\$10.00</u>	<u>\$5.25</u>	<u>\$9.50</u>
<u>11 p.m. to 11:59 p.m.</u>	<u>\$3.15</u>	<u>\$8.15</u>	<u>\$3.40</u>	<u>\$7.65</u>

<u>Saturdays and Sundays⁴</u>	<u>Good To Go!TM Pass¹</u>	<u>Pay By Mail¹</u>	<u>Pay By Plate²</u>	<u>Short-Term Account³</u>
<u>Midnight to 5 a.m.</u>	<u>\$3.15</u>	<u>\$8.15</u>	<u>\$3.40</u>	<u>\$7.65</u>
<u>5 a.m. to 8 a.m.</u>	<u>\$3.50</u>	<u>\$8.50</u>	<u>\$3.75</u>	<u>\$8.00</u>
<u>8 a.m. to 11 a.m.</u>	<u>\$5.15</u>	<u>\$10.15</u>	<u>\$5.40</u>	<u>\$9.65</u>
<u>11 a.m. to 6 p.m.</u>	<u>\$6.65</u>	<u>\$11.65</u>	<u>\$6.90</u>	<u>\$11.15</u>
<u>6 p.m. to 9 p.m.</u>	<u>\$5.15</u>	<u>\$10.15</u>	<u>\$5.40</u>	<u>\$9.65</u>
<u>9 p.m. to 11 p.m.</u>	<u>\$3.50</u>	<u>\$8.50</u>	<u>\$3.75</u>	<u>\$8.00</u>
<u>11 p.m. to 11:59 p.m.</u>	<u>\$3.15</u>	<u>\$8.15</u>	<u>\$3.40</u>	<u>\$7.65</u>

- Notes: ¹The rate for electronic tolls has been rounded to the nearest five cents, as needed.
²For this type of payment method, the customer is charged the Good to Go!TM Pass toll rate plus a \$0.25 fee as provided in WAC 468-270-300.
³For this type of payment method, the customer is given a \$0.50 discount off the Pay By Mail toll rate as provided in WAC 468-270-300.
⁴The weekend rates will be assessed on the days on which holidays are observed: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

TABLE 11. Effective July 1, 2017
SR 520 BRIDGE
SIX-AXLE OR MORE VEHICLE TOLL RATES

<u>Mondays through Fridays</u>	<u>Good To Go!TM Pass¹</u>	<u>Pay By Mail¹</u>	<u>Pay By Plate²</u>	<u>Short-Term Account³</u>
<u>Midnight to 5 a.m.</u>	<u>\$3.75</u>	<u>\$9.75</u>	<u>\$4.00</u>	<u>\$9.25</u>
<u>5 a.m. to 6 a.m.</u>	<u>\$6.00</u>	<u>\$12.00</u>	<u>\$6.25</u>	<u>\$11.50</u>
<u>6 a.m. to 7 a.m.</u>	<u>\$10.20</u>	<u>\$16.20</u>	<u>\$10.45</u>	<u>\$15.70</u>
<u>7 a.m. to 9 a.m.</u>	<u>\$12.90</u>	<u>\$18.90</u>	<u>\$13.15</u>	<u>\$18.40</u>
<u>9 a.m. to 10 a.m.</u>	<u>\$10.20</u>	<u>\$16.20</u>	<u>\$10.45</u>	<u>\$15.70</u>

<u>Mondays through Fridays</u>	<u>Good To Go!™ Pass¹</u>	<u>Pay By Mail¹</u>	<u>Pay By Plate²</u>	<u>Short-Term Account³</u>
<u>10 a.m. to 2 p.m.</u>	<u>\$8.10</u>	<u>\$14.10</u>	<u>\$8.35</u>	<u>\$13.60</u>
<u>2 p.m. to 3 p.m.</u>	<u>\$10.20</u>	<u>\$16.20</u>	<u>\$10.45</u>	<u>\$15.70</u>
<u>3 p.m. to 6 p.m.</u>	<u>\$12.90</u>	<u>\$18.90</u>	<u>\$13.15</u>	<u>\$18.40</u>
<u>6 p.m. to 7 p.m.</u>	<u>\$10.20</u>	<u>\$16.20</u>	<u>\$10.45</u>	<u>\$15.70</u>
<u>7 p.m. to 9 p.m.</u>	<u>\$8.10</u>	<u>\$14.10</u>	<u>\$8.35</u>	<u>\$13.60</u>
<u>9 p.m. to 11 p.m.</u>	<u>\$6.00</u>	<u>\$12.00</u>	<u>\$6.25</u>	<u>\$11.50</u>
<u>11 p.m. to 11:59 p.m.</u>	<u>\$3.75</u>	<u>\$9.75</u>	<u>\$4.00</u>	<u>\$9.25</u>
<u>Saturdays and Sundays⁴</u>	<u>Good To Go!™ Pass¹</u>	<u>Pay By Mail¹</u>	<u>Pay By Plate²</u>	<u>Short-Term Account³</u>
<u>Midnight to 5 a.m.</u>	<u>\$3.75</u>	<u>\$9.75</u>	<u>\$4.00</u>	<u>\$9.25</u>
<u>5 a.m. to 8 a.m.</u>	<u>\$4.20</u>	<u>\$10.20</u>	<u>\$4.45</u>	<u>\$9.70</u>
<u>8 a.m. to 11 a.m.</u>	<u>\$6.15</u>	<u>\$12.15</u>	<u>\$6.40</u>	<u>\$11.65</u>
<u>11 a.m. to 6 p.m.</u>	<u>\$7.95</u>	<u>\$13.95</u>	<u>\$8.20</u>	<u>\$13.45</u>
<u>6 p.m. to 9 p.m.</u>	<u>\$6.15</u>	<u>\$12.15</u>	<u>\$6.40</u>	<u>\$11.65</u>
<u>9 p.m. to 11 p.m.</u>	<u>\$4.20</u>	<u>\$10.20</u>	<u>\$4.45</u>	<u>\$9.70</u>
<u>11 p.m. to 11:59 p.m.</u>	<u>\$3.75</u>	<u>\$9.75</u>	<u>\$4.00</u>	<u>\$9.25</u>

Notes: ¹The rate for electronic tolls has been rounded to the nearest five cents, as needed.

²For this type of payment method, the customer is charged the Good to Go!™ Pass toll rate plus a \$0.25 fee as provided in WAC 468-270-300.

³For this type of payment method, the customer is given a \$0.50 discount off the Pay By Mail toll rate as provided in WAC 468-270-300.

⁴The weekend rates will be assessed on the days on which holidays are observed: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

AMENDATORY SECTION (Amending WSR 13-12-006, filed 5/23/13, effective 7/1/13)

WAC 468-270-300 What other fees and discounts may apply to toll customers? The commission is authorized to adopt rules to assess administrative fees as appropriate for toll collection processes. Additionally, a toll customer may be required to pay fees set forth by state law for attempts to collect funds due to a state agency. The following table lists and explains the types and amount of administrative fees that a toll customer may be required to pay.

Table ((§)) 12 Customer Fees and Discounts

Fee and Discount Type	When is the administrative fee charged?	What is the fee amount?
Paper Statements and Reprinting Fee	Upon each mailing of a paper statement at the account holder's request.	\$0.50 per page (with a minimum fee of \$1.50)
Inactive Account Fee	After 24 months of no transactions on the account, this one-time fee will be assessed.	\$5.00
Reprocessing Fee	This fee will be assessed when the department sends a reminder notice of unpaid tolls. The reminder notice to pay may be a summary or itemization of amounts owed and included as part of a toll bill or in any other correspondence to collect tolls.	\$5.00 per reminder notice to pay unpaid tolls
Pay By Plate Fee	A customer who establishes a prepaid toll account but passes through a toll facility without a pass will be assessed this fee in addition to the Good To Go!™ Pass toll rate.	\$0.25 per transaction
Short Term Account	A customer will receive a discount off the Pay By Mail toll rate, if the customer pays for the transaction not later than 72 hours after driving on the toll facility.	\$0.50 per transaction credit off the Pay By Mail toll rate

WSR 16-11-092
PERMANENT RULES
TRANSPORTATION COMMISSION

[Filed May 18, 2016, 8:09 a.m., effective July 1, 2016]

Effective Date of Rule: July 1, 2016.

Purpose: The commission is required under current law to establish toll rates and fees for the Tacoma Narrows Bridge (TNB) that are adequate to cover debt, operations, insurance, and maintenance costs. The purpose of the proposed rule is to amend WAC 468-270-070 establishing new toll rates on the TNB.

Citation of Existing Rules Affected by this Order: Amending WAC 468-270-070.

Statutory Authority for Adoption: Chapter 47.46 RCW and RCW 47.56.240.

Adopted under notice filed as WSR 16-08-098 on April 5, 2016.

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 0, Repealed 0.

Date Adopted: May 17, 2016.

Reema Griffith
Executive Director

AMENDATORY SECTION (Amending WSR 15-12-013, filed 5/21/15, effective 7/1/15)

WAC 468-270-070 What are the toll rates on the Tacoma Narrows Bridge? The toll rates for the Tacoma Narrows Bridge are shown in Table((s)) 1 (~~and 2~~).

Table 1, Effective July 1, 2015
Tacoma Narrows Bridge Toll Rates

Vehicle Axles	Good to Go! TM Pass ¹	Cash ¹	Pay By Mail ¹	Pay by Plate ²	Short Term Account ³
2	\$5.00	\$6.00	\$7.00	\$5.25	\$6.50
3	\$7.50	\$9.00	\$10.50	\$7.75	\$10.00
4	\$10.00	\$12.00	\$14.00	\$10.25	\$13.50
5	\$12.50	\$15.00	\$17.50	\$12.75	\$17.00
6	\$15.00	\$18.00	\$21.00	\$15.25	\$20.50

Notes: ¹The rate has been rounded to the nearest five cents, as needed.

²For this type of payment method, the customer is charged the Good to Go!TM Pass toll rate plus a \$0.25 fee as provided in WAC 468-270-300.

³For this type of payment method, the customer is given a \$0.50 discount off the Pay By Mail toll rate as provided in WAC 468-270-300.

~~**Table 2, Effective July 1, 2016**~~
~~**Tacoma Narrows Bridge Toll Rates**~~

Vehicle Axles	Good to Go! TM Pass ¹	Cash ¹	Pay By Mail ¹	Pay by Plate ²	Short Term Account ³
2	\$5.50	\$6.50	\$7.50	\$5.75	\$7.00
3	\$8.25	\$9.75	\$11.25	\$8.50	\$10.75
4	\$11.00	\$13.00	\$15.00	\$11.25	\$14.50
5	\$13.75	\$16.25	\$18.75	\$14.00	\$18.25
6	\$16.50	\$19.50	\$22.50	\$16.75	\$22.00

Notes: ¹The rate has been rounded to the nearest five cents, as needed.

²For this type of payment method, the customer is charged the Good to Go!TM Pass toll rate plus a \$0.25 fee as provided in WAC 468-270-300.

³For this type of payment method, the customer is given a \$0.50 discount off the Pay By Mail toll rate as provided in WAC 468-270-300.)

WSR 16-11-104
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed May 18, 2016, 10:20 a.m., effective June 18, 2016]

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

Purpose: The revision to WAC 392-121-107 Definition—Course of study, requires updating to add dropout reengagement programs pursuant to chapter 392-700 WAC to the list of activities that are defined as a course of study. Additionally, clarification is needed to address that only resident enrollment at a state school does not meet the definition of a course of study.

Citation of Existing Rules Affected by this Order: Amending WAC 392-121-107.

Statutory Authority for Adoption: RCW 28A.150.290.

Adopted under notice filed as WSR 16-08-062 on April 4, 2016.

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 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 0, Repealed 0.

Date Adopted: May 16, 2016.

Randy Dorn
 Superintendent of
 Public Instruction

AMENDATORY SECTION (Amending WSR 15-18-078, filed 8/28/15, effective 9/28/15)

WAC 392-121-107 Definition—Course of study. As used in this chapter, "course of study" means those activities for which students enrolled pursuant to chapters 180-16, 180-51, 392-169, 392-134, and 392-410 WAC may be counted as enrolled students for the purpose of full-time equivalent student enrollment counts.

(1) Course of study includes:

(a) Instruction - Teaching/learning experiences conducted by school district staff as directed by the administration and the board of directors of the school district, or teaching/learning experiences conducted by charter school staff as directed by the charter school administration and charter school board, inclusive of intermissions for class changes, recess and teacher/parent-guardian conferences that are planned and scheduled by the district or charter school for the purpose of discussing students' educational needs or progress, and exclusive of time for meals.

(b) Alternative learning experience - Alternative learning experience provided by the school district or charter school in conformance with WAC 392-121-182.

(c) Instruction provided by a contractor - Instruction provided by a contractor in conformance with WAC 392-121-188 or 392-121-1885.

(d) National guard - Participation in a national guard high school career training program for which credit is being given toward either required or elective high school credits pursuant to RCW 28A.300.165 and WAC 392-410-320.

(e) Ancillary service - Any cocurricular service or activity, any health care service or activity, and any other services or activities, for or in which enrolled students are served by appropriate school district or charter school staff. The term shall include, but not be limited to, counseling, psychological services, testing, remedial instruction, speech and hearing therapy, health care services, and if such service is provided by the district or charter school, certificated contact time pursuant to RCW 28A.225.010 (4)(a) with students who are in a home-based instruction program. The term shall exclude all extracurricular activities and all other courses of study defined in this section. In conformance with WAC 392-134-025, school districts and charter schools report the actual number of student contact hours of ancillary service for part-time, private school, and home-based students to the superintendent of public instruction.

(f) Work based learning - Training provided pursuant to WAC 392-410-315 and reported as provided in WAC 392-121-124.

(g) Running start - Attendance at an institution of higher education pursuant to RCW 28A.600.300 through 28A.600.400, chapter 392-169 WAC.

(h) Transition school - Participation in the University of Washington's transition school and early entrance program pursuant to RCW 28A.185.040, and chapter 392-120 WAC. Such participation shall be reported by the University of Washington and shall not be reported by a school district or charter school.

(i) Technical college direct funding - Enrollment at a technical college pursuant to RCW 28A.150.275 and WAC 392-121-187. Such participation shall be reported by the technical college and shall not be reported by a school district unless the technical college and the school district agree to have the school district report such enrollment.

(j) Dropout reengagement program - Enrollment in a state approved dropout reengagement program pursuant to RCW 28A.175.100 and chapter 392-700 WAC.

(2) Course of study does not include:

(a) Home-based instruction pursuant to RCW 28A.225.-010(4): Education programs provided by a parent which do not meet the requirements of WAC 392-121-182 cannot be claimed for state funding;

(b) Private school instruction pursuant to chapter 28A.195 RCW;

(c) Adult education as defined in RCW 28B.50.030(12);

(d) Instruction provided to students who do not reside in Washington state (RCW 28A.225.260);

(e) Enrollment in state institutions, i.e., state operated group homes, county juvenile detention centers, state institu-

tions for juvenile delinquents, county and city adult jails, and state residential habilitation centers;

(f) Instruction preparing a student for the general education development (GED) test if such instruction generates state or federal moneys for adult education;

(g) Enrollment in education centers except as provided under contract with a school district pursuant to RCW 28A.150.305 and WAC 392-121-188 or 392-121-1885;

(h) Enrollment ((#)) for residents of the Washington state school for the deaf and the Washington state school for the blind;

(i) Extracurricular activities including but not limited to before and after school activities such as classes, sports and other activities offered outside the regular curriculum or for which credit is not earned; or

(j) Attendance at universities, colleges, community colleges, or technical colleges of students not earning high school credit.

WSR 16-11-110
PERMANENT RULES
LIQUOR AND CANNABIS
BOARD

[Filed May 18, 2016, 10:52 a.m., effective June 18, 2016]

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

Purpose: The rules are needed to implement legislation that passed in the 2015 legislative session (SB 5052 and HB 2136). SB 5052, known as the Cannabis Patient Protection Act aligns the medical marijuana market with the existing recreational market.

Citation of Existing Rules Affected by this Order: Amending WAC 314-55-010, 314-55-015, 314-55-018, 314-55-020, 314-55-035, 314-55-040, 314-55-045, 314-55-070, 314-55-075, 314-55-077, 314-55-079, 314-55-081, 314-55-082, 314-55-083, 314-55-084, 314-55-085, 314-55-086, 314-55-089, 314-55-092, 314-55-095, 314-55-097, 314-55-099, 314-55-102, 314-55-103, 314-55-104, 314-55-105, 314-55-120, 314-55-130, 314-55-135, 314-55-140, 314-55-147, 314-55-155, 314-55-160, 314-55-165, 314-55-200, 314-55-210, 314-55-220, 314-55-230, 314-55-505, 314-55-506, 314-55-507, 314-55-508, 314-55-510, 314-55-515, 314-55-520, 314-55-525, 314-55-530, 314-55-535, and 314-55-540.

Statutory Authority for Adoption: RCW 69.50.342, 69.50.345.

Adopted under notice filed as WSR 16-07-154 on March 23, 2016.

Changes Other than Editing from Proposed to Adopted Version: Did not repeal WAC 314-55-105(9) from current rule.

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 12, Amended 49, 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 18, 2016.

Jane Rushford
Chair

AMENDATORY SECTION (Amending WSR 15-11-107, filed 5/20/15, effective 6/20/15)

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)) WSLCB as a true party of interest in a marijuana license, as outlined in WAC 314-55-035. However, for purposes of determining an application's priority under RCW 69.50.331 (1)(a), only the person or business entity that is applying for the license will be considered the applicant.

(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) "Cooperative" means a group of more than one, but no more than four qualified medical marijuana patients and/or designated providers who share responsibility for growing and processing marijuana only for the medical use of the members of the cooperative.

(7) "Domicile" means a person's true, fixed, primary permanent home and place of habitation and the tax parcel on which it is located. It is the place where the person intends to remain and to which the person expects to return when the person leaves without intending to establish a new domicile elsewhere.

(8) "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.

~~((7))~~ (9) "Employee" means any person performing services on a licensed premises for the benefit of the licensee whether or not such person is compensated by the licensee.

~~((8))~~ (10) "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.

~~((9))~~ (11) "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.

~~((10))~~ (12) "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))~~ (13) "Library" means an organized collection of resources made accessible to the public for reference or borrowing supported with money derived from taxation.

