

WSR 19-20-003
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed September 18, 2019, 2:02 p.m., effective October 19, 2019]

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

Purpose: Adding a new section to chapter 308-96A WAC will allow the department to create definitions for the types of electric, hybrid and alternative fuel vehicles for the purposes of implementing EHB [E2SHB] 2042 passed during the 2019 legislative session.

Citation of Rules Affected by this Order: New WAC 308-96A-138.

Statutory Authority for Adoption: RCW 46.01.110, 46.16A.220.

Adopted under notice filed as WSR 19-15-132 on July 23, 2019.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 1, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: September 18, 2019.

Damon Monroe
Rules Coordinator

NEW SECTION

WAC 308-96A-138 Electric, hybrid and clean alternative fuel vehicles—Definitions and fees. (1) The definitions in this section are created for the purposes of assessing licensing fees in section 23, chapter 287, Laws of 2019.

(a) "Clean alternative fuel" means electricity, dimethyl ether, hydrogen, methane, natural gas, liquefied natural gas, compressed natural gas, or propane.

(b) "Electric" means at least one method of propulsion that is capable of being reenergized by an external source of electricity and capable of traveling at least thirty miles using only battery power and can reach a speed of at least thirty-five miles per hour.

(c) "Hybrid" means two or more power sources or fuel types and has the capability to drive at a speed of more than thirty-five miles per hour. This definition excludes vehicles that are considered electric or plug-in hybrid.

(2) **Will an electric vehicle be assessed the fee in section 23(1), chapter 287, Laws of 2019 in addition to the fees described in RCW 46.17.323? Yes.**

(3) **Will an electric vehicle be assessed the fee in section 23(2), chapter 287, Laws of 2019 in addition to the fees described in RCW 46.17.323? No.**

(4) **Will a hybrid or clean alternative fuel vehicle be assessed the fee in RCW 46.17.323 in addition to the fees described in section 23, chapter 287, Laws of 2019? No.** These vehicles are only subject to the electrification fee in section 23(2), chapter 287, Laws of 2019.

WSR 19-20-013
PERMANENT RULES
BOARD OF
PILOTAGE COMMISSIONERS

[Filed September 20, 2019, 10:45 a.m., effective October 21, 2019]

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

Purpose: To comply with legislative intent, through the passage of ESHB 1160, which stipulates certain conditions in order for the board of pilotage commissioners to receive state appropriation from the pilotage account solely for self-insurance liability premium expenditures. This revised rule defines the stipulated conditions.

Citation of Rules Affected by this Order: Amending WAC 363-116-301.

Statutory Authority for Adoption: Chapter 88.16 RCW, Pilotage Act.

Adopted under notice filed as WSR 19-16-006 on July 25, 2019.

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 the Request of a Non-governmental 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 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: September 19, 2019.

Jaimie Bever
Executive Director

AMENDATORY SECTION (Amending WSR 17-20-009, filed 9/22/17, effective 10/23/17)

WAC 363-116-301 New revenue collection. With respect to the passage of Engrossed ((~~Senate Bill No. 5096~~)) Substitute House Bill No. 1160, Section 108, the board of pilotage commissioners is appropriated ((~~one million one hundred thousand~~)) three million one hundred twenty-five thousand dollars from the ((~~multimodal transportation~~)) pilotage account state appropriation solely for self-insurance

liability premium expenditures. This appropriation is contingent upon ~~((three))~~ two stipulated conditions:

(1) The Puget Sound pilots shall pay to the board, from its tariffs, one hundred fifty thousand dollars annually on July 1, ~~((2017))~~ 2019, and July 1, ~~((2018))~~ 2020. These amounts shall be deposited by the board into the pilotage account and used solely for the expenditure of self-insurance premiums; and

~~((2))~~ ~~((The board shall maintain the Puget Sound pilotage district pilotage tariff at the rate which became effective on January 1, 2017; and~~

~~((3)))~~ A self-insurance premium surcharge of sixteen dollars shall be added to each Puget Sound pilotage assignment on all vessels requiring pilotage in the Puget Sound pilotage district. The Puget Sound pilots shall remit the total amount of such surcharges generated to the board by the tenth of each month. The surcharge shall be in effect from July 1, ~~((2017))~~ 2019, through June 30, ~~((2019))~~ 2021. These amounts shall be in addition to those fees to be paid to the board pursuant to subsection (1) of this section and shall be deposited by the board into the pilotage account solely for the expenditure of self-insurance premiums.

These ~~((three))~~ two directives are in effect beginning May ~~((18, 2017))~~ 16, 2019, through June 30, ~~((2019))~~ 2021.

WSR 19-20-022

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed September 23, 2019, 7:00 a.m., effective October 24, 2019]

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

Purpose: The department is amending chapter 16-610 WAC to align with recently enacted legislation to:

- Establish a definition for legacy brand;
- Increase the membership of the livestock identification advisory committee;
- Expand the electronic cattle transaction reporting (ECTR) system to allow for all cattle producers to report change of ownership and out-of-state movement transactions electronically;
- Modify those able to perform livestock inspections;
- Reflect livestock inspection fees;
- Reflect a legacy brand transfer fee; and
- Reflect brand transfer fees.

The department is also amending chapter 16-610 WAC to establish an ECTR licensing and renewal fee; increase the certified inspector certification fee; modify the requirements associated with being a certified inspector; move the language regarding the ECTR system into a section of its own; retitle the chapter to more accurately reflect the different forms of identification being regulated; establish definitions for call out fee, certified veterinarian, electronic official individual identification, and field livestock inspector; and revise language to increase clarity and readability and to conform with current industry practices.

Citation of Rules Affected by this Order: New WAC 16-610-021 and 16-610-088; and amending WAC 16-610-005,

16-610-010, 16-610-012, 16-610-013, 16-610-015, 16-610-018, 16-610-020, 16-610-035, 16-610-045, 16-610-050, 16-610-053, 16-610-060, 16-610-062, 16-610-065, 16-610-066, 16-610-085, 16-610-095, 16-610-122, and 16-610-140.

Statutory Authority for Adoption: RCW 16.57.025, [16.57.]350, [16.57.]450(8), 16.58.030, 16.65.020, and [16.65.]350.

Adopted under notice filed as WSR 19-15-141 on July 24, 2019.

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 2, Amended 13, Repealed 0.

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 6, Repealed 0.

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

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

Date Adopted: September 23, 2019.

Derek I. Sandison
Director

Chapter 16-610 WAC

LIVESTOCK (~~BRAND INSPECTION~~) IDENTIFICATION

AMENDATORY SECTION (Amending WSR 07-14-057, filed 6/28/07, effective 7/29/07)

WAC 16-610-005 Definitions. In addition to the definitions found in RCW 16.57.010, 16.58.020, and 16.65.010, the following definitions apply to this chapter:

"Association of livestock breeders" means any properly incorporated association whose membership is made up of livestock breeders.

"Beef commission assessment point" means a person or business, as designated by the Washington state beef commission, required to collect and submit the mandatory per-head beef promotional fees directly to the commission when the sale of cattle occurs.

"Beef promotion fee" means the mandatory state and/or federal beef commission assessment fee under RCW 16.67.120 and 16.67.122 that is collected on each head of cattle at the time of sale.

"Call out fee" is a trip fee charged for conducting livestock inspections.