~~((12))~~ (14) "Licensed premises" means all areas of a premises where the licensee has leasehold rights as listed in the property lease submitted to the board. 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.

(15) "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.

~~((13))~~ (16) "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.

~~((14))~~ (17) "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.

~~((15))~~ (18) "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.

~~((16))~~ (19) "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, bong, 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))~~ (20) "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, insecticides, and cloning agents.

~~((18))~~ (21) "Perimeter" means a property line that encloses an area.

~~((19))~~ (22) "Plant" means a marijuana plant.

(23) "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.

~~((20))~~ (24) "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.

~~((21))~~ (25) "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.

~~((22))~~ (26) "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.

~~((23))~~ (27) "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.

~~((24))~~ (28) "Residence" means a person's address where he or she physically resides and maintains his or her abode.

~~((25))~~ (29) "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.

~~((26))~~ (30) "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)~~ WSLCB. 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))~~ (31) "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.

(32) "WSLCB" means the Washington state liquor and cannabis board.

AMENDATORY SECTION (Amending WSR 15-11-107, filed 5/20/15, effective 6/20/15)

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. No one under twenty-one years of age is allowed to enter or remain on a marijuana licensed premises except as provided in RCW 69.50.357.

(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))~~ WSLCB approves the license application.

(5) The ~~((board))~~ WSLCB 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))~~ WSLCB will not approve any marijuana license for a location on federal lands.

(7) The ~~((board))~~ WSLCB 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))~~ WSLCB in a conspicuous place on the premises.

(9) In approving a marijuana license, the ~~((board))~~ WSLCB 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 producer, processor or retailer licensed by the ~~((board shall))~~ WSLCB must conduct the production, 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) A marijuana processor licensed by the board must 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.

(12) Marijuana licensees may not allow the consumption of marijuana or marijuana-infused products on the licensed premises.

AMENDATORY SECTION (Amending WSR 15-11-107, filed 5/20/15, effective 6/20/15)

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))~~ licensee 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))~~ marijuana licensee or solicit from any such licensee any order for any marijuana tied in with, or contingent upon, the ~~((retailer's))~~ licensee's purchase of some other marijuana, or any other merchandise, paraphernalia, property, or service.

(5) If the ~~((board))~~ WSLCB 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 15-11-107, filed 5/20/15, effective 6/20/15)

WAC 314-55-020 Marijuana license qualifications and application process. Each marijuana license application is unique and investigated individually. The ~~((board))~~ WSLCB 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))~~ WSLCB 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) Applicants for a new marijuana producer, processor, or retailer license and those who apply to change their location must display a sign provided by the WSLCB on the outside of the premises to be licensed notifying the public that the premises are subject to an application for a marijuana license. Posting notices must occur within seven days of submitting the location confirmation form for new licenses or the change of location application for existing licensees. The WSLCB may check for compliance with this requirement at its discretion. The sign must:

(a) Not be altered. The licensee must post the sign sent by the WSLCB without changing, adding, or subtracting from the text;

(b) Be conspicuously displayed on, or immediately adjacent to, the premises subject to the application and in the location that is most likely to be seen by the public;

(c) Be of a size sufficient to ensure that it will be readily seen by the public, at a minimum these signs must be eight and one-half by eleven inches;

(d) Be posted within seven business days of the date the notice is sent to the applicant by the WSLCB; and

(e) The notice must be posted for fourteen consecutive days.

(3) The WSLCB will use a priority system to determine the order that marijuana retailers are licensed.

(a) First priority is given to applicants who:

(i) Applied to the state liquor and cannabis board for a marijuana retail license prior to July 1, 2014. To meet this qualification, the applicant must provide the WSLCB a copy of the master business license from department of revenue business licensing service showing the applicant applied for a retail marijuana license prior to July 1, 2014;

(ii) Operated or were employed by a collective garden before January 1, 2013. To meet this qualification, the applicant must provide the WSLCB with a copy of the master business from department of revenue business licensing service showing the applicant owned a collective garden prior to January 1, 2013, or a pay stub or tax information indicating that the applicant was employed by a collective garden prior to January 1, 2013;

(iii) Have maintained a state business license and municipal business license, as applicable in the relevant jurisdiction. To meet this qualification, the applicant must provide the WSLCB a copy of the master business license from department of revenue business licensing service and copies of municipal business licenses from January 1, 2013, through the date of application; and

(iv) Have had a history of paying all applicable state taxes and fees. To meet this qualification, the applicant must provide the WSLCB evidence from the department of revenue, department of labor and industries, and the employment security department that the entity is up to date on all applicable state taxes since January 1, 2013, and that they have paid

all applicable fees to the WSLCB for all businesses they are engaged in since January 1, 2013.

(b) Second priority is given to applicants who:

(i) Operated or were employed by a collective garden before January 1, 2013. To meet this qualification, the applicant must provide the WSLCB a copy of the master business license from department of revenue business licensing service showing the applicant owned a collective garden prior to January 1, 2013, or a pay stub or tax information indicating that the applicant was employed by a collective garden prior to January 1, 2013;

(ii) Have maintained a state business license and municipal business license, as applicable in the relevant jurisdiction. To meet this qualification, the applicant must provide the WSLCB a copy of the master business license from department of revenue business licensing service and copies of municipal business licenses from January 1, 2013, through the date of application; and

(iii) Have had a history of paying all applicable state taxes and fees. To meet this qualification, the applicant must provide the WSLCB evidence from the department of revenue, the department of labor and industries, and the employment security department that the entity is up to date on all applicable state taxes since January 1, 2013, and that they have paid all applicable fees to the WSLCB for all businesses they are engaged in since January 1, 2013, for all businesses they are engaged in since January 1, 2013.

(c) Third priority is given to all other applicants who do not meet the qualifications and experience identified for priority one or two.

(4) All marijuana retail applicants must meet the qualifications required by the WSLCB before they will be granted a license regardless of priority.

(5) The ~~((board))~~ WSLCB will verify that the proposed business meets the minimum requirements for the type of marijuana license requested.

~~((3))~~ (6) The ~~((board))~~ WSLCB 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))~~ WSLCB and submission of fingerprints to a vendor approved by the ~~((board))~~ WSLCB. 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))~~ (7) The ~~((board))~~ WSLCB 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))~~ (8) The ~~((board))~~ WSLCB may require a demonstration by the applicant that they are familiar with marijuana laws and rules.

~~((6))~~ (9) The ~~((board))~~ WSLCB 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))~~ (10) Per RCW 69.50.331 (1)~~((b))~~ (c), all applicants applying for a marijuana license must have resided in the state of Washington for at least ~~((three))~~ six 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))~~ six month residency requirement. Managers or agents who manage a licensee's place of

business must also meet the ~~((three))~~ six month residency requirement.

~~((8))~~ (11) Submission of an operating plan that demonstrates the applicant is qualified to hold the marijuana license applied for to the satisfaction of the ~~((board))~~ WSLCB. The operating plan shall include the following elements in accordance with the applicable standards in the Washington Administrative Code (WAC).

~~((9))~~ (12) As part of the application process, each applicant must submit in a format supplied by the ~~((board))~~ WSLCB 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
Employee qualifications and training	Employee qualifications and training	Employee qualifications and training
Transportation of product including packaging of product for transportation	Transportation of product	Transportation of product
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 to include all marijuana-infused edible processing facility equipment 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	
<u>Employee compensation and benefits data (see subsection (13) of this section)</u>	<u>Employee compensation and benefits data (see subsection (13) of this section)</u>	<u>Employee compensation and benefits data (see subsection (13) of this section)</u>
	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))~~ WSLCB in advance of any ~~((substantial))~~ change in their operating plan. ~~((Depending on the degree of change,))~~ Prior approval ~~((may be))~~ is required before the change is implemented.

~~((10))~~ (13)(a) In order to aid the WSLCB in monitoring the industry as it develops, the WSLCB requests that all

applicants and licensees seeking renewal provide the following information:

(b) Employees compensation and benefits data.

(i) Will the applicant/licensee provide a living wage (at least one hundred fifty percent of the state minimum wage) to eighty-five percent or more of its hourly employees?

(ii) Will the applicant/licensee provide health insurance to at least eighty-five percent of its hourly employees?

(iii) Will the applicant/licensee provide a defined benefit pension plan to at least eighty-five percent of its hourly employees?

(iv) Will the applicant/licensee provide five or more paid sick days annually to at least eighty-five percent of its hourly employees?

(v) Is there a signed labor peace agreement or collective bargaining agreement with a labor organization in place?

(14) Applicants applying for a marijuana license must be current in any tax obligations to the Washington state department of revenue and other state agencies, 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))~~ (15) 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))~~ (16) Upon failure to respond to the ~~((board))~~ WSLCB licensing and regulation division's requests for information and/or documentation 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 314-55-035 What persons or entities have to qualify for a marijuana license? A marijuana 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.
Limited partnership, limited liability partnership, or limited liability limited partnership	<ul style="list-style-type: none"> All general partners and their spouses. All limited partners and spouses.
Limited liability company	<ul style="list-style-type: none"> All members and their spouses. All managers and their spouses.
Privately held corporation	<ul style="list-style-type: none"> All corporate officers (or persons with equivalent title) and their spouses. All stockholders and their spouses.

True party of interest	Persons to be qualified
Publicly held corporation	<p>All corporate officers (or persons with equivalent title) and their spouses.</p> <p>All stockholders and their spouses.</p>
Multilevel ownership structures	All persons and entities that make up the ownership structure (and their spouses).
Any entity or person (inclusive of financiers) that are expecting a percentage of the profits in exchange for a monetary loan or expertise. <u>Financial institutions are not considered true parties of interest.</u>	<p>Any entity or person 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.</p> <p>Any entity or person who exercises control over the licensed business in exchange for money or expertise.</p> <p>For the purposes of this chapter:</p> <ul style="list-style-type: none"> "Gross profit" includes the entire gross receipts from all sales and services made in, upon, or from the licensed business. "Net profit" means gross sales minus cost of goods sold.
Nonprofit corporations	All individuals and spouses, and entities having membership rights in accordance with the provisions of the articles of incorporation or the bylaws.

(2) For purposes of this section, "true party of interest" does not mean:

(a) A person or entity receiving reasonable payment for rent on a fixed 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 pre-bonus 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.

(3) **Financiers** - The ((board)) WSLCB will conduct a financial investigation as well as a criminal background of financiers.

(4) **Persons who exercise control of business** - The ((board)) WSLCB will conduct an investigation of any person or entity who exercises any control over the applicant's business operations. This may include both a financial investigation and/or a criminal history background.

(5) After licensure, a true party of interest, including financiers, must continue to disclose the source of funds for all moneys invested in the licensed business. The WSLCB must approve these funds prior to investing them into the business.

AMENDATORY SECTION (Amending WSR 15-11-107, filed 5/20/15, effective 6/20/15)

WAC 314-55-040 What criminal history might prevent a marijuana license applicant from receiving or keeping a marijuana license? (1) When the ((board)) WSLCB processes a criminal history check on an applicant, it uses a point system to determine if the person qualifies for a license. The ((board)) WSLCB 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)) WSLCB will hold the application for the disposition of the case. If the disposition is not settled within ninety days, the ((board)) WSLCB will administratively close the application.

(3) The ((board)) WSLCB 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.

(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)) WSLCB within fourteen days.

AMENDATORY SECTION (Amending WSR 13-21-104, filed 10/21/13, effective 11/21/13)

WAC 314-55-045 What marijuana law or rule violation history might prevent an applicant from receiving a marijuana license? The ((board)) WSLCB will conduct an investigation of all applicants' marijuana law or rule administrative violation history. The ((board)) WSLCB will not normally issue a marijuana license to a person, or to an entity with a true party of interest, who has the following violation history; or to any person who has demonstrated a pattern of disregard for laws or rules.

Violation Type (see WAC 314-55-515)	Period of Consideration
<ul style="list-style-type: none"> Three or more public safety violations; 	<ul style="list-style-type: none"> Violations issued within three years of the date the application is received by the board's licensing and regulation division.
<ul style="list-style-type: none"> Four or more regulatory violations; or 	
<ul style="list-style-type: none"> One to four, or more license violations. 	<ul style="list-style-type: none"> Violations issued within the last three years the true party(ies) of interest were licensed.

AMENDATORY SECTION (Amending WSR 14-06-108, filed 3/5/14, effective 4/5/14)

WAC 314-55-050 Reasons the ((board)) WSLCB may seek denial, suspension, or cancellation of a marijuana license application or license. Following is a list of reasons the ((board)) WSLCB may deny, suspend, or cancel a marijuana license application or license. Per RCW 69.50.331, the ((board)) WSLCB has broad discretionary authority to approve or deny a marijuana license application for reasons including, but not limited to, the following:

(1) Failure to meet qualifications or requirements for the specific marijuana producer, processor, or retail license, as outlined in this chapter and chapter 69.50 RCW.

(2) Failure or refusal to submit information or documentation requested by the ~~((board))~~ WSLCB during the evaluation process.

(3) The applicant makes a misrepresentation of fact, or fails to disclose a material fact to the ~~((board))~~ WSLCB during the application process or any subsequent investigation after a license has been issued.

(4) Failure to meet the criminal history standards outlined in WAC 314-55-040.

(5) Failure to meet the marijuana law or rule violation history standards outlined in WAC 314-55-045.

(6) The source of funds identified by the applicant to be used for the acquisition, startup and operation of the business is questionable, unverifiable, or determined by the ~~((board))~~ WSLCB to be gained in a manner which is in violation by law.

(7) Denies the ~~((board))~~ WSLCB or its authorized representative access to any place where a licensed activity takes place or fails to produce any book, record or document required by law or ~~((board))~~ WSLCB rule.

(8) Has been denied or had a marijuana license or medical marijuana license suspended or canceled in another state or local jurisdiction.

(9) Where the city, county, tribal government, or port authority has submitted a substantiated objection per the requirements in RCW 69.50.331 (7) and ~~((9))~~ (10).

(10) The ~~((board))~~ WSLCB shall not issue a new marijuana license if the proposed licensed business is within one thousand feet of the perimeter of the grounds of any of the following entities. The distance shall be measured as the shortest straight line distance from the property line of the proposed building/business location to the property line of the entities listed below:

- (a) Elementary or secondary school;
- (b) Playground;
- (c) Recreation center or facility;
- (d) Child care center;
- (e) Public park;
- (f) Public transit center;
- (g) Library; or
- (h) Any game arcade (where admission is not restricted to persons age twenty-one or older).

(11) A city or county may by local ordinance permit the licensing of marijuana businesses within one thousand feet but not less than one hundred feet of the facilities listed in subsection (10) of this section except elementary and secondary schools, and playgrounds.

If a licensee applies for a marijuana license at a location less than one thousand feet of a recreation center or facility, child care center, public park, public transit center, library, or game arcade, the licensee must provide the WSLCB with a copy of the local ordinance that describes the distance required by the city or county the facility will be located.

(12) Has failed to pay taxes or fees required under chapter 69.50 RCW or failed to provide production, processing, inventory, sales and transportation reports to documentation required under this chapter.

~~((12))~~ (13) Failure to submit an attestation that they are current in any tax obligations to the Washington state department of revenue.

~~((13))~~ (14) Has been denied a liquor license or had a liquor license suspended or revoked in this or any other state.

~~((14))~~ (15) The operating plan does not demonstrate, to the satisfaction of the ~~((board))~~ WSLCB, the applicant is qualified for a license.

~~((15))~~ (16) Failure to operate in accordance with the ~~((board))~~ WSLCB approved operating plan.

~~((16))~~ (17) The ~~((board))~~ WSLCB determines the issuance of the license will not be in the best interest of the welfare, health, or safety of the people of the state.

AMENDATORY SECTION (Amending WSR 13-21-104, filed 10/21/13, effective 11/21/13)

WAC 314-55-070 Process if the ~~((board))~~ WSLCB denies a marijuana license application. If the ~~((board))~~ WSLCB denies a marijuana 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 date on the final order of denial.

AMENDATORY SECTION (Amending WSR 15-11-107, filed 5/20/15, effective 6/20/15)

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. An outdoor grow must be physically separated at least twenty feet from another licensed outdoor grow. Outdoor grows cannot share common walls or fences.

(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))~~ WSLCB 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))~~ WSLCB 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))~~ WSLCB. The ~~((board))~~ WSLCB may reopen the marijuana producer application window after the initial evaluation of the applications received and at subsequent times when the ~~((board))~~ WSLCB 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))~~ will be imposed at a later date. 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))~~ WSLCB 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))~~ WSLCB 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))~~ WSLCB may reduce the tier of licensure.

(8) If the total amount of square feet of marijuana production exceeds ~~((two million))~~ the maximum square feet, the ~~((board))~~ WSLCB 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 15-11-107, filed 5/20/15, effective 6/20/15)

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 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 label and packaging approval from the ~~((liquor control board))~~ WSLCB for all marijuana-infused products ~~((, labeling, and packaging))~~ meant for ingestion 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))~~ WSLCB for approval.

If the ~~((liquor control board))~~ WSLCB 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) With the exception of the marijuana, all ingredients used in making marijuana-infused products for oral ingestion must be a commercially manufactured food as defined in WAC 246-215-01115.

(5) 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))~~ (6) 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))~~ (7) A marijuana processor is limited in the types of food or drinks they may infuse with marijuana. Marijuana-infused products that require cooking or baking by the consumer are prohibited. 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, potentially hazardous foods as defined in WAC 246-215-01115 may not be infused with marijuana. Potentially hazardous foods require time-temperature control to keep them safe for human consumption and prevent the growth of pathogenic microorganisms or the production of toxins. Any food that requires refrigeration, freezing, or a hot holding unit to keep it safe for human consumption may not be infused with marijuana.

(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))~~ WSLCB may designate other food items that may not be infused with marijuana.

~~((7))~~ (8) The recipe for any marijuana-infused solid or liquid products meant to be ingested orally must be kept on file at the marijuana processor's licensed premises and made available for inspection by the ~~((liquor control board))~~ WSLCB or its designee.

~~((8))~~ (9) 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.

~~((9))~~ (10) The annual fee for issuance and renewal of a marijuana processor license is one thousand dollars. The ~~((board))~~ WSLCB 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.