"Certified veterinarian" means an individual licensed to practice veterinary medicine in Washington state under chapter 18.92 RCW who has been certified to perform livestock inspections by the director.

"Electronic official individual identification" means an official USDA approved 840 radio-frequency identifica-

tion (RFID) tag. Official USDA RFID ear tags are imprinted with an official USDA animal identification number (AIN), bear the official U.S. shield, and are tamper proof.

"**Farmers cooperative association**" means any cooperative association of livestock producers. Farmers cooperative association does not include livestock youth organizations such as 4-H, FFA, or other junior livestock groups.

"**Field livestock inspector**" means an individual who has been certified by the director to perform livestock inspections.

"**Legacy brand**" means a brand that has been in continuous use for at least twenty-five years.

"**Livestock heritage brand**" means a designation given to a brand that has been deactivated by the recorded owner. A heritage brand may not be applied to livestock.

"**Market**" means a public livestock market as defined in RCW 16.65.010(1).

"**Special sale**" means a public sale conducted by an individual, youth organization, livestock breeders association, or farmers cooperative association on a seasonal or occasional basis.

"**USDA**" means the United States Department of Agriculture.

LIVESTOCK IDENTIFICATION ADVISORY (~~BOARD~~) COMMITTEE

AMENDATORY SECTION (Amending WSR 07-14-057, filed 6/28/07, effective 7/29/07)

WAC 16-610-010 Livestock identification advisory (~~board~~) committee. (1) The livestock identification advisory (~~board~~) committee is established in RCW 16.57.015 for the purpose of advising the director regarding:

(a) Livestock identification programs administered under chapter 16.57 RCW and these rules;

- (b) Inspection fees; and
- (c) Related licensing fees.

(2) The (~~board~~) committee is appointed by the director and is composed of (~~six~~) twelve voting members (~~representing~~) as follows: Two beef producers, (~~public~~) two livestock market (~~operators, horse owners, dairy farmers,~~) owners, two horse producers, two dairy producers, two cattle feeders, and two meat processors. (~~The director is an ex officio member of the advisory board.~~

(3) ~~The board must~~) Organizations representing the groups represented on the committee may submit nominations for these appointments to the director for the director's consideration. No more than two members at the time of their appointment or during their term may reside in the same county. Members may be reappointed and vacancies must be filled in the same manner as original appointments are made.

(3) ~~The committee shall~~ elect a member to serve as (~~board chair. The board chair, or the chair's designee, is responsible for organizing and conducting board meetings.~~

(4) ~~The board must meet with the director at least once a year to offer its advice. Additional meetings may be held at the request of the director or a majority of the board's membership.~~

(~~5~~)) committee chair. The committee must meet at least twice a year. The committee shall meet at the call of the director, chair, or a majority of the committee. A quorum of the committee consists of a majority of members. If a member has not been designated for a position, that position may not be counted for purposes of determining a quorum. A member may appoint an alternate who meets the same qualifications as the member to serve during the member's absence. The director may remove a member from the committee if that member has two or more unexcused absences during a single calendar year.

(4) Livestock identification advisory (~~board~~) committee members must be residents of the state of Washington and actively engaged in the industry they represent.

AMENDATORY SECTION (Amending WSR 07-14-057, filed 6/28/07, effective 7/29/07)

WAC 16-610-012 Livestock identification advisory (~~board~~) committee—Length of term. (1) Advisory (~~board~~) committee members serve staggered three-year terms. Terms begin on July 1 and end on June 30.

(2) Positions are numbered one through (~~six~~) twelve as follows:

- (a) Positions one and two - Beef producers;
- (b) Positions (~~two—Public~~) three and four - Livestock market (~~operators~~) owners;
- (c) Positions (~~three~~) five and six - Horse (~~owners~~) producers;
- (d) Positions (~~four~~) seven and eight - Dairy (~~farmers~~) producers;
- (e) Positions (~~five~~) nine and ten - Cattle feeders; and
- (f) Positions (~~six~~) eleven and twelve - Meat processors.

AMENDATORY SECTION (Amending WSR 07-14-057, filed 6/28/07, effective 7/29/07)

WAC 16-610-013 Livestock identification advisory (~~board~~) committee—Vacancies. (1) To fill a vacancy resulting from an expired term, the director must solicit nominations from (~~affected statewide industry groups~~) the organization representing the group statewide. Nominations from industry groups must be submitted to the director before May 1 of the year in which the term expires. If a nomination is not received for a vacant position, the director may appoint a qualified person to fill that position.

(2) The director may fill, for the unexpired portion of a term, vacancies that occur before a term expires. When such vacancies occur, (~~advisory board members and the presidents of affected statewide industry groups~~) the director will solicit nominations from organizations representing the groups statewide, which may then submit names to the director for consideration.

AMENDATORY SECTION (Amending WSR 16-21-008, filed 10/7/16, effective 11/7/16)

WAC 16-610-015 Certificate of permit. (1) A certificate of permit (WSDA form #7020), commonly known as a "transportation permit" or a "haul slip," must accompany livestock:

- (a) In transit (cattle);
 - (b) Consigned to a public livestock market, special sale, or livestock processing facility; or
 - (c) Upon entry into a certified feedlot (cattle).
- (2) The certificate of permit may not be used as a bill of sale for cattle or horses.
- (3) A certificate of permit may be purchased by contacting the department at ((360-902-1855 or livestockid@agr.wa.gov));

Washington State Department of Agriculture
Animal Services Division
 1111 Washington Street S.E.
 P.O. Box 42577
 Olympia, WA 98504-2577
 Email: livestockid@agr.wa.gov
 Phone: 360-902-1855

The price is \$5.00 for a book of twenty-five.

- (4) The certificate of permit must include:
- (a) Owner's name and address;
 - (b) Livestock breed;
 - (c) Sex of the animal;
 - (d) Brand or other methods of livestock identification;
- and
- (e) Any other information that the director considers necessary.

AMENDATORY SECTION (Amending WSR 16-21-008, filed 10/7/16, effective 11/7/16)

WAC 16-610-018 Proof of ownership documents. (1)

Proof of ownership for cattle and horses may be established at the time of a livestock inspection by presenting one of the following documents:

- (a) An official livestock inspection certificate issued by the director.
- (b) An official electronic cattle transaction reporting certificate.
- (c) A duplicate certificate or certified copy of an original inspection document issued by the director.
- ((e)) (d) For cattle only, a self-inspection certificate completed prior to June 10, 2010, and any other information required in WAC 16-610-016.
- ((d)) (e) An official inspection certificate issued by another state or province that maintains a livestock inspection program.
- ((e)) (f) Registration papers on purebred horses.
- ((f)) (g) Registration papers on purebred cattle if the brand is not recorded in this state.
- ((g)) (h) For horses only, a bill of sale. A sample equine bill of sale is available by accessing the department's web site at ((http://agr.wa.gov/FoodAnimal/Livestock/)) https://agr.wa.gov/departments/animals-livestock-and-pets/livestock.
- ((h)) (i) A certificate of veterinary inspection issued by a state that does not maintain a livestock inspection program. Vaccination/test tags and the animal description must be verifiable and match the document.

(2) Only original inspection certificates, official duplicate certificates, or certified copies of inspection certificates are acceptable. The name of the livestock owner must appear

on the document that is submitted. Carbon copies, faxed copies or photocopies will not be accepted except for registration papers on purebred livestock.