~~((10))~~ (11) 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) and (11) must pass a processing facility inspection. Ongoing annual processing facility compliance inspections may be required. The ~~((liquor control board))~~ WSLCB 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))~~ WSLCB 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 fol-

low the processing facility requirements outlined in this section and WAC 314-55-015 will be sufficient grounds for the ~~((board))~~ WSLCB to suspend or revoke a marijuana license.

~~((11))~~ (12) The ~~((board))~~ WSLCB 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))~~ WSLCB. The ~~((board))~~ WSLCB 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))~~ WSLCB deems necessary.

~~((12))~~ (13) A currently licensed marijuana producer may submit an application to add a marijuana processor license at the location of their producer license providing they do not already hold three processor licenses.

(14) Any entity and/or principals within any entity are limited to no more than three marijuana processor licenses.

~~((13))~~ (15) Marijuana processor licensees are allowed to have a maximum of six months of their average usable marijuana and six months average of their total production on their licensed premises at any time.

~~((14))~~ (16) 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 15-11-107, filed 5/20/15, effective 6/20/15)

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-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))~~ WSLCB 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 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 ~~((only))~~ accept returns of open marijuana products ~~((containing defective electronic components))~~. Products must be returned in their original packaging with the lot, batch, or inventory ID number fully legible.

NEW SECTION

WAC 314-55-080 Medical marijuana endorsement.

(1) A medical marijuana endorsement added to a marijuana retail license allows the marijuana retail licensee to:

(a) Sell marijuana for medical use to qualifying patients and designated providers; and

(b) Provide marijuana at no charge, at their discretion, to qualifying patients and designated providers.

(2) To maintain a medical marijuana endorsement in good standing, a marijuana retailer must:

(a) Follow all rules adopted by the department of health regarding retail sales of medical marijuana;

(b) Have a consultant on staff in accordance with department of health rules;

(c) Prohibit the medical use of marijuana by anyone at the retail outlet at all times, including medical use by qualifying patients;

(d) Maintain at all times, a representative assortment of marijuana products necessary to meet the needs of qualified patients and designated providers;

(e) Not market marijuana concentrates, usable marijuana, or marijuana-infused products in a way that make them especially attractive to minors;

(f) Demonstrate the ability to enter qualifying patients and designated providers in the medical marijuana authorization data base established by the department of health;

(g) Issue recognition cards and agree to enter qualifying patients and designated providers into the data base in compliance with the department of health standards;

(h) Keep copies of the qualifying patient's or designated provider's recognition card or equivalent records to document the validity of tax exempt sales for a minimum of three years;

(i) Train employees on the following:

(i) Procedures regarding the recognition of valid authorizations and the use of equipment to enter qualifying patients and designated providers into the medical marijuana authorization data base;

(ii) Recognition of valid recognition cards; and

(iii) Recognition of strains, varieties, THC concentration, CBD concentration, and THC to CBD ratios of marijuana concentrates, usable marijuana, and marijuana-infused products available for sale when assisting qualifying patients and designated providers at the retail outlet.

(3) A marijuana retailer holding a medical marijuana endorsement may sell products with a THC concentration of 0.3 percent or less. The licensee may also provide these products at no charge to qualifying patients or designated providers.

(4) **Unlicensed practice of medicine.** No owner, employee, or volunteer of a retail outlet and holding a medical marijuana endorsement may:

(a) Offer or undertake to diagnose or cure any human or animal disease, ailment, injury, infirmity, deformity, pain, or other condition, physical or mental, real or imaginary, by use of marijuana products or any other means or instrumentality; or

(b) Recommend or suggest modification or elimination of any course of treatment that does not involve the medical use of marijuana products.

(5) Failure to comply with subsections (3) and (4) of this section may result in suspension or revocation of the medical marijuana endorsement.

AMENDATORY SECTION (Amending WSR 13-21-104, filed 10/21/13, effective 11/21/13)

WAC 314-55-081 Who can apply for a marijuana retailer license? (1) The WSLCB may accept applications for marijuana retail licenses at time frames published on its web site at lcb.wa.gov. Using estimated consumption data and population data obtained from the office of financial management (OFM) population data, the ~~((liquor control board))~~ WSLCB will determine the maximum number of marijuana retail locations per county.

The number of retail locations will be determined using a method that distributes the number of locations proportionate to the most populous cities within each county ~~((Locations not assigned to a specific city will be at large. At large locations can be used for unincorporated areas in the county or in cities within the county that have no retail licenses designated. Once the number of locations per city and at large have been identified, the eligible applicants will be selected by lottery in the event the number of applications exceeds the allotted amount for the cities and county. Any lottery conducted by the board will be witnessed by an independent third party))~~ and to accommodate the medical needs of qualifying patients and designated providers. Locations not assigned to a specific city will be at large. At large locations can be used for unincorporated areas in the county or in cities within the county that have no retail licenses designated.

(2) The number of ~~((marijuana))~~ retail licenses determined by the board can be found on the ~~((liquor control board))~~ WSLCB web site at ~~((www.liq.wa.gov))~~ lcb.wa.gov.

(3) Any entity and/or principals within any entity are limited to no more than three retail marijuana licenses ~~((with no multiple location licensee allowed more than thirty-three percent of the allowed licenses in any county or city.~~

~~((4) The board will initially limit the opportunity to apply for a marijuana retailer license to a thirty-day calendar window beginning with the effective date of this section. In order for a marijuana retailer license application 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 retailer application window after the initial evaluation of the applications received and at subsequent times when the board deems necessary)).~~

AMENDATORY SECTION (Amending WSR 13-21-104, filed 10/21/13, effective 11/21/13)

WAC 314-55-082 Insurance requirements. Marijuana licensees shall provide insurance coverage as set out in this section. The intent of the required insurance is to protect the consumer should there be any claims, suits, actions, costs, damages or expenses arising from any negligent or intentional act or omission of the marijuana licensees. Marijuana licensees shall furnish evidence in the form of a certificate of insurance satisfactory to the ~~((board))~~ WSLCB that insurance, in the following kinds and minimum amounts, has been secured. Failure to provide proof of insurance, as required, may result in license cancellation.

(1) **Commercial general liability insurance:** The licensee shall at all times carry and maintain commercial general liability insurance and if necessary, commercial umbrella insurance for bodily injury and property damage arising out of licensed activities. This insurance shall cover such claims as may be caused by any act, omission, or negligence of the licensee or its officers, agents, representatives, assigns, or servants. The insurance shall also cover bodily injury, including disease, illness and death, and property damage arising out of the licensee's premises/operations, products, and personal injury. The limits of liability insurance shall not be less than one million dollars.

(2) **Insurance carrier rating:** The insurance required in subsection (1) of this section shall be issued by an insurance company authorized to do business within the state of Washington. Insurance is to be placed with a carrier that has a rating of A - Class VII or better in the most recently published edition of *Best's Reports*. If an insurer is not admitted, all insurance policies and procedures for issuing the insurance policies must comply with chapters 48.15 RCW and 284-15 WAC.

(3) **Additional insured.** The ~~((board))~~ state and its employees, agents, and volunteers shall be named as an additional insured on all general liability, umbrella, and excess insurance policies. All policies shall be primary over any other valid and collectable insurance.

AMENDATORY SECTION (Amending WSR 15-11-107, filed 5/20/15, effective 6/20/15)

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 licensees and 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 and engaged in the transportation of marijuana. The identification badge must list the licensee's trade name and include the person's full and legal name and photograph. All licensees and employees must have their state issued identification available to verify the information on their badge is correct.

(a) All nonemployee 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.

(b) 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.

(c) 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))~~ WSLCB employee or law enforcement officer, and must be copied and provided to the ~~((liquor control board))~~ WSLCB or law enforcement officer upon request.

(d) Employees, visitors, and other persons at a marijuana licensed premises, including persons engaged in the transportation of marijuana, must provide identification to a WSLCB 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 640 x 470 pixels or pixel equivalent for analog. The surveillance system storage device and/or the cameras must be internet protocol (IP) compatible. 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))~~ WSLCB employee or law enforcement officer, and must be copied and provided to the ~~((liquor control board))~~ WSLCB 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) 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 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 quarantine period can the product be handled or moved under any circumstances and is subject to auditing by the ~~((liquor control board))~~ WSLCB or designees.

(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))~~ WSLCB. 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))~~ WSLCB:

(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 marijuana plants, seeds, plant tissue cultures, or lots of marijuana 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;))~~ All marijuana plants eight or more inches in height or width must be physically tagged and tracked individually;

(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 marijuana, usable marijuana, marijuana-infused products, marijuana concentrates, seeds, plant tissue, clone lots, and marijuana waste must be physically tagged with the sixteen digit identification number generated by the traceability system and tracked;

~~((l))~~ (l) All point of sale records;

~~((m))~~ (m) Marijuana excise tax records;

~~((n))~~ (n) 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;

~~((o))~~ (o) All free samples provided to another licensee for purposes of negotiating a sale;

~~((p))~~ (p) All samples used for testing for quality by the producer or processor;

~~((q))~~ (q) Samples containing usable marijuana provided to retailers;

~~((r))~~ (r) Samples provided to the ~~((board))~~ WSLCB or their designee for quality assurance compliance checks; and

~~((s))~~ (s) 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, clones, seeds, and plant tissue cultures 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 (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 314-55-084 Production of marijuana. (1) Only the following specified soil amendments, fertilizers, other crop production aids, and pesticides may be used in the production of marijuana:

~~((1))~~ (a) Pesticides registered by WSDA under chapter 15.58 RCW as allowed for use in the production, processing, and handling of marijuana. Pesticides must be used consistent with the label requirements.

~~((2))~~ (b) Commercial fertilizers registered by WSDA under chapter 15.54 RCW.

~~((3))~~ (c) Potting soil, crop production aids, soil amendments, and other growing media available commercially in the state of Washington may be used in marijuana production. Producers growing outdoors are not required to meet land eligibility requirements outlined in 7 C.F.R. Part 205.202.

(2) Examples of prohibited products:

(a) The use of products containing plant growth regulators not allowed for use on food crops including, but not limited to, any of the following ingredients, is prohibited:

- Ancymidol
- Chlormequat chloride
- Clofencet
- Colchicine
- Colloidal silver
- Daminozide
- Dikegulac-sodium
- Flumetralin
- Flurprimidol
- Paclobutrazol

(b) The use of vitamin-hormone products not intended for use on food crops is prohibited.

(c) The use of products containing the insecticide DDVP (Dichlorvos) is prohibited in all areas where marijuana is being grown or processed.

(3) Soil amendments, fertilizers, growing media, other crop production aids, and pesticides that do not conform to subsections (1) and (2) of this section cannot be used, kept, or stored on the licensed premises.

(4) The following marijuana and marijuana products are subject to seizure and destruction:

(a) Marijuana exposed to unauthorized soil amendments or fertilizers; and

(b) Marijuana with detectable levels of unauthorized pesticides or plant growth regulators.

AMENDATORY SECTION (Amending WSR 15-11-107, filed 5/20/15, effective 6/20/15)

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)~~ WSLCB 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 delivery. 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))~~ WSLCB containing all information required by the ~~((board))~~ WSLCB 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, a transportation licensee, or a certified testing lab may transport product and/or occupy a transporting vehicle;

(b) Drivers and/or occupants of a transporting vehicle must be twenty-one years of age or older;

(c) Marijuana or marijuana products must be in a sealed package or container approved by the ~~((board))~~ WSLCB pursuant to WAC 314-55-105;

~~((e))~~ (d) Sealed packages or containers cannot be opened during transport;

~~((f))~~ (e) Marijuana or marijuana products must be in a locked, safe and secure storage compartment that is secured to the inside body/compartment of the vehicle transporting the marijuana or marijuana products;

~~((g))~~ (f) 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;

~~((h))~~ (g) Live plants may be transported in a fully enclosed, windowless locked trailer, or in a secured area within the inside body/compartment 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))~~ Transport vehicles are subject to inspection by enforcement officers of the ~~((liquor control board))~~ WSLCB. Vehicles assigned for transportation may be stopped and inspected by a ~~((liquor))~~ WSLCB enforcement officer at any licensed location, or while en route during transportation.

(7) All marijuana plants, clones, seeds, lots, batches, intermediate products, end products, vendor samples, and sample jars must remain physically tagged during transport.

AMENDATORY SECTION (Amending WSR 15-11-107, filed 5/20/15, effective 6/20/15)

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:	Require location of sign
<u>Medical marijuana retailer</u>	<u>"Persons under twenty-one years of age not permitted on these premises without a valid qualifying patient card. Juvenile qualifying patients must be accompanied by their designated provider at all times."</u>	<u>Conspicuous location at each entry to premises.</u>
<u>Marijuana retailer</u>	<u>"Warning: This product has intoxicating effects and may be habit forming. Smoking is hazardous to your health." "There may be health risks associated with consumption of this product." "Should not be used by women that are pregnant or breast feeding." "Marijuana can impair concentration, coordination, and judgment. Do not operate a vehicle or machinery under the influence of this drug."</u>	<u>At each point of sale.</u>
<u>Marijuana producer, marijuana processor, and marijuana retailer</u>	<u>"Persons under twenty-one years of age not permitted on these premises."</u>	<u>Conspicuous location at each entry to premises.</u>

The ~~((board))~~ WSLCB 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))~~ WSLCB prohibiting opening a package of marijuana or marijuana-infused product in public or consumption of marijuana or mari-**

juana-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))~~ WSLCB enforcement officers.

(4) Firearms prohibited signs provided by the ~~((board))~~ WSLCB must be posted at the entrance of each producer, processor, and retailer licensed location.

AMENDATORY SECTION (Amending WSR 13-21-104, filed 10/21/13, effective 11/21/13)

WAC 314-55-087 What are the recordkeeping requirements for marijuana licensees? (1) Marijuana licensees are responsible to keep records that clearly reflect all financial transactions and the financial condition of the business. The following records must be kept and maintained on the licensed premises for a three-year period and must be made available for inspection if requested by an employee of the ~~((liquor control board))~~ WSLCB:

(a) Purchase invoices and supporting documents, to include the items and/or services purchased, from whom the items were purchased, and the date of purchase;

(b) Bank statements and canceled checks for any accounts relating to the licensed business;

(c) Accounting and tax records related to the licensed business and each true party of interest;

(d) Records of all financial transactions related to the licensed business, including contracts and/or agreements for services performed or received that relate to the licensed business;

(e) All employee records~~(s)~~ to include, but not limited to, training, payroll, and date of hire;

(f) Records of each daily application of pesticides applied to the marijuana plants or growing medium. For each application, the producer shall record the following information on the same day the application is made:

(i) Full name of each employee who applied the pesticide;

(ii) The date the pesticide was applied;

(iii) The name of the pesticide or product name listed on the registration label which was applied;

(iv) The concentration and total amount of pesticide per plant; and

(v) For outdoor production, the concentration of pesticide that was applied to the field. Liquid applications may be recorded as, but are not limited to, amount of product per one hundred gallons of liquid spray, gallons per acre of output volume, ppm, percent product in tank mix (e.g., one percent). For chemigation applications, record "inches of water applied" or other appropriate measure.

(g) Soil amendment, fertilizers, or other crop production aids applied to the growing medium or used in the process of growing marijuana;

(h) Production and processing records, including harvest and curing, weighing, destruction of marijuana, creating batches of marijuana-infused products and packaging into lots and units;

(i) Records of each batch of extracts or infused marijuana products made, including at a minimum, the lots of usable marijuana or trim, leaves, and other plant matter used (including the total weight of the base product used), any solvents or other compounds utilized, and the product type and the total weight of the end product produced, such as hash oil, shatter, tincture, infused dairy butter, etc.;

(j) Transportation records as described in WAC 314-55-085;

(k) Inventory records;

(l) All samples sent to an independent testing lab and the quality assurance test results;

(m) All free samples provided to another licensee for purposes of negotiating a sale;

(n) All samples used for testing for quality by the producer or processor;

(o) Sample jars containing usable marijuana provided to retailers; and

(p) Records of any theft of marijuana seedlings, clones, plants, trim or other plant material, extract, marijuana-infused product, or other item containing marijuana.

(q) Records of any marijuana product provided free of charge to qualifying patients or designated providers.

(2) If the marijuana licensee keeps records within an automated data processing (ADP) and/or point-of-sale (POS) system, the system must include a method for producing legible records that will provide the same information required of that type of record within this section. The ADP and/or POS system is acceptable if it complies with the following guidelines:

(a) Provides an audit trail so that details (invoices and vouchers) underlying the summary accounting data may be identified and made available upon request.

(b) Provides the opportunity to trace any transaction back to the original source or forward to a final total. If print-outs of transactions are not made when they are processed, the system must have the ability to reconstruct these transactions.

(c) Has available a full description of the ADP and/or POS portion of the accounting system. This should show the applications being performed, the procedures employed in each application, and the controls used to ensure accurate and reliable processing.

(3) The provisions contained in subsections (1) and (2) of this section do not eliminate the requirement to maintain source documents, but they do allow the source documents to be maintained in some other location.

AMENDATORY SECTION (Amending WSR 15-11-107, filed 5/20/15, effective 6/20/15)

WAC 314-55-089 What are the tax and reporting requirements for marijuana licensees? (1) Marijuana producer and marijuana processor licensees must submit monthly report(s) to the WSLCB. Marijuana retailer licens-

ees must submit monthly report(s) and payments to the ((board)) WSLCB. The required monthly reports must be:

(a) On a form or electronic system designated by the ((board)) WSLCB;

(b) Filed every month, including months with no activity or payment due;

(c) Submitted, with payment due, to the ((board)) WSLCB 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)) WSLCB.~~

(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)) WSLCB.~~

(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)) WSLCB.

A marijuana retailer licensee must ((pay)) collect from the buyer and remit to the ((board)) WSLCB a marijuana excise tax of ((twenty-five)) thirty-seven percent of the selling price on each retail sale of usable marijuana, marijuana concentrates, and marijuana-infused products.

AMENDATORY SECTION (Amending WSR 14-10-044, filed 4/30/14, effective 5/31/14)

WAC 314-55-092 What if a marijuana licensee fails to report or pay, or reports or pays late? (1) If a marijuana licensee does not submit its monthly reports and/or payment(s) to the ((board)) WSLCB as required in WAC 314-55-089: The licensee is subject to penalties.