AMENDATORY SECTION (Amending WSR 15-23-069, filed 11/16/15, effective 12/17/15)

WAC 16-610-020 Cattle inspections for brands, electronic official individual identification, or other proof of ownership. ((+)) All cattle must be inspected for brands, electronic official individual identification or other proof of ownership:

- ((a)) (1) Before being moved out of Washington state, unless the provisions of WAC 16-610-035(2) apply.
- ((b)) (2) When offered for sale at any public livestock market or special sale approved by the director.
- ((c)) (3) Upon delivery to any cattle processing plant where the United States Department of Agriculture maintains a meat inspection program, unless the cattle:
 - ((i)) (a) Originate from a certified feedlot; or
 - ((i)) (b) Are accompanied by an inspection certificate issued by the director, ((e)) a veterinarian certified by the director, a field livestock inspector certified by the director, or an agency in another state or Canadian province authorized by law to issue such a certificate.

((2) All cattle) (4) Upon entering or reentering any certified feedlot licensed under chapter 16.58 RCW ((~~must be inspected for brands or other proof of ownership~~)) and before commingling with other cattle unless the cattle are accompanied by an inspection certificate issued by the director, or a veterinarian certified by the director, or a field livestock inspector certified by the director, or an agency in another state or Canadian province authorized by law to issue such a certificate.

((3) All cattle ~~must be inspected for brands or other proof of ownership at~~) (5) At any point of private sale, trade, gifting, barter, or any other private action that constitutes a change of ownership. For transactions involving cattle not being moved or transported out of Washington state:

(a) Cattle must be presented for an inspection within fifteen days from the date of the initial transaction and accompanied by a certificate of permit. It shall be the responsibility of the seller to notify the department immediately that a sale has occurred. It shall be the responsibility of the buyer to present the animals for inspection.

(b) Cattle sold for 4-H and FFA youth projects are exempt from the fifteen day inspection requirement and can be inspected, if not prior, when consigned to a terminal show.

((e) ~~Until the earlier of January 1, 2016, or the date of notice that an electronic livestock movement reporting system is available for use, individual private sales of unbranded female dairy breed cattle involving fifteen head or less are exempt from the inspection requirement.~~)

(4) ~~Individual private sales, trades, gifting, barter, or any other action that constitutes a change of ownership of unbranded dairy cattle are required to obtain inspections under this section except when the seller holds an electronic cattle transaction reporting license under chapter 16.57 RCW and reports transactions through that system.~~

(a) Transactions involving dispersal or liquidation sales, or covered by subsection (1) and (2) of this section, or cattle being moved or transported out of Washington state, may not be reported electronically and inspection is required.

(b) For purposes of this section, "dairy cattle" means all cattle, regardless of age or sex, that are in use to produce milk or other dairy products for human consumption including, but not limited to, breeds such as Ayrshire, Brown Swiss, Holstein, Jersey, Guernsey, and Milking Shorthorn.

(c) License:

(i) Holders of a valid milk producers license under chapter 15.36 RCW may apply for an electronic cattle transaction reporting license. Applications shall be made upon a form provided by the department to include:

(A) Milk producers license number;

(B) First and last name of the holder of the milk producer license;

(C) Active email address, phone number, and mailing address for the licensed milk producer; and

(D) Business name, physical address, mailing address, and phone number.

(ii) Upon approval of the application, the director will provide the licensee with system authorization to begin utilizing the electronic cattle transaction reporting system.

(iii) As a condition of licensure, the electronic cattle transaction reporting licensee consents to up to two site visits per year. The purpose of a site visit is to conduct examinations and inspections of cattle and any associated records for movement verification. Records must be kept for three years and include information such as, but not limited to, cattle origin and destination, official individual identification tag number of each cattle sold, breed and sex of cattle sold, and date the transaction occurred. Site visits will be conducted during normal business hours and scheduled in advance. Time and mileage fees as described in WAC 16-610-065 will be assessed at the time of each site visit and will be collected from the licensee.

(iv) The director may deny, suspend, or revoke an electronic cattle transaction reporting license for failure to comply with any condition of licensure under this section or any requirement of this chapter or chapter 16.57 RCW.

(d) Reporting:

(i) All transactions reported to the department through the electronic cattle transaction reporting system must be reported within twenty-four hours of the transaction and include the following information:

(A) Buyer's name, phone number, and physical address of destination;

(B) Buyer's email address if available;

(C) Number of cattle sold;

(D) Official individual identification tag number of each cattle sold;

(E) Breed and sex of cattle sold; and

(F) Date the transaction occurred;

(ii) Only dairy cattle that are officially identified with a green tag per RCW 16.57.160(3), an animal identification number radio frequency tag, a brucellosis vaccination metal tag, or a brucellosis vaccination radio frequency tag may be reported electronically.

(iii) A fee of one dollar and thirty cents per head will be assessed for electronically reported transactions, along with any other applicable fees including, but not limited to, the fees listed in subsection (5) of this section. The fees are due and collected at the time of reporting through the electronic cattle transaction reporting system.

(5) Exemptions from mandatory inspections do not exempt cattle owners or sellers from paying beef promotion fees owed to the Washington state beef commission under chapter 16.67 RCW or the animal disease traceability fee owed to the department under chapter 16.36 RCW.)

NEW SECTION

WAC 16-610-021 Electronic cattle transaction reporting. (1) Individual private sales, trades, gifting, barter, or any other action that constitutes a change of ownership or movement out of state of cattle are required to obtain inspections under WAC 16-610-020 except when the seller holds an electronic cattle transaction reporting license under chapter 16.57 RCW and reports transactions through that system.

(2)(a) Any person may apply for an electronic cattle transaction reporting license. Applications shall be made on a form provided by the department to include:

(i) First and last name of the applicant.

(ii) Business name, physical address, mailing address, email address, and phone number.

(b) The license expires annually on June 30th.

(3) The initial license application fee is thirty-three dollars. The annual renewal fee is thirty-three dollars.

(4) The director may deny, suspend, or revoke an electronic cattle transaction reporting license for failure to comply with any condition of licensure under this section or any requirement of this chapter or chapter 16.57 RCW.

(5) All holders of an electronic cattle transaction reporting license must transmit to the department a record of each transaction containing the unique identification of each individual animal included in the transaction as assigned through a department-authorized identification method. All transactions reported to the department through the electronic cattle transaction reporting system must be reported within twenty-four hours of the transaction and include the following information:

(a) Buyer's first and last name, email address, phone number, mailing address, and physical address of destination;

(b) Number of cattle sold;

(c) Electronic official individual identification tag number of each head of cattle sold;

(d) Type and sex of each head of cattle sold;

(e) Breed and color of each head of cattle sold; and

(f) Date the transaction occurred.

(6) The following information is required for cattle that are branded in addition to the requirements in subsection (4) of this section:

(a) Design and location of the brand(s) on each head of cattle sold; and

(b) Washington brand number if the brand is recorded to the seller.

(i) If the brand is not recorded in Washington to the seller, the seller must provide proof of ownership under WAC 16-610-018.

(ii) A fee of one dollar and thirty cents per head will be assessed for electronically reported transactions, along with any other applicable fees including, but not limited to, the fees listed in subsection (7) of this section. The fees are due and collected at the time of reporting through the electronic cattle transaction reporting system.

(7) Exemptions from mandatory inspections do not exempt cattle owners or sellers from paying beef promotion fees owed to the Washington state beef commission under chapter 16.67 RCW or the animal disease traceability fee owed to the department under chapter 16.36 RCW.

AMENDATORY SECTION (Amending WSR 07-14-057, filed 6/28/07, effective 7/29/07)

WAC 16-610-035 Inspections for cattle and horses moving out of Washington state. (1) ~~((Except as provided in subsection (2) of this section,))~~ All cattle and horses must be inspected by the director, a field livestock inspector, or a certified veterinarian for brands, electronic official individual identification (cattle only), or other proof of ownership before being moved out of Washington state.

(2) Exceptions:

(a) Cattle and horses may be moved out of Washington state without inspection when they are destined for a public livestock market in another state where brand inspection is performed by Washington state department of agriculture inspectors or an agent according to an agreement with the other state.

(b) Cattle and horses moving out of Washington state to public livestock markets must be accompanied by a certificate of permit showing that the livestock are destined for and are being transported directly to the designated out-of-state inspection point. The certificate of permit is not valid for transportation to any point other than the designated inspection point.

AMENDATORY SECTION (Amending WSR 07-14-057, filed 6/28/07, effective 7/29/07)

WAC 16-610-045 Cattle inspections at certified feedlots ~~((and)), slaughter plants, and public livestock markets.~~ Inspections of cattle required under WAC 16-610-020 ~~((1)(c) or 16-610-020(2)))~~ (2), (3), and (4) and at any other beef commission assessment collection point must be conducted by the director.

AMENDATORY SECTION (Amending WSR 10-21-016, filed 10/7/10, effective 11/7/10)

WAC 16-610-050 Cattle inspections for private transactions. Inspections of cattle required under WAC 16-610-020 ~~((3))~~ (1) or (5) may be conducted by:

- (1) The director; ~~((or))~~
- (2) Veterinarians certified by the director; or
- (3) Field livestock inspectors certified by the director.

AMENDATORY SECTION (Amending WSR 12-02-068, filed 1/3/12, effective 2/3/12)

WAC 16-610-053 Physical address requirements. (1) Livestock inspection certificates, electronic cattle transaction reporting certificates, certificate of permits, and equine bill of sales shall contain a destination physical address except where specifically exempted in this section. For purposes of this section, a physical address is the actual street location of the destination.

(2) All cattle and horses must be transported and delivered directly to the physical address noted on a livestock inspection certificate, electronic cattle transaction reporting certificate (cattle only), certificate of permit, and/or equine bill of sale. Cattle and horses shall not be diverted to any other physical address or location except for:

(a) A temporary destination due to a medical emergency where the immediate health of the animal is in jeopardy; or

(b) A category two restricted holding facility as defined in chapter 16-30 WAC if the cattle will be transported and delivered to a lot of like status.

(3) If the destination physical address cannot be determined due to no physical address assigned by the appropriate county jurisdiction or local emergency services, the following can be used:

(a) Descriptive driving directions to the physical location of where the cattle or horse(s) is being transported and delivered to; or

(b) The global positioning system (GPS) coordinates of the physical location of where the cattle or horse(s) is being transported and delivered to. GPS coordinates must contain two latitude or three longitude digits to the left of the decimal point and six digits to the right of the decimal point.

(4) Failing to provide the required destination physical address or acceptable alternative as defined in subsection (3) of this section or diverting cattle and horses from the destination physical address may result in a civil infraction per WAC 16-610-095.

VETERINARIAN AND FIELD LIVESTOCK INSPECTOR CERTIFICATION

AMENDATORY SECTION (Amending WSR 16-21-008, filed 10/7/16, effective 11/7/16)

WAC 16-610-060 Veterinarian and field livestock inspector certification. (1)(a) The director may certify veterinarians, who are licensed and accredited in Washington state and field livestock inspectors who comply with the requirements of this section, to issue livestock inspection certificates.

(b) Veterinarians and field livestock inspectors may not conduct inspections at certified feedlots, slaughter plants, public livestock markets, or special sales.

(c)(i) Veterinarians and field livestock inspectors may not perform livestock inspections for an individual or business if a conflict of interest exists.

(ii) For the purpose of this rule, a "conflict of interest" includes, but is not limited to, a financial or other interest, direct or indirect, in the livestock, the facility in which the

livestock are presented for sale, or the event at which the livestock are being exhibited.

(2) Veterinarians licensed and accredited in Washington state and field livestock inspectors who wish to issue inspection certificates for livestock must apply for certification on the department's application form (WSDA form #7028). The application must include the following:

(a) The full name (~~and principal business~~), address, telephone number, and email address of the individual applying for certification;

(b) The applicant's Washington state veterinary license number if the applicant is a veterinarian;

(c) The geographic area in which the applicant will issue inspection certificates for livestock;

(d) A statement describing the applicant's experience with large animals, especially cattle and horses;

(e) A brief statement indicating that the applicant is requesting certification to issue inspection certificates for cattle, horses or both;

(f) The signature of the applicant; and

(g) Any other additional information as requested by the director.

(3) All applications must be accompanied by a check or money order for the amount of the certification fee of (~~thirty-five~~) sixty dollars per applicant.

(4) Certifications expire on the third December 31st following the date of issuance. For example, if a (~~certification~~) certification was issued on October 14, 2003, it would expire on December 31, 2005. All applications for renewal of certification must be submitted on AGR Form 930-7089 and accompanied by a check or money order for the amount of the certification fee of (~~thirty-five~~) sixty dollars per applicant.

(5) All (~~veterinarians~~) applicants applying for certification or renewal of certification must complete department-provided training and pass a written test with no less than a score of ninety percent. The department will provide to each person applying for certification or renewal of certification a copy of the most current brand book and any supplements issued to date to each certified veterinarian or field livestock inspector. Training will include, but will not be limited to, the:

(a) Reading of printed brands;

(b) Reading of brands or other marks on animals, including the location of brands on animals;

(c) Reading of a microchip or other electronic official individual identification;

(d) Completion of official documents; and

(~~(e)~~) (e) Review of satisfactory ownership documents.

(6) The director will maintain a list of veterinarians and field livestock inspectors certified to perform livestock inspections. Interested parties may request a copy of the list by contacting the department at (~~360-902-1855 or livestockid@agr.wa.gov~~);

Washington State Department of Agriculture
Animal Services Division
1111 Washington Street S.E.
P.O. Box 42577
Olympia, WA 98504-2577
Email: livestockid@agr.wa.gov

Phone: 360-902-1855

Web site: <https://agr.wa.gov/departments/animals-livestock-and-pets/livestock>

(7) Inspections by certified veterinarians and field livestock inspectors are conducted upon request and provided at the discretion of the veterinarian or field livestock inspector.

(8) Certified veterinarians and field livestock inspectors must submit all required inspection fees to the director and copies of each inspection certificate within thirty days of the date of issue.

(9) The director may deny certification or renewal of certification to issue inspection certificates if the veterinarian or field livestock inspector fails to meet the requirements of this section or knowingly makes false or inaccurate statements regarding his or her qualifications on the certification application.