Penalties: A penalty of two percent per month will be assessed on any payments postmarked after the twentieth day of the month following the month of sale. When the twentieth day of the month falls on a Saturday, Sunday, or a legal holi-

day, the filing must be postmarked by the U.S. Postal Service no later than the next postal business day. Absent a postmark, the date received at the ((liquor control board)) WSLCB or authorized designee, will be used to assess the penalty of two percent per month on payments received after the twentieth day of the month following the month of sale.

(2) Failure to make a report and/or pay the license taxes and/or penalties in the manner and dates outlined in WAC 314-55-089 will be sufficient grounds for the ((board)) WSLCB to suspend or revoke a marijuana license.

AMENDATORY SECTION (Amending WSR 15-11-107, filed 5/20/15, effective 6/20/15)

WAC 314-55-095 Marijuana servings and transaction limitations. ((~~Marijuana dosage~~)) (1) For persons age twenty-one and older and qualifying patients or designated providers who are not entered into the medical marijuana authorization data base, marijuana serving and transaction limitations are as follows:

((~~(1)~~)) (a) **Single serving.** A single serving of a marijuana-infused product must not exceed ten milligrams active tetrahydrocannabinol (THC), or Delta 9.

((~~(2)~~)) (b) **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 concentrate cannot exceed one gram.

((~~(3)~~)) (c) **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 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~~)).

(2) For qualifying patients and designated providers who are entered into the medical marijuana authorization data base, serving and transaction limits are as follows:

(a) **Single serving.** Except as provided in chapter 246-70 WAC, a single serving of a marijuana-infused product must not exceed ten milligrams active tetrahydrocannabinol (THC), or Delta 9.

(b) **Maximum number of servings.** Except as provided in chapter 246-70 WAC, the maximum number of servings in any one single unit of marijuana-infused product meant to be eaten, swallowed or applied is ten servings or one hundred milligrams of active THC, or Delta 9. A single unit of marijuana concentrate cannot exceed one gram.

(c) **Transaction limitation.** A single transaction by a retail store with a medical marijuana endorsement to a qualifying patient or designated provider who is entered into the medical marijuana data base is limited to three ounces of usable marijuana, forty-eight ounces of marijuana-infused product meant to be eaten or swallowed in solid form, twenty-one grams of marijuana-infused extract or marijuana concentrate for inhalation, and two hundred sixteen ounces of marijuana-infused product in liquid form meant to be eaten or swallowed.

NEW SECTION

WAC 314-55-096 Samples. (1) **Vendor samples:** Producers or processors may provide free samples of usable marijuana, marijuana-infused products, and marijuana concentrates in order to negotiate a sale. All sample limits are based on calendar months. The producer or processor must record the amount of each sample and the processor or 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.

(a) Producers may not provide any one licensed processor more than eight grams of marijuana flower per month free of charge for the purpose of negotiating a sale.

(b) Processors may not provide any one licensed retailer more than eight grams of usable marijuana per month free of charge for the purpose of negotiating a sale.

(c) Processors may not provide any one licensed retailer more than eight units of marijuana-infused products in solid form per month free of charge for the purpose of negotiating a sale. No single sample may exceed 10 mg of THC.

(d) Processors may not provide any one licensed retailer more than eight units of marijuana-infused product in liquid form per month free of charge for the purpose of negotiating a sale. No single sample may exceed 10 mg of THC.

(e) Processors may not provide any one licensed retailer more than two units of marijuana-infused extract meant for inhalation or infused marijuana mix per month free of charge for the purpose of negotiating a sale. No single sample may exceed 0.5 g.

(f) A marijuana producer must make quality assurance test results available to any processor receiving samples to negotiate a sale. The producer must also provide a statement that discloses all pesticides applied to the marijuana plants and growing medium during production.

(g) A marijuana processor must make quality assurance test results available to any retailer receiving samples to negotiate a sale. If a marijuana extract was added to the product, the processors must disclose 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.

(2) **Vendor sample labeling:** All vendor samples must be clearly labeled as a vendor sample and meet all labeling requirements of the product to be sampled.

(a) Sixteen digit identification number generated by the traceability system;

(b) The UBI number of the licensed entity providing the sample; and

(c) Weight of the product.

(3) **Education sampling.** Processors may provide free samples of usable marijuana, marijuana-infused products, and marijuana concentrates to retail licensees to give to their budtender employees for educational purposes. 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 "budtender sample" and recorded on a transport manifest. All budtender employees at a licensed retail location must be entered into the traceability

system for the purpose of distributing education samples. Prior to sampling the receiving retailer must accept the sample in the traceability system, and distribute the education sample to the retail employee.

(a) All education samples are limited to a total of ten units per budtender employee per month, with a maximum of one hundred units per retail location per calendar month.

(b) The maximum size of samples for education are:

(i) Usable marijuana, marijuana mix, and infused marijuana mix - One unit not to exceed .5 g

(ii) Marijuana infused solid or liquid product meant to be eaten or swallowed - One unit not to exceed 10 mg THC

(iii) Marijuana-infused extract for inhalation - One unit not to exceed .25 g

(c) Products being sampled must be carried by the licensed retail premises.

(d) Distribution and consumption of all educational samples is limited to retail employees who directly sell product to retail customers. Retail employees who are not involved in direct sales to customers are not eligible for education samples.

(e) A marijuana processor must make quality assurance test results available to any retailer receiving education samples. If a marijuana extract was added to the product, the processors must disclose 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.

(f) Education sample labeling: All education samples must be clearly labeled as "budtender" samples and include the following information on the label:

(i) Sixteen digit identification number generated by the traceability system;

(ii) The UBI number and trade name of the licensed entity providing the sample;

(iii) Product name or strain name for usable marijuana;

(iv) Weight of the product; and

(v) Potency.

(4) A marijuana processor is not required to provide free samples to negotiate a sale or educational samples to a marijuana retail licensee, and a marijuana retail licensee may not require a marijuana processor to provide free sample to negotiate a sale or educational samples as a condition for purchasing the marijuana processor's products.

(5) Marijuana retail licensees may not provide educational samples to their budtender employees as a form of compensation.

(6) **Internal quality control sampling:** Producers and processors may conduct limited self-sampling for quality control. All sample limits are based on calendar months. Sampling for quality control may not take place at a licensed premises. Only the producer, processor, or employees of the licensee may sample the marijuana flower, usable marijuana, marijuana-infused products, marijuana concentrates, and edible marijuana-infused product. The producer or processor must record the amount of each sample and the employee(s) conducting the sampling in the traceability system.

(a) Producers may sample two grams of marijuana flower per strain, per month for quality sampling.

(b) Processors may sample one unit per batch of a new edible marijuana-infused product meant to be eaten or swallowed to be offered for sale on the market.

(c) Processors may sample up to one unit per batch of a new marijuana-infused extract for inhalation to be offered for sale on the market. No single sample may exceed 0.5 g.

(d) Processors may sample one unit per batch of a new marijuana mix packaged to be offered for sale on the market. No single sample may exceed 1 g.

(e) Processors may sample one unit per batch of a new infused marijuana mix to be offered for sale on the market. No sample may exceed 0.5 g.

(7) Retailers may not provide free samples to customers.

(8) Sample jars: 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 plastic or metal mesh screen must be sealed onto the container, and must be free of rips, tears, or holes greater than 2 mm in diameter. 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) Sample labeling: All vendor samples and sample jars must be labeled with the following:

(a) Sixteen digit identification number given by the traceability system;

(b) Information identifying whether it is a vendor sample or sample jar;

(c) The UBI number of the licensed entity providing the sample; and

(d) Weight of the product.

(10) A marijuana processor must make quality assurance test results available to any retailer receiving sample jars. The processor must also provide a statement that discloses all pesticides applied to the marijuana plants and growing medium during production.

If a marijuana extract was added to the product, the processor must disclose to the retailer 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.

(11) Transportation. Outgoing and return vendor samples and sample jars must adhere to the transportation requirements in WAC 314-55-085.

AMENDATORY SECTION (Amending WSR 15-11-107, filed 5/20/15, effective 6/20/15)

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~~) is designated 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 314-55-104).

(ii) Waste solvents used in the marijuana process (per WAC 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, 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~~) WSLCB to test for quality assurance that must be disposed of.

(iv) Other wastes as determined by the (~~LCB~~) WSLCB.

(b) A producer or processor must provide the (~~board~~) WSLCB 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~~) the WSLCB 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~~) WSLCB.

(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~~) WSLCB.

(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 13-21-104, filed 10/21/13, effective 11/21/13)

WAC 314-55-099 Standardized scales. (1) Marijuana producer and processor licensees must have at least one scale on the licensed premises for the traceability and inventory of products.

(2) The scales and other measuring devices are subject to chapter 19.94 RCW, and must meet the requirements of the most current version of chapter(s) 16-662 (~~and 16-664~~) WAC.

(3) Licensees must register scales on a business license application with business license services through the department of revenue as required under chapter 19.94 RCW.

NEW SECTION

WAC 314-55-101 Sampling protocols. (1)(a) To ensure that quality assurance samples submitted to certified third-party labs are representative from the lot or batch from which they were sampled as required in RCW 69.50.348, licensed producers, licensed processors, certified third-party laboratories, and their employees must adhere to the following minimum sampling protocols.

(b) Samples must be deducted in a way that is most representative of the lot or batch and maintains the structure of the marijuana sample. Licensees, certified third-party laboratories, and their employees may not adulterate or change in any way the representative sample from a lot or batch before submitting the sample to certified third-party laboratories.

This includes adulterating or changing the sample in any way as to inflate the level of potency, or to hide any microbiological contaminants from the required microbiological screening such as, but not limited to:

(i) Adulterating the sample with kief, concentrates, or other extracts;

(ii) Treating a sample with solvents to hide the microbial count of the lot or batch from which it was deducted. This is not meant to be construed as prohibiting the treatment of failed lots or batches with methods approved by the WSLCB; and

(iii) Pregrinding a flower lot sample.

(2) Sampling protocols for all marijuana product lots and batches: The deduction of all quality assurance samples must adhere to the following sampling protocols:

(a) All samples must be taken in a sanitary environment using sanitary practices and ensure 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.

(b) Persons taking samples must wash their hands prior to deducting samples from a lot or batch, wear gloves while preparing or deducting the lot or batch for sampling, and must use sanitary utensils and storage devices.

(c) Samples must be placed in a sterile plastic or glass container, and stored in a location that prevents the propagation of pathogens and other contaminants. This includes low light levels, mild temperatures, and low humidity environments.

(d) The licensee shall maintain the lot or batch from which the sample was deducted in a secure, cool, and dry location to prevent the marijuana from becoming contaminated or losing its efficacy.

(3) Additional sampling protocols for flower lots:

(a) Licensees or certified third-party labs are required to deduct four separate samples from each marijuana flower lot in order to ensure representativeness of the lot. The four samples must be of equal weight, not less than one gram each, and the cumulative weight of the four samples may not be more than the maximum allowed in WAC 314-55-102.

(b) The four separate samples must be taken from different quadrants of the flower lot. A quadrant is the division of a lot into four equal parts. This may be done visually or physically, but must be done in a manner that ensures the samples were deducted from four evenly distributed areas of the flower lot.

(c) The four separate samples may be placed together in a container that conforms to subsection (2) of this section for storage and transfer to a certified third-party lab.

(4) Certified third-party laboratories may reject a sample if they believe the sample was not collected in the manner required by this section, has been adulterated in any way, contaminated with known or unknown solvents, or was manipulated in a way that violates the sampling protocols.

(5) The WSLCB or its designee will take immediate disciplinary action against any licensee or certified third-party lab which fails to comply with the provisions of this section or falsifies records related to this section including, without

limitation, revoking the license or certificate of the licensed producer or processor, or certified third-party lab.

AMENDATORY SECTION (Amending WSR 15-11-107, filed 5/20/15, effective 6/20/15)

WAC 314-55-102 Quality assurance testing. (1) A third-party testing lab must be certified by the ~~((board))~~ WSLCB or their vendor as meeting the ~~((board's))~~ WSLCB's accreditation and other requirements prior to conducting required quality assurance tests. Certified labs will receive a certification letter from the ~~((board))~~ WSLCB and must conspicuously display this letter in the lab in plain sight of the customers. The ~~((board))~~ WSLCB can summarily suspend a lab's certification if a lab is found out of compliance with the requirements of ~~((WAC 314-55-102))~~ this chapter.

(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))~~ WSLCB 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))~~ WSLCB what alternative scien-

tifically valid testing methodology the lab is following for each quality assurance test. The ~~((board))~~ WSLCB 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))~~ WSLCB 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))~~ WSLCB 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))~~ WSLCB 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))~~ WSLCB. The ~~((board))~~ WSLCB or authorized third-party organization can conduct audits of a lab's GLPs, SOPs, QC/QA, and inspect all other related records.

(8) The WSLCB or its designee will take immediate disciplinary action against any certified third-party lab which fails to comply with the provisions of this chapter or falsifies records related to this section including, without limitation, revoking the certificate of the certified third-party lab.

(9) 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))~~ (10) 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
	Flower Lots and Other Material Lots	
Lots of marijuana flowers that will not be extracted	1. Moisture content 2. Potency analysis 3. Foreign matter inspection 4. Microbiological screening	7 grams

(b) Intermediate products must meet the following requirements:

(i) All intermediate products must be homogenized prior to quality assurance testing;

(ii) A batch for the purposes of this section is defined as a single run through the extraction or infusion process;

(iii) 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))~~ (iv) All batches of intermediate products require the following quality assurance tests:

Product	Test(s) Required Intermediate Products	Maximum Sample Size
Marijuana mix	1. Moisture content 2. Potency analysis 3. Foreign matter inspection 4. Microbiological screening	7 grams
Concentrate or extract <u>made with hydrocarbons</u> (solvent based 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. Microbiological screening (only if using flowers and other plant material that has not passed QA testing) 3. Residual solvent test	2 grams
Concentrate or extract made with a CO ₂ extractor like hash oil	1. Potency analysis 2. Microbiological screening (only if using flowers and other plant material that has not passed QA testing)	2 grams
Concentrate or extract made with ethanol	1. Potency analysis 2. Microbiological screening (only if using flowers and other plant material that has not passed QA testing)	2 grams
Concentrate or extract made with approved food grade solvent	1. Potency analysis 2. Microbiological screening (only if using flowers and other plant material that has not passed QA testing)	2 grams
Concentrate or extract (nonsolvent) such as ((keif)) <u>kief</u> , hashish, or bubble hash	1. Potency analysis 2. Microbiological ((screening (only if using flowers and other plant material that has not passed QA testing)))	2 grams
Infused cooking oil or fat in solid form	1. Potency analysis 2. Microbiological screening (only if using flowers and other plant material that has not passed QA testing)	2 grams

(c) All marijuana, marijuana-infused products, ~~((and))~~ marijuana concentrates, marijuana mix packaged, and marijuana mix infused sold from a processor to a retailer require the following quality assurance tests:

Product	Test(s) Required End Products	Maximum Sample Size
Infused solid edible	1. Potency <u>analysis</u>	1 unit
Infused liquid (like a soda or tonic)	1. Potency analysis	1 unit
Infused topical	1. Potency analysis	1 unit
Marijuana mix <u>packaged</u> (loose or rolled)	1. Potency analysis	2 grams
((Infused)) <u>Marijuana mix infused</u> (loose or rolled)	1. Potency analysis	2 grams
Concentrate or marijuana-infused product for inhalation	1. Potency analysis	1 unit

(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))~~ (11) Certified third-party labs may request additional sample material in excess of amounts listed in the table in subsection ~~((9))~~ (10) of this section for the purposes of completing required quality assurance tests. Labs certified as meeting the ~~((board's))~~ WSLCB'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))~~ (12) Labs certified as meeting the ~~((board's))~~ WSLCB'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))~~ (13) At the discretion of the ~~(board)~~ WSLCB, a producer or processor must provide an employee of the ~~(board)~~ WSLCB or their designee samples in the amount listed in subsection ~~((9))~~ (10) 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)~~ WSLCB. All costs of this testing will be borne by the producer or processor.

~~((13))~~ (14) 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))~~ (15) 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))~~ (16) Upon approval of the ~~(board)~~ WSLCB, a lot that fails a quality assurance test and the associated trim,

leaf and other usable material may be used to create extracts using hydrocarbon or CO₂ closed loop system. After processing, the CO₂ or hydrocarbon based extract must still pass all required quality assurance tests in WAC 314-55-102.

~~((16))~~ (17) At the request of the producer or processor, the ~~(board)~~ WSLCB 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))~~ (18) Labs must report all required quality assurance test results directly into ~~(LCB's)~~ the WSLCB'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.

AMENDATORY SECTION (Amending WSR 15-11-107, filed 5/20/15, effective 6/20/15)

WAC 314-55-103 Good laboratory practice checklist. A third-party testing lab must be certified by the ~~(Washington state liquor control board)~~ WSLCB~~(3))~~ or its vendor as meeting the ~~(board's)~~ WSLCB's accreditation and other requirements prior to conducting required quality assurance tests. The following checklist will be used by the ~~(board)~~ WSLCB 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	-	-	-	-	-

ORGANIZATION	Document Reference	Y	N	NA	Comments
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.	-	-	-	-	-
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.	-	-	-	-	-

HUMAN RESOURCES	Document Reference	Y	N	NA	Comments
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;	-	-	-	-	-
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;	-	-	-	-	-

STANDARD OPERATING PROCEDURES	Document Reference	Y	N	NA	Comments
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.	-	-	-	-	-
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 multiplug 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.	-	-	-	-	-

FACILITIES AND EQUIPMENT	Document Reference	Y	N	NA	Comments
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;	-	-	-	-	-
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:	-	-	-	-	-

FACILITIES AND EQUIPMENT	Document Reference	Y	N	NA	Comments
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.	-	-	-	-	-
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.	-	-	-	-	-

QA PROGRAM AND TESTING	Document Reference	Y	N	NA	Comments
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);	-	-	-	-	-
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.	-	-	-	-	-

QA PROGRAM AND TESTING	Document Reference	Y	N	NA	Comments
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;	-	-	-	-	-
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.	-	-	-	-	-

QA PROGRAM AND TESTING	Document Reference	Y	N	NA	Comments
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 15-11-107, filed 5/20/15, effective 6/20/15)

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)~~ WSLCB. 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 six hundred pounds per square inch. The CO₂ must be of at least ninety-nine percent purity.

(4) Closed loop systems for hydrocarbon or CO₂ extraction systems must be commercially manufactured and bear a permanently affixed and visible serial number.

(5) Certification from a licensed engineer must be provided to the ~~(liquor control board)~~ WSLCB for professional grade closed loop systems used by processors 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))~~ (6) The certification document must contain the signature and stamp of a professional engineer and the serial number of the ex-traction unit being certified.

(7) 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) Chapters 51-51 and 51-54A WAC;

~~(c)~~ National Fire Protection Association (NFPA) standards;

~~((e))~~ (d) International Building Code (IBC);

~~((d))~~ (e) International Fire Code (IFC); and

~~((e))~~ (f) 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))~~ (8) 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))~~ (9) 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))~~ (10) 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.

~~((9))~~ (11) 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.

~~((10))~~ (12) 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 15-11-107, filed 5/20/15, effective 6/20/15)

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))~~ certified third-party testing lab and results of the required quality assurance test for any usable marijuana, marijuana concentrate, or marijuana-infused product the customer is considering purchasing.

(4) Usable marijuana, marijuana concentrates, and marijuana-infused products ~~((may))~~ must 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))~~ certified 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. Hash marks on the bottle do not qualify as a measuring device. A measuring cap or dropper must be included in the package with the marijuana-infused liquid edible 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 and marijuana products when sold at retail must include accompanying material that ~~((contains))~~ is attached to the package or is given separately to the consumer containing 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 or marijuana products sold at retail must include:

- (a) The business or trade name and the sixteen digit Washington state unified business identifier number of the licensee that produced, processed and sold the ~~((usable))~~ marijuana or marijuana products. 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) ~~Sixteen digit~~ inventory ID number assigned by the ~~(liquor control board's)~~ WSLCB's traceability system. This must be the same number that appears on the transport manifest;

(c) ~~(Concentration of THC, (total THC and activated THC-A), and CBD;~~

~~(d))~~ Net weight in ounces and grams or volume as appropriate;

~~((e))~~ (d) 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 infused products; and

(e) If solvents were used, 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.

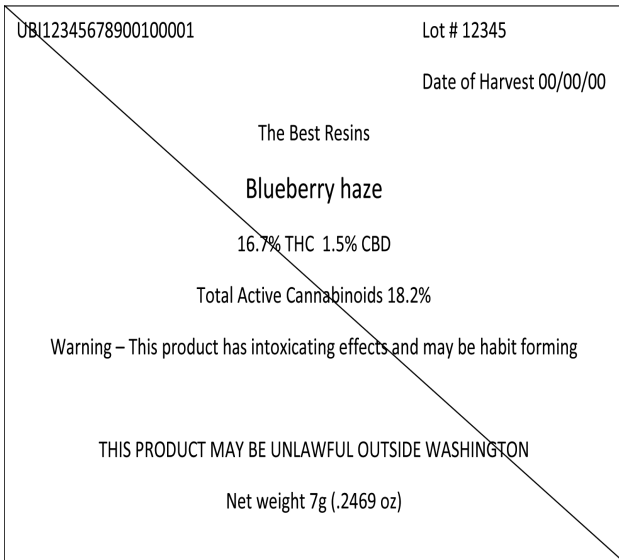
(f) Warnings that state: "This product has intoxicating effects and may be habit forming";

~~((f))~~ (g) Statement that "This product may be unlawful outside of Washington state";

~~((g))~~ Date of harvest; and)

(h) The ~~(board)~~ WSLCB 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:~~



~~(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 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) 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) Date manufactured;

(d) Best by date;

(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;

(f) Net weight in ounces and grams, or volume as appropriate;

(g) List of all ingredients and major food allergens as defined in the Food Allergen Labeling and Consumer Protection Act of 2004;

(h) "Caution: When eaten or swallowed, the intoxicating effects of this drug may be delayed by two or more hours.";

(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;

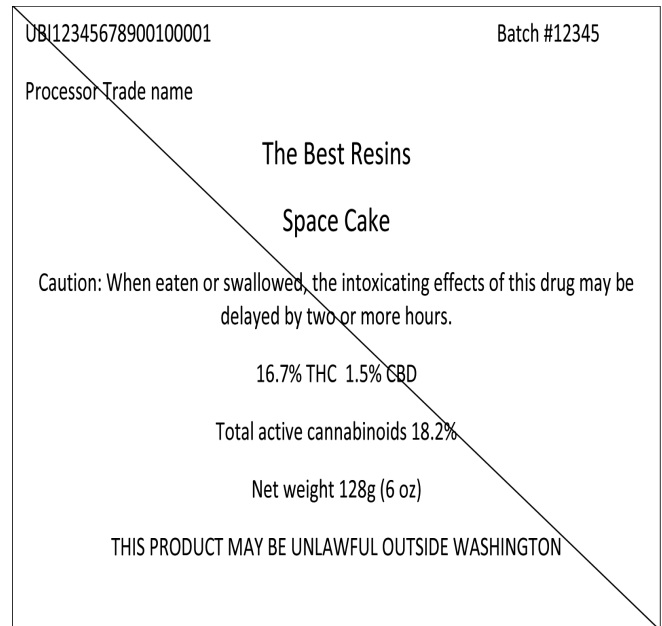
(j) Warnings that state: "This product has intoxicating effects and may be habit forming";

(k) Statement that "This product may be unlawful outside of Washington state";

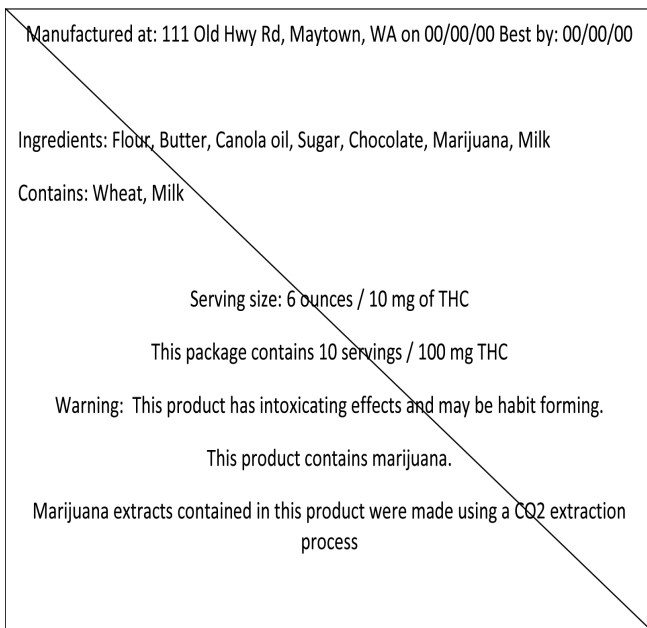
(l) The board may create a logo that must be placed on all usable marijuana and marijuana-infused products.

~~(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)



~~(Back of label)~~



~~(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 licensee 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;~~

~~(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.)~~

(13) In addition to requirements in subsection (10) of this section, labels affixed to the container or package containing usable marijuana, or packaged marijuana mix sold at retail must include:

(a) Concentration of THC (total THC and activated THC-A) and CBD (total CBD and activated CBD-A);

(b) Date of harvest.

(14) In addition to requirements in subsection (10) of this section, labels affixed to the container or package

containing marijuana-infused products meant to be eaten or swallowed sold at retail must include:

(a) Date manufactured;

(b) Best by date;

(c) Serving size and the number of servings contained within the unit;

(d) Total milligrams of active THC, or Delta 9 and total milligrams of active CBD;

(e) List of all ingredients and major food allergens as defined in the Food Allergen Labeling and Consumer Protection Act of 2004;

(f) "Caution: When eaten or swallowed, the intoxicating effects of this drug may be delayed by two or more hours."

(15) In addition to requirements in subsection (10) of this section, labels affixed to the container or package containing marijuana-infused extract for inhalation, or infused marijuana mix sold at retail must include:

(a) Date manufactured;

(b) Best by date;

(c) Concentration of THC (total Delta 9 and Delta 9 THC-A) and CBD (total CBD and activated CBD-A).

(16) In addition to requirements in subsection (10) of this section, labels affixed to the container or package containing marijuana topicals sold at retail must include:

(a) Date manufactured;

(b) Best by date;

(c) Total milligrams of active tetrahydrocannabinol (THC), or Delta 9 and total milligrams of active CBD.

(17) Other cannabinoids and terpenes may be included on the label if:

(a) The producer or processor has test results from a certified third-party lab to support the claim; and

(b) The lab results are made available to the consumer upon request.

NEW SECTION

WAC 314-55-107 Marijuana product compliance. A marijuana compliant product must meet all requirements in the department of health rules found in chapter 246-70 WAC in addition to all WSLCB requirements found in chapter 314-55 WAC.

NEW SECTION

WAC 314-55-110 What are my responsibilities as a marijuana licensee? (1) Marijuana licensees are responsible for the operation of their licensed business in compliance with the marijuana laws and rules of the WSLCB, chapters 69.50 and 69.51A RCW, 314-55 WAC, and any other applicable state laws and rules.

(2) The penalties for violations of marijuana laws or rules are in WAC 314-55-515 through 314-55-535, as now or hereafter amended. The rules also outline aggravating and mitigating circumstances that may affect what penalty is applied if a licensee or employee violates a marijuana law or rule.

(3) Licensees and their employees must conduct the business and maintain the licensed premises, surrounding area, and vehicles transporting product, in compliance with

the following laws, as they now exist or may later be amended:

- (a) Titles 9 and 9A RCW, the criminal code;
 - (b) Title 66 RCW, the liquor laws;
 - (c) Chapters 70.155, 82.24, and 82.26 RCW and RCW 26.28.080, the tobacco laws;
 - (d) Chapter 69.50 RCW, the uniform controlled substances laws; and
 - (e) Chapter 69.51A RCW, the medical marijuana laws.
- (4) Licensees have the responsibility to control their conduct and the conduct of employees, customers, and visitors on the licensed premises at all times. Except as otherwise provided by law, licensees or employees may not:
- (a) Be disorderly or apparently intoxicated by liquor, marijuana, or controlled substances on the licensed premises;
 - (b) Permit any disorderly person to remain on the licensed premises;
 - (c) Engage in or allow behavior on the licensed premises that provokes conduct which presents a threat to public safety;
 - (d) Engage, or permit any employee or other person to engage in, conduct on the licensed premises which is prohibited by any portion of Title 9, 9A, or 66 RCW, or chapters 69.50 and 69.51A RCW;
 - (e) Engage in or permit any employee or other person to engage in the consumption of any type of marijuana, usable marijuana, marijuana concentrate, or marijuana-infused product on the licensed premises.

NEW SECTION

WAC 314-55-115 What method of payment can a marijuana licensee use to purchase marijuana? A marijuana licensee must pay cash for marijuana prior to or at the time of delivery. The WSLCB will recognize the following forms of payment as cash payment for the purpose of this section.

- (1) **Checks.**
- (2) **Credit/debit cards,** under the following provisions:
 - (a) The credit or debit card transaction agreement must be voluntary on the part of both licensees, and there must be no discrimination for nonparticipation in credit or debit card transactions.
 - (b) A sale must be initiated by an irrevocable invoice or sale order before or at the time of delivery.
 - (c) Both parties must bear their respective banking costs or other costs associated with the credit or debit card service.
 - (d) Both parties must maintain records of transactions and have the records readily available for the WSLCB review.
 - (e) The credit or debit card charge must be initiated by the marijuana licensee no later than the first business day following delivery.
- (3) **Electronic funds transfer (EFT),** under the following provisions:
 - (a) The EFT agreement must be voluntary on the part of both the licensees, and there must be no discrimination for nonparticipation in EFT.

(b) Prior to any EFT transaction, the marijuana licensee must enter into a written agreement specifying the terms and conditions for EFT as payment for marijuana.

(c) A sale must be initiated by an irrevocable invoice or sale order before or at the time of delivery.

(d) Both parties must bear their respective banking costs or other costs associated with EFT service.

(e) Both parties must maintain records of transactions and have the records readily available for the WSLCB review.

(f) The electronic funds transfer must be initiated by the marijuana licensee no later than the first business day following delivery and must be paid as promptly as is reasonably practical, and in no event later than five business days following delivery. Any attempt by a marijuana licensee to delay payment on EFT transactions for any period of time beyond the minimum as is reasonably practical will be considered an unlawful attempt to purchase products on credit.

(4) **Prepaid accounts.** Both parties must keep accurate accounting records of prepaid accounts to ensure a cash deposit is not overextended, which is considered an extension of credit.

(5) **Transactions using a money transmitter,** under the following provisions:

(a) The money transmitter must be licensed by and in good standing with the Washington state department of financial institutions.

(b) A sale must be initiated by an irrevocable invoice or sale order before or at the time of delivery.

(c) Both parties must bear their respective costs associated with the money transmitter service.

(d) Both parties must maintain records of transactions and have the records readily available for the WSLCB to review.

(e) The funds transfer through the money transmitter must be initiated by the marijuana licensee no later than the first business day following delivery and must be paid as promptly as is reasonably practical, and in no event later than five business days following delivery. Any attempt by a marijuana licensee to delay payment on money transmitter transactions for any period of time beyond the minimum as is reasonably practical will be considered an unlawful attempt to purchase products on credit.

(6) Any transaction reported as having nonsufficient funds (NSF) will be considered an extension of credit. If a transaction is reported as NSF:

(a) The purchaser must pay the full amount of the transaction to the seller by 3:00 p.m. on the first business day following receipt of the NSF report.

(b) Until the NSF transaction is paid:

(i) The marijuana licensee who received the NSF transaction will not deliver any marijuana to the purchaser; and

(ii) It is the responsibility of the purchaser to not receive additional marijuana from any other marijuana licensee.

AMENDATORY SECTION (Amending WSR 13-21-104, filed 10/21/13, effective 11/21/13)

WAC 314-55-120 Ownership changes. (1) Licensees must receive prior board approval before making any of the

following ownership changes (see WAC 314-55-035 for the definition of "true party of interest"):

Type of change	Type of application	Fee
Change in the qualifying persons in a: Sole proprietorship, general partnership, limited partnership, or limited liability partnership.	New application.	Application fee and annual fee for current license privilege.
Change in the qualifying persons for a publicly or privately held corporation. The board will waive the fee for a corporate change when the proposed change consists solely of dropping an approved officer.	Application for change in corporate officer and/or stockholder.	\$75
Change in the qualifying persons in a limited liability company.	Application for change of limited liability company member and/or manager.	\$75
<u>Accepting additional funds from a new or previously approved financier.</u>	<u>Added financier.</u>	<u>\$75</u>

(2) The ~~((board))~~ WSLCB may inquire into all matters in connection with any such sale of stock/units or proposed change in officers/members.

AMENDATORY SECTION (Amending WSR 13-21-104, filed 10/21/13, effective 11/21/13)

WAC 314-55-130 Change of business name. (1) If ~~((you wish))~~ a licensee wishes to change the name of ~~((your))~~ their business, ~~((you))~~ the licensee must apply for a change of trade name with the department of revenue, business license service.

(2) If ~~((you wish))~~ a licensee wishes to change ~~((your))~~ their corporation or limited liability company name, ~~((you))~~ the licensee must apply for a change of name through the secretary of state.

(3) See chapter 434-12 WAC for guidelines for trade names.

AMENDATORY SECTION (Amending WSR 15-11-107, filed 5/20/15, effective 6/20/15)

WAC 314-55-135 Discontinue marijuana sales. (1) **Notification:** ~~((You))~~ A licensee must notify the ~~((board's))~~ WSLCB's enforcement and education division in writing if

~~((you))~~ the licensee plans to stop doing business for more than thirty days, or if ~~((you))~~ the licensee plans 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))~~ WSLCB approved licensed business at fair market value. Sales below cost are prohibited. The ~~((board))~~ WSLCB 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))~~ WSLCB. In the event of remaining inventory after sale, the licensee shall notify the enforcement and education division of the ~~((liquor control board))~~ WSLCB. 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))~~ license, after obtaining the approval of the ~~((board))~~ WSLCB and under the supervision of a representative of the ~~((board))~~ WSLCB, the licensee may sell the entire inventory at a negotiated fair market price. Sales below cost are prohibited.

(4) **Evictions.** ~~((You))~~ A licensee must notify the ~~((board's))~~ WSLCB'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))~~ WSLCB.

(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))~~ WSLCB. The enforcement division will work with the property owner to arrange for the removal and/or destruction of product. Any sales or distribution of marijuana by an unlicensed person is subject to the criminal provisions of Title 69 RCW.

(6) Maintaining a licensed location. Marijuana licenses are associated with a physical location. Persons operating without a WSLCB approved licensed location to produce, process, or sell marijuana will be discontinued.

AMENDATORY SECTION (Amending WSR 13-21-104, filed 10/21/13, effective 11/21/13)

WAC 314-55-140 Death or incapacity of a marijuana licensee. (1) The appointed guardian, executor, administrator, receiver, trustee, or assignee must notify the ~~((board's))~~ WSLCB's licensing and regulation division in the event of the death, incapacity, receivership, bankruptcy, or assignment for benefit of creditors of any licensee.

(2) The ~~((board))~~ WSLCB may give the appointed guardian, executor, administrator, receiver, trustee, or assignee written approval to continue marijuana sales on the licensed business premises for the duration of the existing license and to renew the license when it expires.

(a) The person must be a resident of the state of Washington.

(b) A criminal background check may be required.

(3) When the matter is resolved by the court, the true party(ies) of interest must apply for a marijuana license for the business.

AMENDATORY SECTION (Amending WSR 13-21-104, filed 10/21/13, effective 11/21/13)

WAC 314-55-147 What hours may a marijuana retailer licensee conduct sales? A marijuana retailer licensee may sell usable marijuana, marijuana concentrates, marijuana-infused products, and marijuana paraphernalia between the hours of 8 a.m. and 12 a.m.

AMENDATORY SECTION (Amending WSR 13-21-104, filed 10/21/13, effective 11/21/13)

WAC 314-55-155 Advertising. (1) **Advertising by retail licensees.** The ~~((board))~~ WSLCB limits each retail licensed premises to ~~((one sign identifying the retail outlet by the licensee's business name or trade name that is affixed or hanging in the windows or on the outside of the premises that is visible to the general public from the public right of way. The size of the))~~ a maximum of two separate signs identifying the retail outlet by the licensee's business name or trade name. Both signs must be affixed to the building or permanent structure and each sign is limited to sixteen hundred square inches.