AMENDATORY SECTION (Amending WSR 07-14-057, filed 6/28/07, effective 7/29/07)

WAC 16-610-062 Veterinarian and field livestock inspector certification—Suspension and revocation. (1) The director may suspend or revoke a veterinarian's or field livestock inspector's certification to issue inspection certificates if the veterinarian or field livestock inspector knowingly:

(a) Makes or acquiesces in false or inaccurate statements on livestock inspection certificates regarding:

(i) The date or location of the inspection;

(ii) The marks, electronic official individual identification, or brands on the livestock inspected;

(iii) The owner's name; or

(iv) Any other statement about the livestock inspected.

(b) Fails to properly verify the ownership status of the animal before issuing an inspection certificate.

(c) Issues an inspection certificate without actually conducting an inspection of the livestock.

(d) Fails to submit inspection fees and certificates issued to the director within thirty days from the date of issue.

(e) Conducts livestock inspections when a conflict of interest exists.

(2) Actions under this section will be taken in accordance with chapter 34.05 RCW.

AMENDATORY SECTION (Amending WSR 12-21-013, filed 10/5/12, effective 11/5/12)

WAC 16-610-065 Livestock identification fees. All livestock identification inspection fees charged by the director are specified in statute under RCW 16.57.220 but are reproduced in this section for ease of reference.

(~~For purposes of this section, the time and mileage fee means seventeen dollars per hour and the current mileage rate set by the office of financial management.~~) A call out fee of twenty dollars will be charged for conducting livestock inspections in accordance with RCW 16.57.220, 16.58.130 and 16.65.090. Public livestock markets, special sales, open consignment horse sales, certified feedlots, and USDA inspected slaughter facilities will be charged a call out fee per inspector per day, with the exception of:

Special sales conducted by youth livestock organizations such as 4-H, FFA, and junior livestock groups are exempt from call out fees.

Certificate	Fees:
Inspection Certificate - Cattle	<p>(1) The livestock inspection fee for cattle is \$(1.60) 4.00 per head ((or the time and mileage fee, whichever is greater,)) except: The fee for livestock inspection for cattle is \$(1.10) 1.21 per head ((or the time and mileage fee, whichever is greater,)) when cattle are identified with a valid brand recorded to the owner ((of the cattle in Washington)) <u>or identified with an electronic official individual identification tag.</u> ((The time and mileage fee may be waived for private treaty transactions of ten head or less of cattle bearing the seller's Washington recorded brand and special sales of 4-H, FFA, and junior/youth groups. The time and mileage waiver: (a) Will be limited to twelve waivers within a calendar year; and (b) Does not apply to multiple sales to the same buyer within a thirty-day period.))</p> <p>(2) The livestock inspection fee for cattle is \$(4.00) 4.40 per head for cattle delivered to a USDA inspected slaughter facility with a daily capacity of no more than five hundred head of cattle.</p> <p>(3) No inspection fee is charged for a calf that is inspected prior to moving out-of-state under an official temporary grazing permit if the calf is part of a cow-calf unit and the calf is identified with the owner's Washington state-recorded brand <u>or identified with an electronic official individual identification tag.</u></p>
Inspection Certificate - Horse	<p>(4) The livestock inspection fee for horses is \$(3.50) 3.85 per head ((or the time and mileage rate, whichever is greater, except:)).</p>
Inspection Certificate - Groups of thirty or more horses	<p>(5) The livestock inspection fee for groups of thirty or more horses is \$(2.00) 2.20 per head ((or the time and mileage fee, whichever is greater,)), if: (a) The horses are owned by one individual; and</p>

Certificate	Fees:
	<p>(b) The inspection is performed on one date and at one location; and (c) Only one certificate is issued.</p>
Inspection Certificate - Minimum fee	<p>(6) The minimum fee for a livestock inspection is \$(5.00) 5.50. The minimum fee does not apply to livestock consigned to and inspected at a public livestock market, special sale, or a cattle processing plant.</p>
Annual individual identification certificate for individual animals	<p>(7)(a) The livestock inspection fee for an annual individual identification certificate for cattle and horses is \$(20.00) 22.00 per head ((or the time and mileage fee, whichever is greater)). (b) The livestock inspection fee for an annual individual identification certificate for groups of thirty or more horses or cattle is \$(5.00) 5.50 per head ((or the time and mileage fee, whichever is greater,)), if: (i) The horses or cattle are owned by one individual; (ii) The inspection is performed on one date and at one location; and (iii) Only one certificate is issued.</p>
Lifetime individual identification certificate	<p>(8) A livestock inspection fee for a lifetime individual identification certificate for horses and cattle is \$(60.00) 63.00 per head ((or the time and mileage fee, whichever is greater)).</p>

AMENDATORY SECTION (Amending WSR 16-21-008, filed 10/7/16, effective 11/7/16)

WAC 16-610-066 Replacement copies of brand inspection documents. (1) Individuals can request replacement copies of inspection documents issued by the director which are held by the department.

(2) All requests for replacement copies will be submitted on AGR Form 930-7093 to the department. This form ~~((is available on the department's web site at <http://agr.wa.gov/FoodAnimal/Livestock/>))~~ may be obtained from and sent to:

Washington State Department of Agriculture
Animal Services Division
1111 Washington Street S.E.
P.O. Box 42577
Olympia, WA 98504-2577
Email: livestockid@agr.wa.gov
Phone: 360-902-1855

Web site: <https://agr.wa.gov/departments/animals-livestock-and-pets/livestock>

(3) A twenty-five dollar fee will be charged per document for replacement copies and must accompany the form.

(4) Replacement copies will only be issued to a requestor whose name appears as the buyer, seller, or owner on the document being requested.

AMENDATORY SECTION (Amending WSR 16-21-008, filed 10/7/16, effective 11/7/16)

WAC 16-610-085 Production brands. (1) Before a production brand may be used in Washington state, it must be recorded with the director according to the provisions of chapter 16.57 RCW and in the same manner as an ownership brand.

(2) Forms to record a brand may be obtained (~~by contacting the department at 360-902-1855, emailing livestockid@agr.wa.gov or accessing the department's web site at <http://agr.wa.gov/FoodAnimal/Livestock/>~~) from and sent to:

Washington State Department of Agriculture
Animal Services Division
1111 Washington Street S.E.
P.O. Box 42577
Olympia, WA 98504-2577
Email: livestockid@agr.wa.gov
Phone: 360-902-1855
Web site: <https://agr.wa.gov/departments/animals-livestock-and-pets/livestock>

(3) The director will not charge a fee to record a production brand if the person recording the brand has already paid to record an ownership brand.

(4) Production brands are not recognized for ownership purposes, recorded for ownership purposes, or accepted for livestock inspection purposes.

(5) Dairy cattle: Owners may use any digit or combination of digits as a production brand to identify their dairy cattle as long as the brand is located on the neck or between the hock and the stifle of a hind leg.

(6) Beef cattle: Owners may use a production brand to identify beef cattle but only when the cattle also bear a brand that is currently recorded to the owner of the animal.

(a) On beef cattle, production brands may be located on either side of the animal on the shoulder or hip.

(b) Any numeral digit or combination of digits may be used for a beef cattle production brand as long as they do not conflict with currently recorded ownership brands.

(7) Only Arabic numerals can be used for production brands.

NEW SECTION

WAC 16-610-088 Transfer of recorded brands. (1)(a) The application to transfer a brand shall be accompanied by a notarized form that includes a facsimile of the brand, a description, information about the current owners, and a twenty-seven dollar and fifty cent transfer fee.