(2) **General.** All marijuana advertising and labels of ~~((useable))~~ usable marijuana, marijuana concentrates, and marijuana-infused products sold in the state of Washington ~~((may))~~ must not contain any statement, or illustration that:

- (a) Is false or misleading;
- (b) Promotes over consumption;
- (c) Represents the use of marijuana has curative or therapeutic effects;
- (d) Depicts a child or other person under legal age to consume marijuana, or includes:

(i) Objects, such as toys, characters, or cartoon characters suggesting the presence of a child, or any other depiction designed in any manner to be especially appealing to children or other persons under legal age to consume marijuana; or

(ii) Is designed in any manner that would be especially appealing to children or other persons under twenty-one years of age.

(3) No licensed marijuana producer, processor, or retailer shall place or maintain, or cause to be placed or maintained, an advertisement of marijuana, marijuana concentrates, usable marijuana, or a marijuana-infused product in any form or through any medium whatsoever:

(a) Within one thousand feet of the perimeter of a school grounds, playground, recreation center or facility, child care center, public park, library, or a game arcade admission to which it is not restricted to persons aged twenty-one years or older;

(b) On or in a public transit vehicle or public transit shelter; or

(c) On or in a publicly owned or operated property.

(4) Promotional items such as giveaways, coupons, and distribution of branded or unbranded merchandise are banned.

(5) Marijuana retail licensees holding a medical marijuana endorsement may donate product to qualifying patients or designated providers who hold a valid recognition card. Retail licensees may not advertise "free" or "donated" product.

(6) All advertising must contain the following warnings:

(a) "This product has intoxicating effects and may be habit forming.";

(b) "Marijuana can impair concentration, coordination, and judgment. Do not operate a vehicle or machinery under the influence of this drug.";

(c) "There may be health risks associated with consumption of this product."; and

(d) "For use only by adults twenty-one and older. Keep out of the reach of children."

AMENDATORY SECTION (Amending WSR 13-21-104, filed 10/21/13, effective 11/21/13)

WAC 314-55-160 Objections to marijuana license applications. (1) **How can persons, cities, counties, tribal governments, or port authorities object to the issuance of a marijuana license?** Per RCW 69.50.331, the ~~((board))~~ WSLCB will notify cities, counties, tribal governments, and port authorities of the following types of marijuana applications. In addition to these entities, any person or group may comment in writing to the ~~((board))~~ WSLCB regarding an application.

Type of application	Entities the ((board)) WSLCB will/may notify
<ul style="list-style-type: none"> • Applications for an annual marijuana license at a new location. 	<ul style="list-style-type: none"> • Cities and counties in which the premises is located will be notified. <p>Tribal governments and port authorities in which the premises is located may be notified.</p>
<ul style="list-style-type: none"> • Applications to change the class of an existing annual marijuana license. 	
<ul style="list-style-type: none"> • Changes of ownership at existing licensed premises. 	<ul style="list-style-type: none"> • Cities and counties in which the premises is located will be notified. <p>Tribal governments and port authorities in which the premises is located may be notified.</p>

(2) **What will happen if a person or entity objects to a marijuana license application?** When deciding whether to issue or deny a marijuana license application, the ~~((board))~~ WSLCB will give substantial weight to input from govern-

mental jurisdictions in which the premises is located based upon chronic illegal activity associated with the applicant's operations of the premises proposed to be licensed or the applicant's operation of any other licensed premises; and other persons or groups. Note: Per RCW 69.50.331, the ((board)) WSLCB shall not issue a new marijuana license if any of the following are within one thousand feet of the premises to be licensed: Any elementary or secondary schools, playgrounds, recreation centers or facilities, child care centers, public parks, public transit centers, libraries, game arcade where admission is not restricted to persons twenty-one years of age or older.

(a) If the ((board)) WSLCB contemplates issuing a license over the objection of a governmental jurisdiction in which the premises is located, the government subdivision may request an adjudicative hearing under the provisions of the Administrative Procedure Act, chapter 34.05 RCW. If the ((board)) WSLCB, in its discretion, grants the governmental jurisdiction(s) an adjudicative hearing, the applicant will be notified and given the opportunity to present evidence at the hearing.

(b) If the ((board)) WSLCB denies a marijuana license application based on the objection from a governmental jurisdiction, the applicant(s) may either:

(i) Reapply for the license no sooner than one year from the date on the final order of denial; or

(ii) Submit a written request on a form provided by the ((board)) WSLCB for an adjudicative hearing under the provisions of the Administrative Procedure Act, chapter 34.05 RCW. The request must be received within twenty days of the date the intent to deny notification was mailed.

AMENDATORY SECTION (Amending WSR 13-21-104, filed 10/21/13, effective 11/21/13)

WAC 314-55-165 Objections to marijuana license renewals. (1) How can local cities, counties, tribal governments, or port authorities object to the renewal of a marijuana license?

(a) The ((board)) WSLCB will give governmental jurisdictions approximately ninety days written notice of premises that hold annual marijuana licenses in that jurisdiction that are up for renewal.

(b) Per RCW 69.50.331, if a county, city, tribal government, or port authority wants to object to the renewal of a marijuana license in its jurisdiction, it must submit a letter to the ((board)) WSLCB detailing the reason(s) for the objection and a statement of all facts on which the objections are based.

(c) The county, city, tribal government, or port authority may submit a written request to the ((board)) WSLCB for an extension for good cause shown.

(d) This letter must be received by the ((board)) WSLCB at least thirty days before the marijuana license expires. The objection must state specific reasons and facts that show issuance of the marijuana license at the proposed location or to the applicant business how it will detrimentally impact the safety, health, or welfare of the community.

(e) If the objection is received within thirty days of the expiration date or the licensee has already renewed the

license, the objection will be considered as a complaint and possible license revocation may be pursued by the enforcement division.

(f) Objections from the public will be referred to the appropriate city, county, tribal government, or port authority for action under subsection (2) of this section. Upon receipt of the objection, the ((board)) WSLCB's licensing and regulation division will acknowledge receipt of the objection(s) and forward to the appropriate city, county, tribal government, or port authority. Such jurisdiction may or may not, based on the public objection, request nonrenewal.

(2) What will happen if a city, county, tribal government, or port authority objects to the renewal of a marijuana license? The ((board)) WSLCB will give substantial weight to a city, county, tribal government, or port authority objection to a marijuana license renewal of a premises in its jurisdiction based upon chronic illegal activity associated with the licensee's operation of the premises. Based on the jurisdiction's input and any information in the licensing file, the ((board)) WSLCB will decide to either renew the marijuana license, or to pursue nonrenewal.

(a) ((Board)) WSLCB decides to renew the marijuana license:	(b) ((Board)) WSLCB decides to pursue nonrenewal of the marijuana license:
<p>(i) The ((board)) WSLCB will notify the jurisdiction(s) in writing of its intent to renew the license, stating the reason for this decision.</p> <p>(ii) The jurisdiction(s) may contest the renewal and request an adjudicative hearing under the provisions of the Administrative Procedure Act (chapter 34.05 RCW) by submitting a written request on a form provided by the ((board)) WSLCB. The request must be received within twenty days of the date the intent to renew notification was mailed. If the ((board)) WSLCB, in its discretion, grants the governmental jurisdiction(s) an adjudicative hearing, the applicant will be notified and given the opportunity to present evidence at the hearing.</p>	<p>(i) The ((board)) WSLCB will notify the licensee in writing of its intent to not renew the license, stating the reason for this decision.</p> <p>(ii) The licensee may contest the nonrenewal action and request an adjudicative hearing under the provisions of the Administrative Procedure Act (chapter 34.05 RCW) by submitting a written request on a form provided by the ((board)) WSLCB. The request must be received within twenty days of the date the intent to deny notification was mailed.</p> <p>(iii) If the licensee requests a hearing, the governmental jurisdiction will be notified.</p> <p>(iv) During the hearing and any subsequent appeal process, the licensee is issued a temporary operating permit for the marijuana license until a final decision is made.</p>

NEW SECTION

WAC 314-55-185 Does the WSLCB have the right to inspect my premises or vehicle licensed to produce, process, sell, or transport marijuana? (1) The following must be available for inspection at all times by an enforcement officer of the WSLCB:

(a) All licensed premises used in the production, processing, storage, transportation or sale of marijuana, usable marijuana, marijuana concentrates, marijuana-infused products, or any premises or parts of premises used or in any way connected, physically or otherwise, with the licensed business;

(b) Any vehicle assigned for the purpose of transporting marijuana, usable marijuana, marijuana concentrates, or marijuana-infused products at any licensed location, or while en route during transportation;

(c) Records as outlined in WAC 314-55-087 and 314-55-310; and

(d) Marijuana, usable marijuana, marijuana concentrates, or marijuana-infused products on the licensed premises for the purpose of analyzing samples (the licensee will be given a receipt for any product removed from the premises for this purpose).

(2) Every person being on a licensed premises or with a transporting vehicle, or having charge thereof, must admit an enforcement officer of the WSLCB demanding to enter therein in pursuance of this section in the execution of his/her duty, and must not obstruct or attempt to obstruct the entry of such officer, or refuse to allow an officer to examine the premises, vehicles, records, and products subject to this section of the licensee.

AMENDATORY SECTION (Amending WSR 14-07-116, filed 3/19/14, effective 4/19/14)

WAC 314-55-200 How will the ~~((Liquor control board))~~ WSLCB identify marijuana, usable marijuana, marijuana concentrates, and marijuana-infused products during checks of licensed businesses? Officers shall identify marijuana, usable marijuana, marijuana concentrates, and marijuana-infused products during on-site inspections of licensed producers, processors, and retailers of marijuana by means of product in the traceability system, and/or by observation based on training and experience. Products that are undetermined to be marijuana, usable marijuana, and marijuana-infused products will be verified by the following:

(1) Officers may take a sample large enough for testing purposes;

(2) Field test kits may be used if available and appropriate for the type of product being verified; and

(3) Those samples not able to be tested with a field test kit may be tested through the Washington state toxicology or crime lab.

AMENDATORY SECTION (Amending WSR 15-11-107, filed 5/20/15, effective 6/20/15)

WAC 314-55-210 Will the ~~((Liquor control board))~~ WSLCB seize or confiscate marijuana, marijuana concentrates, usable marijuana, and marijuana-infused

products? The ~~((Liquor control board))~~ WSLCB may seize ~~((or))~~, destroy, 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 locations, areas of unlicensed locations used for business or commercial purposes, or vehicles 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, marijuana concentrates, 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))~~ The WSLCB may destroy any marijuana, marijuana concentrate, usable marijuana, and/or marijuana-infused products in its possession that is not identifiable through the Washington marijuana traceability system or otherwise in a form that is not compliant with Washington's marijuana statutes or rules, chapters 69.50 RCW and 314-55 WAC.

(6) WSLCB 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))~~ WSLCB 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))~~ WSLCB 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))~~ WSLCB 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 14-07-116, filed 3/19/14, effective 4/19/14)

WAC 314-55-220 What is the process once the ~~((board))~~ WSLCB summarily orders marijuana, usable marijuana, marijuana concentrates, or marijuana-infused products of a marijuana licensee to be destroyed?

(1) The ~~((board))~~ WSLCB may issue an order to summarily destroy marijuana, usable marijuana, marijuana concentrates, or marijuana-infused products after the ~~((board's))~~ WSLCB's enforcement division has completed a preliminary staff investigation of the violation and upon a determination that immediate destruction of marijuana, usable marijuana, marijuana concentrates, or marijuana-infused products is necessary for the protection or preservation of the public health, safety, or welfare.

(2) Destruction of any marijuana, usable marijuana, marijuana concentrates, or marijuana-infused products under this provision shall take effect immediately upon personal service on the licensee or employee thereof of the summary destruction order unless otherwise provided in the order.

(3) When a license has been issued a summary destruction order by the ~~((board))~~ WSLCB, an adjudicative proceeding for the associated violation or other action must be promptly instituted before an administrative law judge assigned by the office of administrative hearings. If a request for an administrative hearing is timely filed by the licensee, then a hearing shall be held within ninety days of the effective date of the summary destruction ordered by the ~~((board))~~ WSLCB.

AMENDATORY SECTION (Amending WSR 14-07-116, filed 3/19/14, effective 4/19/14)

WAC 314-55-230 What are the procedures the ~~((liquor control board))~~ WSLCB will use to destroy or donate marijuana, usable marijuana, marijuana concentrates, and marijuana-infused products to law enforcement?

(1) The ~~((liquor control board))~~ WSLCB may require a marijuana licensee to destroy marijuana, usable marijuana, marijuana concentrates, and marijuana-infused products found in a licensed establishment to be in excess of product limits set forth in WAC 314-55-075, 314-55-077, and 314-55-079.

(2) Destruction of seized marijuana, usable marijuana, marijuana concentrates, marijuana-infused products, or confiscated marijuana after case adjudication, will conform with ~~((liquor control board))~~ the WSLCB evidence policies, to

include the option of donating marijuana, usable marijuana, marijuana concentrates, and marijuana-infused products, set for destruction, to local and state law enforcement agencies for training purposes only.

(3) Marijuana, usable marijuana, marijuana concentrates, and marijuana-infused products set for destruction shall not reenter the traceability system or market place.

NEW SECTION

WAC 314-55-310 Transportation license. (1) A transportation license allows the licensee to physically transport or deliver marijuana, marijuana concentrates, and marijuana-infused products between licensed marijuana businesses within Washington state. The application fee for the transportation license is two hundred fifty dollars and the annual fee is one thousand dollars.

(2) Applicants for the transportation license must submit the following information:

(a) Personal/criminal history forms for all true parties of interest (see WAC 314-55-035);

The criminal history background check will consist of completion of a personal/criminal history form provided by the WSLCB and submission of fingerprints to a vendor approved by the WSLCB. 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) Documents showing the right to the physical location to be licensed (purchase and sale agreement or lease in the name of the applicant);

(c) Copies of the current UTC common carrier permits. All vehicles and trailers must also be permitted by UTC as common carriers;

(d) Corporate information form or limited liability information form as applicable;

(e) Proof of insurance.

(i) Licensees shall provide insurance coverage as set out in this section. The intent of the required insurance is to protect the consumer should there be any claims, suits, actions, costs, damages or expenses arising from any negligent or intentional act or omission of the licensees. Licensees shall furnish evidence in the form of a certificate of insurance satisfactory to the WSLCB that insurance, in the following kinds and minimum amounts, has been secured. Failure to provide proof of insurance, as required, may result in license cancellation.

(ii) Commercial general liability insurance: The licensee shall at all times carry and maintain commercial general liability insurance and if necessary, commercial umbrella insurance for bodily injury and property damage arising out of licensed activities. This insurance shall cover such claims as may be caused by any act, omission, or negligence of the licensee or its officers, agents, representatives, assigns, or servants. The insurance shall also cover bodily injury, including disease, illness and death, and property damage arising out of the licensee's premises/operations, products, and per-

sonal injury. The limits of liability insurance shall not be less than one million dollars.

(iii) Insurance carrier rating: The insurance required in (e)(i) of this subsection shall be issued by an insurance company authorized to do business within the state of Washington. Insurance must be placed with a carrier that has a rating of A - Class VII or better in the most recently published edition of *Best's Reports*. If an insurer is not admitted, all insurance policies and procedures for issuing the insurance policies must comply with chapters 48.15 RCW and 284-15 WAC.

(iv) Additional insured. The state and its employees, agents, and volunteers shall be named as an additional insured on all general liability, umbrella, and excess insurance policies. All policies shall be primary over any other valid and collectable insurance.

(3) **Transport manifest.** A complete printed transport manifest on a form provided by the WSLCB containing all information required by the WSLCB 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 if requested by an employee of the WSLCB or local law enforcement:

- (a) Copies of transportation manifests for all deliveries;
- (b) A transportation log documenting the chain of custody for each delivery to include driver(s) and vehicle(s) associated with each delivery;
- (c) Bank statements and canceled checks for any accounts relating to the licensed business;
- (d) Accounting and tax records related to the licensed business;
- (e) Records of all financial transactions related to the licensed business, including invoices, contracts and/or agreements for services performed or received that relate to the licensed business;
- (f) All employee records, to include training.

(5) **Transportation of product.** Marijuana or marijuana products that are being transported must meet the following requirements:

- (a) Only the transportation licensee or an employee of the transportation licensee who is at least twenty-one years of age may transport product. All drivers must carry a valid Washington driver's license with the proper endorsements when operating a vehicle in the transportation of product. All passengers in the vehicle transporting marijuana or marijuana products must be employees of the transportation licensee who are at least twenty-one years of age;
- (b) Marijuana or marijuana products must be in a sealed package or container approved by the WSLCB 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 be delivered or returned to the shipper within forty-eight hours from the time of pickup;

(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 WSLCB. Vehicles assigned for transportation may be stopped and inspected by a WSLCB enforcement officer at any licensed location, or while en route during transportation.

NEW SECTION

WAC 314-55-410 Cooperatives. (1) A cooperative may be formed by qualifying patients and/or designated providers to share responsibility for growing and processing marijuana only for the medical use of the members of the cooperative. A cooperative must meet the following criteria:

- (a) All members must be at least twenty-one years of age. The designated provider of a qualifying patient under twenty-one years of age may be a member of a cooperative on the qualifying patient's behalf;
- (b) All members must hold valid recognition cards;
- (c) No more than four members are allowed in a cooperative;
- (d) A member can only belong to one cooperative;
- (e) A member may only grow plants in the cooperative and may not grow plants elsewhere;
- (f) Members must participate in growing plants. A monetary contribution or donation is not considered assistance. Members must provide nonmonetary resources and assistance in order to participate;
- (g) Members may grow up to the total amount of plants for which each member is authorized on their recognition cards. At the location, the qualifying patients or designated providers may possess the amount of usable marijuana that can be produced with the number of plants permitted, but no more than seventy-two ounces;
- (h) Members may not sell, donate, or otherwise provide marijuana, marijuana concentrates, usable marijuana, or other marijuana-infused products to a person who is not a member of the cooperative;
- (i) A cooperative may not be located within a one mile radius of a marijuana retailer;
- (j) A cooperative must be located in the domicile of one of the members. Only one cooperative may be located per property tax parcel; and
- (k) To obscure public view of the premises, outdoor marijuana production must be enclosed by a sight obscure wall or fence at least eight feet high.