(b) A legacy brand transfer requires a one hundred dollar transfer fee.

(2) The application form to transfer a brand or a legacy brand may be obtained from and sent to:

Washington State Department of Agriculture
 Animal Services Division
 1111 Washington Street S.E.
 P.O. Box 42577
 Olympia, WA 98504-2577
 Email: livestockid@agr.wa.gov
 Phone: 360-902-1855
 Web site: <https://agr.wa.gov/departments/animals-livestock-and-pets/livestock>

AMENDATORY SECTION (Amending WSR 12-02-068, filed 1/3/12, effective 2/3/12)

WAC 16-610-095 Penalty schedule for notices of infraction. (1) If any person fails to comply with the requirements of chapters 16-610 WAC and 16.57 RCW (Identification of livestock), the director may issue that person a notice of infraction and may assess a penalty.

(2) The following infractions have the base penalty listed, not including statutory assessments.

Livestock Identification Program
 Civil Infraction Schedule for Violations of Chapter 16.57 RCW

Violation	Base Penalty
RCW 16.57.260	Removal of cattle and horses from Washington state without an inspection certificate or an ECTR transaction certificate.
First offense	\$100.00
2nd offense within three years	\$150.00
3rd offense within three years	\$250.00
RCW 16.57.267	Failing to present an animal for mandatory inspection.
First offense	\$100.00
2nd offense within three years	\$150.00
3rd offense within three years	\$250.00
RCW 16.57.270	Refusing to assist in establishing ownership and identity.
First offense	\$100.00
2nd offense within three years	\$150.00
3rd offense within three years	\$250.00

Violation	Base Penalty
RCW 16.57.350	Interfering with the director in the performance of livestock identification duties.
First offense	\$100.00
2nd offense within three years	\$150.00
3rd offense within three years	\$250.00
RCW 16.57.440	Transporting or delivering cattle or horses to any destination other than the designated physical address.
First offense	\$100.00
2nd offense within three years	\$150.00
3rd offense within three years	\$250.00
RCW 16.57.050	Using an unrecorded brand.
Each offense	\$37.00
RCW 16.57.160	Failing to designate a physical address
Each offense	\$37.00
RCW 16.57.243	Moving cattle without proof of ownership.
Each offense	\$37.00
RCW 16.57.275	Transporting a carcass without proof of ownership.
Each offense	\$37.00
RCW 16.57.277	Failing to attach custom slaughter tags.
Each offense	\$37.00
RCW 16.57.410	Acting as a registering agency without a permit.
Each offense	\$37.00

AMENDATORY SECTION (Amending WSR 07-14-057, filed 6/28/07, effective 7/29/07)

WAC 16-610-122 Release of cattle and horses from public livestock markets. (1) Before allowing the removal

of any cattle or horses from any public livestock market, a licensee or the licensee's agent or employee must:

- (a) Obtain a livestock inspection clearance from the director for the cattle or horses being removed; and
- (b) Issue a release to the person wishing to remove the cattle or horses.

(2) The licensee shall hold proceeds from the sale of impounded cattle or horses for a reasonable period of time not to exceed thirty days to permit the consignor to establish ownership or the right to sell the cattle or horses. If the consignor fails to establish legal ownership or the right to sell the cattle or horses, the proceeds shall be paid to the director to be disposed of as any other stray proceeds under RCW 16.57.300.

(3) Cattle and horses that have been offered for sale at a public livestock market but did not sell, will not be assessed an additional inspection fee upon reconignment if:

- (a) The reconignment occurs within eight days of the original sale;
- (b) The animals are reconsigned to the original sale facility;
- (c) The animals have not been removed from the original sale facility before reconignment;
- (d) The animals have not been commingled with other animals; and
- (e) No animals have been added or removed from the group.

AMENDATORY SECTION (Amending WSR 07-14-057, filed 6/28/07, effective 7/29/07)

WAC 16-610-140 Approval of special sales and open consignment horse sales. (1) An individual, farmers cooperative association, association of livestock breeders, or youth livestock organization such as 4-H, FFA, or other junior livestock group may submit an application to the director for a special sale or open consignment horse sale. Approval of applications for a special sale or open consignment horse sale is at the discretion of the director.

(2) A livestock market may submit an application to the director for a special sale or open consignment horse sale on a day not specifically assigned to it. Approval of special sales and open consignment horse sales on unassigned days is at the discretion of the director.

(3) Special sales and open consignment horse sales are limited to three sales per month per applicant in any location, as long as all requirements are met and the proper permits and license have been obtained.

(4) "Special sale" does not mean a public sale by a group of individuals conducting private treaty sales of horses brought to a central location if:

- (a) Funds are not handled by a third party; and
- (b) The buyer meets the inspection requirements contained in RCW 16.57.260.

(5) Application for approval of a special sale or open consignment horse sale must be made at least fifteen days in advance of the proposed sale.

(6) The application for a special sale or open consignment horse sale must be made on forms provided by the director and must contain the following:

- (a) Name, address, email address, and ~~((contact))~~ phone number of the applicant;
- (b) Type of applicant: Producer, livestock market, or association;
- (c) Name of sale and/or event;
- (d) Type and number of livestock expected to be sold;
- (e) Date, time, and location of the sale;
- (f) Name and ~~((contact))~~ phone number of the veterinarian who will be providing animal health services; and
- (g) The signature of the applicant.
- (7) In addition to the requirements in subsections (5) and (6) of this section, the application for an open consignment horse sale must also provide the director with the following:
- (a) A detailed statement showing all of the assets and liabilities of the applicant;
- (b) A schedule of rates and charges that the applicant will impose on the seller or consignor, including the entry fee, commission, pass out (no sale) fees, stabling, etc.;
- (c) Verification of custodial account, as per RCW 16.65.140;
- (d) Written evidence of valid bond, as per RCW 16.65.-232; and
- (e) The projected approximate value of the horses to be handled.
- (8) The director charges a special sale application fee of fifty dollars, which is specified in RCW 16.65.420, and an open consignment horse sale license fee of one hundred dollars, as specified in RCW 16.65.042. Applications will not be processed until the application fee is paid. There is no application fee for youth livestock organizations.

WSR 19-20-025**PERMANENT RULES****STATE BOARD OF HEALTH**

[Filed September 23, 2019, 10:31 a.m., effective October 24, 2019]

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

Purpose: Chapter 246-650 WAC, Newborn screening, the Washington state board of health has adopted rules that will add Pompe disease and Mucopolysaccharidosis type I (MPS I) to the list of mandatory conditions for newborn screening conducted by the department of health; create a new section outlining critical congenital heart disease screening requirements to align with RCW 70.83.090; and improve clarity and usability of the rule.

Citation of Rules Affected by this Order: New WAC 246-650-035; and amending WAC 246-650-001, 246-650-010, 246-650-020, 246-650-040, 246-650-050, 246-650-990, and 246-650-991.

Statutory Authority for Adoption: RCW 70.83.050, 70.83.090.

Other Authority: RCW 70.83.020.

Adopted under notice filed as WSR 19-14-103 on July 2, 2019.

A final cost-benefit analysis is available by contacting Alexandra Montano, P.O. Box 47990, Olympia, WA 98504-7990, phone 360-236-4106, fax 360-236-4088, TTY 360-833-6388 or 711, email alexandra.montano@sboh.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 the Request of a Non-governmental Entity: New 0, Amended 2, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 7, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 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: August 14, 2019.