(2) People who wish to form a cooperative must register the location with the WSLCB. The location registered is the

only location where cooperative members may grow or process marijuana. To register a cooperative a registered member must:

(a) Submit a completed Marijuana Cooperative Registration Form;

(b) Submit copies of each member's recognition card;

(c) Submit a deed, lease, rental agreement, or other document establishing ownership or control to the property where the cooperative is located. If the property is leased or rented, a sworn statement of the property owner granting permission to engage in a cooperative must also be submitted and must include a telephone number and address where the owner can be contacted for verification;

(d) Submit a sketch outlining where the medical marijuana is grown.

(3) WSLCB may inspect a cooperative between the hours of 8:00 a.m. and 8:00 p.m. unless otherwise agreed upon by cooperative members.

(4) If a person or persons seeking to register the cooperative fails to meet the requirements of a registered cooperative as provided in this section, the WSLCB will deny the cooperative registration.

(5) If the WSLCB finds a registered cooperative violated the requirements of this section, the WSLCB will revoke the cooperative's registration.

(6) A person may request an administrative hearing to contest a denial of registration or a revocation of a cooperative's registration under subsections (4) and (5) of this section as provided in chapter 34.05 RCW.

NEW SECTION

WAC 314-55-415 What are the recordkeeping and reporting requirements for cooperatives? (1) Marijuana cooperatives must keep records that clearly reflect all activity, inventory, and conditions of the cooperative. The following records must be kept in a format prescribed by the WSLCB. All records must be maintained on the cooperative premises for a three-year period and must be made available for inspection if requested by an employee of the WSLCB, the department of health, the department of revenue, or local law enforcement.

(a) Cooperatives must maintain a plant log to track each marijuana plant from the time it enters the cooperative. At minimum, tracking must include:

(i) Unique plant identification numbers for each plant at the cooperative;

(ii) The date the plant was brought into the cooperative; and

(iii) The date the plant leaves the cooperative, including the reason, (e.g., harvested, destroyed, or member left the cooperative).

(b) Cooperatives must maintain a log to track all harvested plant material from time of harvest until all harvested material has been dispersed. At minimum, tracking must include:

(i) A unique identification number for each harvest;

(ii) The total dry weight of harvested material;

(iii) The date quantities are removed from the harvested material;

(iv) The amount removed from the harvested material;

(v) The reason quantities are removed from the harvested material (e.g., taken for use by qualifying patient, used for extraction, etc.); and

(vi) The current weight of the harvested material.

(c) Cooperatives must maintain a log to track all extracts produced from the time they are produced until all extracted material has been dispersed. At minimum, tracking must include:

(i) A unique identification for the extract batch;

(ii) The date the extract batch was created;

(iii) The total initial weight of the extract batch;

(iv) ID number of the harvest the material used to make the extract came from;

(v) The weight of marijuana plant material used to create the batch;

(vi) The date quantities are removed from the extract batch;

(vii) The quantity removed from the extract batch and reason; and

(viii) The current weight of the extract batch.

(2) Cooperatives must submit monthly activity report(s) to the WSLCB. The required monthly reports must be:

(a) On an electronic system designated by the WSLCB;

(b) Filed every month, including months with no activity;

(c) Submitted to the WSLCB on or before the twentieth day of each month, for the previous month. (For example, a report listing activity for the month of January is due by February 20th.);

(d) Filed separately for each cooperative; and

(e) All records must be maintained and available for review for a three-year period on licensed premises.

NEW SECTION

WAC 314-55-430 Qualifying patient or designated provider extraction requirements. (1) Qualifying patients or designated providers, including those participating in a cooperative, may extract or separate the resin from marijuana using only the following noncombustible methods:

(a) Heat, screens, presses, steam distillation, ice water, and other methods without employing combustible solvents or gases to create kief, hashish, or bubble hash;

(b) Dairy butter, cooking oils or fats derived from natural sources, or other home cooking substances;

(c) Food grade glycerin and propylene glycol solvent based extraction;

(d) CO₂ may be used if used in a closed loop system as referenced in WAC 314-55-104.

(2) Only food grade substances may be used in any stage of processing.

(3) Use of combustible materials including, but not limited to, butane, isobutane, propane, heptane, and ethanol is expressly forbidden.

(4) Resins extracted or separated from marijuana are for the personal use of the qualifying patient or cooperative members only.

AMENDATORY SECTION (Amending WSR 13-21-104, filed 10/21/13, effective 11/21/13)

WAC 314-55-505 What are the procedures for notifying a licensee of an alleged violation of a ((liquor control board)) WSLCB statute or regulation? (1) When an enforcement officer believes that a licensee has violated a ((board)) WSLCB statute or regulation, the officer may prepare an administrative violation notice (AVN) and mail or deliver the notice to the licensee, licensee's agent, or employee.

(2) The AVN notice will include:

(a) A complete narrative description of the violation(s) the officer is charging;

(b) The date(s) of the violation(s);

(c) A copy of the law(s) and/or regulation(s) allegedly violated;

(d) An outline of the licensee's options as outlined in WAC 314-55-510; and

(e) The recommended penalty.

(i) If the recommended penalty is the standard penalty, see WAC 314-55-520 through 314-55-535 for licensees.

(ii) For cases in which there are aggravating or mitigating circumstances, the penalty may be adjusted from the standard penalty.

AMENDATORY SECTION (Amending WSR 13-21-104, filed 10/21/13, effective 11/21/13)

WAC 314-55-506 What is the process once the ((board)) WSLCB summarily suspends a marijuana license? (1) The ((board)) WSLCB may summarily suspend any license after the ((board's)) WSLCB's enforcement division has completed a preliminary staff investigation of the violation and upon a determination that immediate cessation of the licensed activities is necessary for the protection or preservation of the public health, safety, or welfare.

(2) Suspension of any license under this provision shall take effect immediately upon personal service on the licensee or employee thereof of the summary suspension order unless otherwise provided in the order.

(3) When a license has been summarily suspended by the ((board)) WSLCB, an adjudicative proceeding for revocation or other action must be promptly instituted before an administrative law judge assigned by the office of administrative hearings. If a request for an administrative hearing is timely filed by the licensee or permit holder, then a hearing shall be held within ninety days of the effective date of the summary suspension ordered by the ((board)) WSLCB.

AMENDATORY SECTION (Amending WSR 13-21-104, filed 10/21/13, effective 11/21/13)

WAC 314-55-507 How may a licensee challenge the summary suspension of his or her marijuana license? (1) Upon summary suspension of a license by the ((board)) WSLCB pursuant to WAC 314-55-506, an affected licensee may petition the ((board)) WSLCB for a stay of suspension pursuant to RCW 34.05.467 and 34.05.550(1). A petition for a stay of suspension must be received by the ((board)) WSLCB within fifteen days of service of the summary sus-

pension order. The petition for stay shall state the basis on which the stay is sought.

(2) A hearing shall be held before an administrative law judge within fourteen days of receipt of a timely petition for stay. The hearing shall be limited to consideration of whether a stay should be granted, or whether the terms of the suspension may be modified to allow the conduct of limited activities under current licenses or permits.

(3) Any hearing conducted pursuant to subsection (2) of this section shall be a brief adjudicative proceeding under RCW 34.05.485. The agency record for the hearing shall consist of the documentary information upon which the summary suspension was based. The licensee or permit holder shall have the burden of demonstrating by clear and convincing evidence that:

(a) The licensee is likely to prevail upon the merits at hearing;

(b) Without relief, the licensee will suffer irreparable injury. For purposes of this section, elimination of income from licensed activities shall not be deemed irreparable injury;

(c) The grant of relief will not substantially harm other parties to the proceedings; and

(d) The threat to the public health, safety, or welfare is not sufficiently serious to justify continuation of the suspension, or that modification of the terms of the suspension will adequately protect the public interest.

(4) The initial order on stay shall be effective immediately upon service unless another date is specified in the order.

AMENDATORY SECTION (Amending WSR 13-21-104, filed 10/21/13, effective 11/21/13)

WAC 314-55-508 Review of orders on stay. (1) The licensee, or agency, may petition the ((board)) WSLCB for review of an initial order on stay. Any petition for review must be in writing and received by the ((board)) WSLCB within ten days of service of the initial order. If neither party has requested review within ten days of service, the initial order shall be deemed the final order of the ((board)) WSLCB for purposes of RCW 34.05.467.

(2) If the ((board)) WSLCB receives a timely petition for review, the ((board)) WSLCB shall consider the petition within fifteen days of service of the petition for review. Consideration on review shall be limited to the record of the hearing on stay.

(3) The order of the ((board)) WSLCB on the petition for review shall be effective upon personal service unless another date is specified in the order and is final pursuant to RCW 34.05.467. Final disposition of the petition for stay shall not affect subsequent administrative proceedings for suspension or revocation of a license.

AMENDATORY SECTION (Amending WSR 15-11-107, filed 5/20/15, effective 6/20/15)

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 or inventory destruction penalty will go into effect.

(b) If the penalty does not include a suspension or inventory destruction, 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.

(c) Failure to address monetary penalties for two or more administrative violations notices in a three year period will result in license cancellation.

(d) Licensees failing to respond to an administrative violation notice or have outstanding fines, shall not be eligible to renew their marijuana license.

(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))~~ WSLCB, or designee, for approval.

(i) If the ~~((board))~~ WSLCB, 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))~~ WSLCB, 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 hearing 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))~~ WSLCB'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))~~ WSLCB.

(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 15-11-107, filed 5/20/15, effective 6/20/15)

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))~~ WSLCB 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))~~ Nonretail violations involving the manufacture, supply, processing, and/or distribution of marijuana by nonretail licensees and prohibited practices between nonretail licensees and retail licensees, WAC 314-55-535.

(e) Group Five—Violations involving the transportation freight of marijuana, WAC 314-55-537.

(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) Penalties for violation committed by marijuana processor only licensees will be assessed following the penalty progression prescribed for tier 2 marijuana producers.

(5) The following schedules are meant to serve as guidelines. Based on mitigating or aggravating circumstances, the ~~((liquor control board))~~ WSLCB may impose a different penalty than the standard penalties outlined in these schedules. Based on mitigating circumstances, the ~~((board))~~ WSLCB 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

(a) Mitigating circumstances	(b) Aggravating circumstances
	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; 	<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)) WSLCB officer, or when people have sustained injuries.
<ul style="list-style-type: none"> Having an employee training plan that includes annual training on marijuana laws. 	<u>Engaging in criminal activities, including money laundering, organized crime, fraud, firearms, and diversion of marijuana.</u>

AMENDATORY SECTION (Amending WSR 15-11-107, filed 5/20/15, effective 6/20/15)

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)) WSLCB may offer a monetary option in lieu of suspension days based on mitigating circumstances as outlined in WAC 314-55-515(4). Group 1 penalties imposed on a producer and/or processor license will not include license suspension. Penalties for a producer and/or processor license will be restricted to monetary fines, destruction of inventory, and/or license cancellation only.

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
((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 RCW 69.50.401 RCW 69.50.406 RCW 69.50.412	10-day suspension or \$2,500 monetary option	30-day suspension	Cancellation of license	
Allowing a minor to frequent a restricted area: RCW 69.50.357	\$1,000 monetary fine	\$1,000 monetary fine	\$1,000 monetary fine	\$1,000 monetary fine
Employee under legal age: RCW 69.50.357 RCW 69.50.331(6)	\$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	

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
Using unauthorized pesticides, soil amendments, fertilizers, other crop production aids. WAC 314-55-084 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 nonorganic chemical or other compound. WAC 314-55-105	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 WAC 314-55-077	10-day suspension or \$2,500 monetary option	30-day suspension	Cancellation of license	
Marijuana purchased from an unauthorized source. RCW 69.50.360 RCW 69.50.363	Cancellation of license			
Marijuana sold to an unauthorized source. RCW 69.50.363 RCW 69.50.366 RCW 69.50.401	Cancellation of license			
Sales in excess of transaction limitations. WAC 314-55-095(3) RCW 69.50.360	Cancellation of license))			
Furnishing to minor: Sale or otherwise provide marijuana and/or paraphernalia to a person under twenty-one years of age. <u>Chapter 314-55 WAC</u> <u>Chapter 69.50 RCW</u>	Retailer/transporter: <u>10-day suspension or \$2,500 monetary option</u> Producer/processor: <u>Tier 1: \$2,500</u> <u>Tier 2: \$5,000</u> <u>Tier 3: \$7,500 monetary fine</u>	Retailer/transporter: <u>30-day suspension</u> Producer/processor: <u>Tier 1: \$15,000</u> <u>Tier 2: \$30,000</u> <u>Tier 3: \$60,000 monetary fine</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
<u>Allowing a minor to frequent retail store.</u> Chapter 69.50 RCW	\$1,000 monetary fine	\$1,000 monetary fine	\$1,000 monetary fine	\$1,000 monetary fine
<u>Allowing a minor to frequent a nonretail licensed premises or occupy a transport vehicle.</u> Chapter 314-55 WAC	\$1,000 monetary fine	\$1,000 monetary fine	\$1,000 monetary fine	\$1,000 monetary fine
<u>Employee under legal age.</u> Chapter 69.50 RCW	\$1,000 monetary fine	\$1,000 monetary fine	\$1,000 monetary fine	\$1,000 monetary fine
<u>Opening and/or consuming marijuana on a retail licensed premises.</u> Chapter 69.50 RCW	\$1,000 monetary fine	\$1,000 monetary fine	\$1,000 monetary fine	\$1,000 monetary fine
<u>Conduct violations:</u> <u>Criminal conduct:</u> Permitting or engaging in criminal conduct. <u>Disorderly conduct</u> by licensee or employee, or permitting on premises. Chapter 314-55 WAC <u>Licensee and/or employee</u> intoxicated on the licensed premises. Chapter 314-55 WAC	Retailer/transporter: <u>10-day suspension or \$2,500 monetary option</u> Producer/processor: Tier 1: \$2,500 Tier 2: \$5,000 Tier 3: \$7,500 monetary fine	Retailer/transporter: <u>30-day suspension</u> Producer/processor: Tier 1: \$15,000 Tier 2: \$30,000 Tier 3: \$60,000 monetary fine	Cancellation of license	
<u>Refusal to allow an inspection and/or obstructing a law enforcement officer from performing their official duties.</u> Chapter 314-55 WAC	Retailer/transporter: <u>10-day suspension or \$2,500 monetary option</u> Producer/processor: Tier 1: \$5,000 Tier 2: \$10,000 Tier 3: \$15,000 monetary fine	Retailer/transporter: <u>30-day suspension</u> Producer/processor: Tier 1: \$15,000 Tier 2: \$30,000 Tier 3: \$60,000 monetary fine	Cancellation of license	
<u>Marijuana purchased from an unauthorized source.</u> Chapter 69.50 RCW	Cancellation of license			
<u>Marijuana sold to an unauthorized source.</u> Chapter 69.50 RCW	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>Operating an unapproved CO₂ or hydrocarbon extraction system.</u> Chapter 314-55 WAC	<u>Cancellation of license</u>			
<u>Condition of suspension violation: Failure to follow any suspension restriction while marijuana license is suspended (retailer).</u> Chapter 314-55 WAC	<u>Original penalty plus 10-day suspension with no monetary option</u>	<u>Cancellation of license</u>		
<u>Sales in excess of transaction limitations.</u> Chapter 69.50 RCW Chapter 314-55 WAC	<u>10-day suspension or \$2,500 monetary option</u>	<u>30-day suspension</u>	<u>Cancellation of license</u>	

AMENDATORY SECTION (Amending WSR 15-11-107, filed 5/20/15, effective 6/20/15)

WAC 314-55-525 Group 2 regulatory violations. Group 2 violations are violations involving general regulation and administration of retail or nonretail licenses. Group 2 penalties imposed on a producer and/or processor license will not include license suspension. Penalties for a producer and/or processor license will be restricted to monetary fines, destruction of inventory, and/or license cancellation only.

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. WAC 314-55-147	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 WAC 314-55-155(1)	\$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

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
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
Records: Improper recordkeeping. WAC 314-55-087 WAC 314-55-089	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 RCW 69.50.535	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 RCW 69.50.331(5)	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). 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

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
Failure to follow and maintain food processing facility requirements. WAC 314-55-077	5-day suspension or \$500 monetary option	10-day suspension or \$2,500 monetary option	30-day suspension	Cancellation of license
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
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
Sale of Marijuana- Violations by retailer involving sales, delivery, inventory, and returns. WAC 314-55-079- WAC 314-55-070 (6)	5-day suspension or \$500 monetary option	10-day suspension or \$2,500 monetary option	30-day suspension	Cancellation of license))
Hours of service: <u>Sales of marijuana between 12:00 a.m. and 8:00 a.m.</u> Chapter 314-55 WAC	<u>5-day suspension or \$1,000 monetary option</u>	<u>10-day suspension or \$2,500 monetary option</u>	<u>30-day suspension</u>	<u>Cancellation of license</u>
General advertising: <u>Violations Chapter 314-55 WAC</u>	<u>Retailer/transporter: 5-day suspension or \$1,000 monetary option</u> <u>Producer/processor: \$1,000 monetary fine</u>	<u>Retailer/transporter: 10-day suspension or \$2,500 monetary option</u> <u>Producer/processor: Tier 1: \$2,500 Tier 2: \$5,000 Tier 3: \$7,500 monetary fine</u>	<u>Retailer/transporter: 30-day suspension</u> <u>Producer/processor: Tier 1: \$15,000 Tier 2: \$30,000 Tier 3: \$60,000 monetary fine</u>	<u>Cancellation of license</u>

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>Advertising violations</u> - Sign exceeding 1,600 square inches; within 1,000 feet of prohibited areas; on or in public transit vehicles, shelters, or publicly owned or operated property. Chapter 69.50 RCW Chapter 314-55 WAC	\$1,000 monetary fine	\$1,000 monetary fine	\$1,000 monetary fine	\$1,000 monetary fine
<u>Engaging in conditional retail sales.</u> Chapter 314-55 WAC Chapter 69.50 RCW	5-day suspension or \$1,000 monetary option	10-day suspension or \$2,500 monetary option	30-day suspension	Cancellation of license
<u>Licensee/employee failing to display required security badge.</u> Chapter 314-55 WAC	Retailer/transporter: 5-day suspension or \$500 monetary option Producer/processor: \$500 monetary fine	Retailer/transporter: 10-day suspension or \$1,500 monetary option Producer/processor: All tiers: \$1,500 monetary fine	Retailer/transporter: 30-day suspension Producer/processor: All tiers: \$5,000 monetary fine	Cancellation of license
<u>Failure to maintain required security alarm and surveillance systems.</u> Chapter 314-55 WAC	Retailer/transporter: 5-day suspension or \$2,500 monetary option Producer/processor: \$2,500 monetary fine	Retailer/transporter: 10-day suspension or \$5,000 monetary fine Producer/processor: Tier 1: \$5,000 Tier 2: \$10,000 Tier 3: \$15,000 monetary fine	Retailer/transporter: 30-day suspension Producer/processor: Tier 1: \$15,000 Tier 2: \$30,000 Tier 3: \$60,000 monetary fine	Cancellation of license
<u>Records: Improper recordkeeping.</u> Chapter 314-55 WAC	Retailer/transporter: 5-day suspension or \$1,000 monetary option Producer/processor: \$1,000 monetary fine	Retailer/transporter: 10-day suspension or \$2,500 monetary option Producer/processor: Tier 1: \$2,500 Tier 2: \$5,000 Tier 3: \$7,500 monetary fine	Retailer/transporter: 30-day suspension Producer/processor: Tier 1: \$15,000 Tier 2: \$30,000 Tier 3: \$60,000 monetary fine	Cancellation of license
<u>Failure to submit monthly tax/sales reports and/or payments.</u> Chapter 69.50 RCW Chapter 314-55 WAC	Retailer/transporter: 5-day suspension or \$1,000 monetary option Producer/processor: \$1,000 monetary fine	Retailer: 10-day suspension or \$2,500 monetary option Producer/processor: Tier 1: \$2,500 Tier 2: \$5,000 Tier 3: \$7,500 monetary fine	Retailer: 30-day suspension Producer/processor: Tier 1: \$15,000 Tier 2: \$30,000 Tier 3: \$60,000 monetary fine	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
<p><u>Signs:</u> Failure to post required signs. Chapter 69.50 RCW Chapter 314-55 WAC</p>	<p>Retailer/transporter: 5-day suspension or \$500 monetary option Producer/processor: \$500 monetary fine</p>	<p>Retailer/transporter: 10-day suspension or \$1,500 monetary option Producer/processor: All tiers: \$1,500 monetary fine</p>	<p>Retailer/transporter: 15-day suspension or \$5,000 monetary option Producer/processor: All tiers: \$5,000 monetary fine</p>	<p><u>Cancellation of license</u></p>
<p><u>Failure to utilize and/or maintain traceability.</u> Chapter 314-55 WAC</p>	<p>5-day suspension or \$2,500 monetary option Producer/processor: \$2,500 monetary fine</p>	<p>Retailer: 10-day suspension or \$5,000 monetary fine Producer/processor: Tier 1: \$5,000 Tier 2: \$10,000 Tier 3: \$15,000 monetary fine</p>	<p>Retailer: 30-day suspension Producer/processor: Tier 1: \$15,000 Tier 2: \$30,000 Tier 3: \$60,000 monetary fine</p>	<p><u>Cancellation of license</u></p>
<p><u>Violation of transportation requirements.</u> Chapter 314-55 WAC</p>	<p>Retailer: 5-day suspension or \$2,500 monetary option Producer/processor: \$2,500 monetary fine</p>	<p>Retailer: 10-day suspension or \$5,000 monetary fine Producer/processor: Tier 1: \$5,000 Tier 2: \$10,000 Tier 3: \$15,000 monetary fine</p>	<p>Retailer: 30-day suspension Producer/processor: Tier 1: \$15,000 Tier 2: \$30,000 Tier 3: \$60,000 monetary fine</p>	<p><u>Cancellation of license</u></p>
<p><u>Marijuana sold below cost of acquisition, true value, or illegally given away.</u></p>	<p>Retailer: 5-day suspension or \$1,000 monetary option Producer/processor: \$2,500 monetary fine</p>	<p>Retailer: 10-day suspension or \$5,000 monetary option Producer/processor: Tier 1: \$5,000 Tier 2: \$10,000 Tier 3: \$15,000 monetary fine</p>	<p>Retailer: 30-day suspension Producer/processor: Tier 1: \$15,000 Tier 2: \$30,000 Tier 3: \$60,000 monetary fine</p>	<p><u>Cancellation of license</u></p>
<p><u>Retail outlet selling unauthorized products.</u> Chapter 69.50 RCW</p>	<p>\$1,000 monetary fine</p>	<p>\$1,000 monetary fine</p>	<p>\$1,000 monetary fine</p>	<p>\$1,000 monetary fine</p>
<p><u>Retailer displaying products in a manner visible to the general public from a public right of way.</u> Chapter 69.50 RCW</p>	<p>\$1,000 monetary fine</p>	<p>\$1,000 monetary fine</p>	<p>\$1,000 monetary fine</p>	<p>\$1,000 monetary fine</p>
<p><u>Retail sales: Unauthorized marijuana-infused products, internet sales, and accepting returns.</u> Chapter 314-55 WAC</p>	<p>5-day suspension or \$1,000 monetary option</p>	<p>10-day suspension or \$2,500 monetary option</p>	<p>30-day suspension</p>	<p><u>Cancellation of license</u></p>

AMENDATORY SECTION (Amending WSR 15-11-107, filed 5/20/15, effective 6/20/15)

WAC 314-55-530 Group 3 license violations. Group 3 violations are violations involving licensing requirements, license classification, and special restrictions. Group 3 penalties imposed on a producer and/or processor license will not include license suspension. Penalties for a producer and/or processor license will be restricted to monetary fines, destruction of inventory, and/or license cancellation only.

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 314-55-082	30-day suspension	Cancellation of license))		
<u>True party of interest/financier violation.</u> Chapter 314-55 WAC	Cancellation of license			
<u>Failure to furnish required documents.</u> Chapter 314-55 WAC	Cancellation of license			
<u>Misuse or unauthorized use of marijuana license (operating outside of license class).</u> Chapter 69.50 RCW Chapter 314-55 WAC	Retailer/transporter: 10-day suspension or \$5,000 monetary fine Producer/processor: Tier 1: \$5,000 Tier 2: \$10,000 Tier 3: \$15,000 monetary fine	Cancellation of license		
<u>Misrepresentation of fact.</u> Chapter 314-55 WAC	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
Unauthorized change of business name. <u>Chapter 314-55 WAC</u>	5-day suspension or \$1,000 monetary option Producer/processor: All tiers: \$500 monetary penalty	10-day suspension or \$1,500 monetary option Producer/processor: All tiers: \$1,500 monetary fine	30-day suspension or \$5,000 monetary option Producer/processor: All tiers: \$5,000 monetary fine	Cancellation of license
Operating/floor plan: Violations of a WSLCB approved operating plan. <u>Chapter 314-55 WAC</u>	5-day suspension or \$1,000 monetary option Producer/processor: All tiers: \$1,000 monetary fine	Retailer/transporter: 10-day suspension or \$2,500 monetary option Producer/processor: Tier 1: \$2,500 Tier 2: \$5,000 Tier 3: \$7,500 monetary fine	Retailer/transporter: 30-day suspension Producer/processor: Tier 1: \$15,000 Tier 2: \$30,000 Tier 3: \$60,000 monetary fine	Cancellation of license
Failing to gain WSLCB approval for changes in existing ownership. <u>Chapter 69.50 RCW</u> <u>Chapter 314-55 WAC</u>	30-day suspension Producer/processor: \$15,000 monetary fine and destruction of 50% of inventory			
Failure to respond to administrative violation notice and/or failure to pay fines and penalties. Chapter 314-55 WAC	\$1,000 monetary penalty	Cancellation of license		
Failure to maintain required insurance. <u>Chapter 314-55 WAC</u>	Retailer/transporter: 5-day suspension or \$2,500 monetary fine Producer/processor: Tier 1: \$2,500 Tier 2: \$5,000 Tier 3: \$7,500 monetary fine	Retailer/transporter: 30-day suspension or \$15,000 monetary option Producer/processor: Tier 1: \$15,000 Tier 2: \$30,000 Tier 3: \$60,000 monetary fine	Cancellation of license	

AMENDATORY SECTION (Amending WSR 15-11-107, filed 5/20/15, effective 6/20/15)

WAC 314-55-535 Group 4 marijuana producer and/or processor violations. Group 4 violations are violations involving the manufacture, supply, processing, and/or distribution of marijuana by marijuana producer and/or processor licensees and prohibited practices between a marijuana producer, processor, and transportation licensees 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 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

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
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. 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
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	\$2,500 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
Failure to submit monthly tax reports and/or payments. 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
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 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

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
RCW 69.50.406 RCW 69.50.412				
Conduct violations:- Criminal conduct:- 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
Refusal 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
Marijuana purchased from an unauthorized source. 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
Marijuana sold to an unauthorized source. 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
Sales in excess of transaction limitations. 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
Advertising: Violations (statements/illustrations): 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

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
Packaging and/or labeling violations (producer/processor): 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
Licensee/employee failing to display required security badge: 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
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
Records: Improper recordkeeping: 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
Signs: Failure to post required signs: 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
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
Exceeding maximum serving requirements for marijuana-infused products: 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
Failure to maintain standardized scale requirements (producer/processor): 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
Marijuana processor extraction requirements: 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
Operating plan: Violations of a board-approved operating plan: WAC 314-55-020	\$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
Failing to gain board approval for changes in existing ownership: WAC 314-55-120 RCW 69.50.339	\$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>Failure to maintain required insurance.</u> WAC 314-55-082	\$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>Unauthorized sale to a retail licensee.</u> Chapter 69.50 RCW Chapter 314-55 WAC	\$2,500 monetary fine	Tier 1: \$5,000 Tier 2: \$10,000 Tier 3: \$20,000 monetary fine	Tier 1: \$15,000 Tier 2: \$30,000 Tier 3: \$60,000 monetary fine	Cancellation of license
<u>Packaging and/or labeling violations.</u> Chapter 314-55 WAC	\$2,500 monetary fine	Tier 1: \$5,000 Tier 2: \$7,500 Tier 3: \$10,000 monetary fine	Tier 1: \$10,000 Tier 2: \$15,000 Tier 3: \$20,000 monetary fine	Cancellation of license
<u>Unauthorized product/unapproved storage or delivery.</u> Chapter 69.50 RCW	\$2,500 monetary fine	Tier 1: \$5,000 Tier 2: \$10,000 Tier 3: \$15,000 monetary fine	Tier 1: \$15,000 Tier 2: \$30,000 Tier 3: \$60,000 monetary fine	Cancellation of license
<u>Failure to meet marijuana waste disposal requirements.</u> Chapter 314-55 WAC	\$2,500 monetary fine	Tier 1: \$5,000 Tier 2: \$10,000 Tier 3: \$15,000 monetary fine	Tier 1: \$15,000 Tier 2: \$30,000 Tier 3: \$60,000 monetary fine	Cancellation of license
<u>Sampling violations.</u> Chapter 314-55 WAC	\$2,500 monetary fine	Tier 1: \$5,000 Tier 2: \$10,000 Tier 3: \$15,000 monetary fine	Tier 1: \$15,000 Tier 2: \$30,000 Tier 3: \$60,000 monetary fine	Cancellation of license
<u>Failure to follow and maintain food processing facility requirements.</u> Chapter 314-55 WAC	\$2,500 monetary fine	Tier 1: \$5,000 Tier 2: \$10,000 Tier 3: \$15,000 monetary fine	Tier 1: \$15,000 Tier 2: \$30,000 Tier 3: \$60,000 monetary fine	Cancellation of license
<u>Unauthorized pesticides, soil amendments, fertilizers, other crop production aids.</u> Chapter 314-55 WAC	Tier 1: \$5,000 Tier 2: \$10,000 Tier 3: \$15,000 monetary fine and destruction of affected marijuana	Tier 1: \$15,000 Tier 2: \$30,000 Tier 3: \$60,000 monetary fine and destruction of affected marijuana	Cancellation of license	
<u>Adulterate usable marijuana with organic or nonorganic chemical or other compound.</u> Chapter 314-55 WAC	Tier 1: \$5,000 Tier 2: \$10,000 Tier 3: \$15,000 monetary fine and destruction of affected marijuana	Tier 1: \$15,000 Tier 2: \$30,000 Tier 3: \$60,000 monetary fine and destruction of affected marijuana	Cancellation of license	
<u>Exceeding maximum serving requirements for marijuana-infused products.</u> Chapter 314-55 WAC	\$2,500 monetary fine	Tier 1: \$5,000 Tier 2: \$10,000 Tier 3: \$15,000 monetary fine	\$15,000 monetary fine	Cancellation of license
<u>Failure to maintain standardized scale requirements.</u> Chapter 314-55 WAC	\$2,500 monetary fine	Tier 1: \$5,000 Tier 2: \$7,500 Tier 3: \$10,000 monetary fine	Tier 1: \$15,000 Tier 2: \$30,000 Tier 3: \$60,000 monetary fine	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> Chapter 314-55 WAC	\$2,500 monetary fine	Tier 1: \$5,000 Tier 2: \$7,500 Tier 3: \$10,000 monetary fine	Tier 1: \$15,000 Tier 2: \$30,500 Tier 3: \$60,000 monetary fine	Cancellation of license
<u>Selling or purchasing marijuana on credit.</u> Chapter 314-55 WAC	Retailer: 5-day suspension or \$2,500 monetary option Producer/processor: \$2,500 monetary fine	Retailer: 10-day suspension or \$5,000 monetary option Producer/processor: Tier 1: \$5,000 Tier 2: \$10,000 Tier 3: \$15,000 monetary fine	Retailer: 30-day suspension Producer/processor: Tier 1: \$15,000 Tier 2: \$30,000 Tier 3: \$60,000 monetary fine	Cancellation of license
<u>Payment with NSF check.</u> Chapter 314-55 WAC	Retailer: 5-day suspension or \$500 monetary option Producer/processor: \$500 monetary fine	Retailer: 5-day suspension or \$5,000 monetary option Producer/processor: All tiers: \$5,000 monetary fine	Retailer: 10-day suspension Producer/processor: All tiers: \$5,000 monetary fine	Cancellation of license
<u>Engaging in nonretail conditional sales or prohibited practices.</u> Chapter 314-55 WAC	Retailer/transporter: 5-day suspension or \$2,500 monetary option Producer/processor: \$2,500 monetary fine	Retailer/transporter: 10-day suspension and \$5,000 monetary option Producer/processor: Tier 1: \$5,000 Tier 2: \$10,000 Tier 3: \$20,000 monetary fine	Retailer/transporter: 30-day suspension Producer/processor: Tier 1: \$15,000 Tier 2: \$30,000 Tier 3: \$60,000 monetary fine	Cancellation of license

NEW SECTION

WAC 314-55-537 Group 5 license violations. Group 5 violations are violations involving marijuana transportation licensees.

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
Transportation of marijuana in an unauthorized vehicle. Chapter 314-55 WAC	5-day suspension or \$2,500 monetary option	30-day suspension	Cancellation of license	
Exceeding maximum delivery time frame. Chapter 314-55 WAC	5-day suspension or \$2,500 monetary option	30-day suspension	Cancellation of license	
Transportation or storage of marijuana from an unlicensed source and/or diversion of product. Chapter 69.50 RCW	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
Pickup, unload, or delivery at an unauthorized location. Chapter 314-55 WAC	30-day suspension	Cancellation of license		
Transportation of marijuana outside of Washington state boundaries. Chapter 314-55 WAC	Cancellation of license			
Load exceeding maximum delivery amount. Chapter 314-55 WAC	5-day suspension or \$2,500 monetary option	30-day suspension	Cancellation of license	
Transportation of marijuana without a valid manifest. Chapter 314-55 WAC	5-day suspension or \$2,500 monetary option	30-day suspension	Cancellation of license	
Driver transporting without a valid driver's license. Chapter 314-55 WAC	5-day suspension or \$2,500 monetary option	30-day suspension	Cancellation of license	
Unauthorized driver or passenger. Chapter 314-55 WAC	5-day suspension or \$2,500 monetary option	10-day suspension or \$2,500 monetary option	30-day suspension	Cancellation of license
Criminal violation of motor vehicle laws. Title 46 RCW Chapter 314-55 WAC	10-day suspension or \$2,500 monetary option	30-day suspension	Cancellation of license	

AMENDATORY SECTION (Amending WSR 13-21-104, filed 10/21/13, effective 11/21/13)

WAC 314-55-540 Information about marijuana license suspensions. (1) On the date a marijuana license suspension goes into effect, a ~~((liquor control))~~ WSLCB enforcement officer will post a suspension notice in a conspicuous place on or about the licensed premises. This notice will state that the license has been suspended by order of the ~~((liquor control board))~~ WSLCB due to a violation of a ~~((board))~~ WSLCB law or rule.

(2) During the period of marijuana license suspension, the licensee and employees:

- (a) Are required to maintain compliance with all applicable marijuana laws and rules;
- (b) May not remove, alter, or cover the posted suspension notice, and may not permit another person to do so;
- (c) May not place or permit the placement of any statement on the licensed premises indicating that the premises have been closed for any reason other than as stated in the suspension notice;
- (d) May not advertise by any means that the licensed premises is closed for any reason other than as stated in the ~~((liquor control board's))~~ WSLCB's suspension notice.

- (3) During the period of marijuana license suspension:
 - (a) A marijuana ~~((retailer or marijuana processor))~~ licensee may not operate his/her business ~~((during the dates and times of suspension))~~.
 - (b) There is no sale, delivery, service, destruction, removal, or receipt of marijuana ~~((during a license suspension))~~.
 - (c) ~~A producer of marijuana may do whatever is necessary as a part of the producing process to keep current stock that is on hand at the time of the suspension from spoiling or becoming unsalable during a suspension, provided it does not include processing the product. The producer may not receive any agricultural products used in the production of marijuana during the period of suspension.~~