Michelle A. Davis
Executive Director

AMENDATORY SECTION (Amending WSR 03-24-026, filed 11/24/03, effective 12/25/03)

WAC 246-650-001 Purpose. The purpose of this chapter is to establish board rules to detect, in newborns, congenital disorders leading to developmental ~~((impairment))~~ or physical disabilities as required by RCW 70.83.050 and to provide protections for the confidentiality of information and human biological specimens submitted pursuant to these requirements.

AMENDATORY SECTION (Amending WSR 18-01-024, filed 12/8/17, effective 3/1/18)

WAC 246-650-010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

~~((For the purposes of this chapter:))~~

(1) "Amino acid disorders" means ~~((disorders of metabolism characterized by the body's inability to correctly process amino acids or the inability to detoxify the ammonia released during the breakdown of amino acids. The accumulation of amino acids or their by-products may cause severe complications including intellectual disability, coma, seizures, and possibly death. For the purpose of this chapter amino acid disorders include:))~~ argininosuccinic acidemia (ASA), citrullinemia type I (CIT), homocystinuria (HCY), maple syrup urine disease (MSUD), phenylketonuria (PKU), and tyrosinemia type I (TYR I), which may cause severe complications including intellectual disability, coma, seizures, and possibly death.

(2) "Board" means the Washington state board of health.

(3) "Biotinidase deficiency" means a deficiency of an enzyme (biotinidase) that facilitates the body's recycling of biotin. The result is biotin deficiency, which if undetected and untreated, may result in severe neurological damage or death.

(4) "Congenital adrenal hyperplasia" means a severe disorder of adrenal steroid metabolism which may result in

death of an infant during the neonatal period if undetected and untreated.

(5) "Congenital hypothyroidism" means a disorder of thyroid function during the neonatal period causing impaired mental functioning if undetected and untreated.

(6) "Critical congenital heart disease" means an abnormality in the structure or function of the heart that exists at birth, causes severe, life-threatening symptoms, and requires medical intervention within the first year of life.

(7) "Cystic fibrosis" means a life-shortening (~~(disease)~~) disorder caused by mutations in the gene encoding the cystic fibrosis transmembrane conductance regulator (CFTR), a transmembrane protein involved in ion transport. Affected individuals suffer from chronic, progressive pulmonary disease and nutritional deficits. Early detection and enrollment in a comprehensive care system provides improved outcomes and avoids the significant nutritional and growth deficits that are evident when diagnosed later.

~~((7))~~ (8) "Department" means the Washington state department of health.

~~((8))~~ (9) "Fatty acid oxidation disorders" means ~~((disorders of metabolism characterized by the inability to efficiently use fat to make energy. When the body needs extra energy, such as during prolonged fasting or acute illness, these disorders can lead to hypoglycemia and metabolic crises resulting in serious damage affecting the brain, liver, heart, eyes, muscle, and possibly death. For the purpose of this chapter fatty acid oxidation disorders include:))~~ carnitine uptake defect (CUD), long-chain L-3-OH acyl-CoA dehydrogenase deficiency (LCHADD), medium-chain acyl-CoA dehydrogenase deficiency (MCADD), trifunctional protein deficiency (TFP), and very long-chain acyl-CoA dehydrogenase deficiency (VLCADD). These disorders can lead to hypoglycemia and metabolic crises resulting in serious damage affecting the brain, liver, heart, eyes, muscle, and possibly death.

~~((9))~~ (10) "Galactosemia" means a deficiency of enzymes that help the body convert the simple sugar galactose into glucose resulting in a buildup of galactose and galactose-1-PO₄ in the blood. If undetected and untreated, accumulated galactose-1-PO₄ may cause significant tissue and organ damage often leading to sepsis and death.

~~((10))~~ (11) "Hemoglobinopathies" means a group of hereditary blood disorders caused by genetic alteration of hemoglobin which results in characteristic clinical and laboratory abnormalities and which leads to developmental impairment or physical disabilities.

~~((11))~~ "Organic acid disorders" means disorders of metabolism characterized by the accumulation of nonamino organic acids and toxic intermediates. This may lead to metabolic crisis with ketoacidosis, hyperammonemia and hypoglycemia resulting in severe neurological and physical damage and possibly death. For the purpose of this chapter organic acid disorders include: 3-OH 3-CH₃ glutaric aciduria (HMG), beta ketothiolase deficiency (BKT), glutaric acidemia type I (GA 1), isovaleric acidemia (IVA), methylmalonic acidemia (CblA,B), methylmalonic acidemia (mutase deficiency) (MUT), multiple carboxylase deficiency (MCD), and propionic acidemia (PROP).

(12) "Newborn" means an infant born in any setting in the state of Washington.

(13) "Newborn screening specimen/information form" means ~~((the information))~~ a form provided by the department ((including)) for collecting a newborn's dried blood spots and information used to screen for congenital disorders under this chapter. This includes the filter paper portion and associated dried blood spots. ((A specimen/information form containing patient information is "health care information" as used in chapter 70.02 RCW.))

(14) "Mucopolysaccharidosis I (MPS-I)" means a multi-system disorder caused by mutations in the alpha-L-iduronidase gene in which a lysosomal enzyme is deficient, leading to accumulation of mucopolysaccharides (a type of carbohydrate) and other metabolites. This includes Hurler, Hurler-Scheie, and Scheie syndromes.

(15) "Organic acid disorders" means 3-OH 3-CH₃ glutaric aciduria (HMG), beta-ketothiolase deficiency (BKT), glutaric acidemia type I (GA 1), isovaleric acidemia (IVA), methylmalonic acidemia (CblA,B), methylmalonic acidemia (mutase deficiency) (MUT), multiple carboxylase deficiency (MCD), and propionic acidemia (PROP). These disorders can lead to metabolic crises resulting in severe nerve damage, physical damage, and possibly death.

(16) "Pompe disease" means a neuromuscular disorder caused by mutations in the acid glucosidase gene which result in reduced or absent activity of the acid alpha glucosidase enzyme.

(17) "Significant screening test result" means a laboratory test result indicating a suspicion of abnormality and requiring ~~((further))~~ diagnostic evaluation of the involved infant for ~~((the))~~ a specific congenital disorder.

~~((15))~~ (18) "Severe combined immunodeficiency (SCID)" means a group of congenital disorders characterized by profound deficiencies in T- and B- lymphocyte function. This results in very low or absent production of the body's primary infection fighting processes that, if left untreated, results in severe recurrent, and often life-threatening infections within the first year of life.

~~((16))~~ (19) "X-linked adrenoleukodystrophy (X-ALD)" means a peroxisomal disorder caused by mutations in the ABCD1 gene located on the X chromosome. If untreated this can lead to adrenocortical deficiency, damage to the nerve cells of the brain, paralysis of the lower limbs, mental decline, disability, or death.

AMENDATORY SECTION (Amending WSR 18-01-024, filed 12/8/17, effective 3/1/18)

WAC 246-650-020 Performance of screening tests.

(1) Hospitals and other providers of birth and delivery services or neonatal care to infants shall:

(a) Inform parents or ~~((responsible parties))~~ guardians, by providing a departmental information pamphlet or by other means, of:

(i) The purpose of screening newborns for congenital disorders;

(ii) Disorders of concern as listed in WAC 246-650-020(2);

(iii) The requirement for newborn screening;

(iv) The legal right of parents or (~~responsible parties~~) guardians to refuse testing because of religious tenets or practices as specified in RCW 70.83.020; and

(v) The specimen storage, retention and access requirements specified in WAC 246-650-050.

(b) Obtain a blood specimen for laboratory testing as specified by the department from each newborn no later than forty-eight hours following birth.

(c) Use department-approved newborn screening specimen/information forms and directions for obtaining specimens.

(d) Enter all identifying and related information required on the newborn screening specimen/information form following directions of the department.

(e) In the event a parent or (~~responsible party~~) guardian refuses to allow newborn screening, obtain signatures from parents or (~~responsible parties~~) guardians on the (~~department~~) newborn screening specimen/information form.

(f) Forward the newborn screening specimen/information form with dried blood spots or signed refusal to the Washington state public health laboratory so that it will be received no later than seventy-two hours following collection of the specimen, excluding any day that the state laboratory is closed.

(2) Upon receipt of specimens, the department shall:

(a) Record the time and date of receipt;

(b) Perform appropriate screening tests for:

(i) (~~Biotinidase deficiency;~~

(ii) Congenital hypothyroidism;

(iii) Congenital adrenal hyperplasia;

(iv) Galactosemia;

(v) Hemoglobinopathies;

(vi) Cystic fibrosis;

(vii) ~~The amino acid disorders: Argininosuccinic acidemia (ASA), citrullinemia (CIT), homocystinuria, maple syrup urine disease (MSUD), phenylketonuria (PKU), and tyrosinemia type I (TYR I);~~

(viii) ~~The fatty acid oxidation disorders: Carnitine uptake defect (CUD), long chain L-3-OH acyl-CoA dehydrogenase deficiency (LCHADD), medium chain acyl-CoA dehydrogenase deficiency (MCADD), trifunctional protein deficiency (TFP), and very long chain acyl-CoA dehydrogenase deficiency (VLCADD);~~

(ix) ~~The organic acid disorders: 3-OH 3-CH₃ glutaric aciduria (HMG), beta ketothiolase deficiency (BKT), glutaric acidemia type I (GA I), isovaleric acidemia (IVA), methylmalonic acidemia (CblA,B), methylmalonic acidemia (*mutase deficiency*) (MUT), multiple carboxylase deficiency (MCD), propionic acidemia (PROP);~~

(x) ~~Severe combined immunodeficiency (SCID);~~

(xi) ~~X-linked adrenoleukodystrophy (X-ALD))~~ Amino acid disorders;

(ii) Biotinidase deficiency;

(iii) Congenital hypothyroidism;

(iv) Congenital adrenal hyperplasia;

(v) Cystic fibrosis;

(vi) Fatty acid oxidation disorders;

(vii) Galactosemia;

(viii) Hemoglobinopathies;

(ix) Mucopolysaccharidosis type I (MPS-I);

(x) Organic acid disorders;

(xi) Pompe disease;

(xii) Severe combined immunodeficiency (SCID);

(xiii) X-linked adrenoleukodystrophy (X-ALD).

(c) Report significant screening test results to the infant's attending (~~physician or family~~) health care provider or parent or guardian if an attending (~~physician~~) health care provider cannot be identified; and

(d) Offer diagnostic and treatment resources (~~of the department~~) to (~~physicians~~) health care providers attending infants with (~~presumptive positive~~) significant screening test(~~s~~) results within limits determined by the department.

(3) Once the department notifies the attending health care provider of significant screening test results, the attending health care provider shall notify the department of the date upon which the results were disclosed to the parent or guardian of the infant. This requirement expires January 1, 2020.

NEW SECTION

WAC 246-650-035 Screening for critical congenital heart disease. (1) Prior to a hospital discharge of a newborn, the hospital shall ensure that:

(a) A licensed health care provider perform critical congenital heart disease screening on the newborn using pulse oximetry according to recommended American Academy of Pediatrics guidelines;

(b) Record the results of the critical congenital heart disease screening test in the newborn's medical record; and

(c) If the screening test indicates a suspicion of abnormality, refer the newborn for appropriate care and report the test results to the newborn's attending health care provider and parent, parents, or guardian.

(2)(a) Except as provided in (b) of this subsection, a health care provider attending a birth outside of a hospital shall, between twenty-four and forty-eight hours after the birth of the newborn:

(i) Perform critical congenital heart disease screening on the newborn using pulse oximetry according to recommended American Academy of Pediatrics guidelines;

(ii) Record the results of the critical congenital heart disease screening test in the newborn's medical record; and

(iii) If the screening test indicates a suspicion of abnormality, refer the newborn for appropriate care and report the test results to the newborn's attending health care provider and parents or guardians.

(b) If the health care provider does not perform the test required in (a) of this subsection because he or she does not possess the proper equipment, the health care provider shall notify the parents or guardians in writing that the health care provider was unable to perform the test and that the newborn should be tested by another health care provider no sooner than twenty-four hours after the birth, but no later than forty-eight hours after the birth.

(3) A health care provider may not test a newborn as required by this section if the parents or guardians object to the test based on religious beliefs.

AMENDATORY SECTION (Amending WSR 14-21-017, filed 10/2/14, effective 11/2/14)

WAC 246-650-040 Reports to the board and the public. (1) The department shall report to the board annually the following information concerning tests conducted under ~~((this section))~~ WAC 246-650-020:

(a) The costs of tests as charged by the department;
 (b) The results of each category of tests, by county of birth and racial or ethnic group, as reported on the newborn screening specimen/information form ~~((and, if available, birth certificates))~~; and

(c) Follow-up procedures and the results of such follow-up procedures.

(2) The department shall compile an annual report for the public that includes:

(a) The compliance rate of each hospital in meeting the deadlines established under RCW 70.83.020 for newborn screenings; and

(b) The performance rate of each individual hospital;
~~((c) The time taken by health care providers to notify parents and guardians after being notified by the department about infant screening tests that indicate a suspicion of abnormality that requires further diagnostic evaluation. Notification times will be summarized and reported in increments of days)).~~

(3) The reports must be made available in a format that does not disclose the identifying information related to any infant, parent or guardian, or health care provider.

(4) The report must be posted in an accessible location on the department of health's web site.

~~((5) Subsections (2) through (4) of this section expire January 1, 2020.))~~

AMENDATORY SECTION (Amending WSR 03-24-026, filed 11/24/03, effective 12/25/03)

WAC 246-650-050 Privacy and security of newborn screening specimen/information forms. The newborn screening specimen/information form submitted to the department pursuant to WAC 246-650-020 becomes the property of the state of Washington upon receipt by the Washington state public health laboratory. The department shall protect the privacy of newborns and their families and assure that all specimen/information forms submitted for screening are protected from inappropriate use or access. A newborn specimen/information form contains health care information that is confidential under chapter 70.02 RCW.

(1) Storage: The newborn screening specimen/information forms shall be kept at ambient temperature in secured storage to preserve their confidentiality and prevent access by unauthorized persons.

(2) Retention/destruction: The newborn screening specimen/information form shall be retained until the child is twenty-one years old in accordance with the requirements for hospitals specified in RCW 70.41.190. After this time the ~~((form will be destroyed))~~ department shall destroy the form.

EXCEPTION FOR PARENTAL REQUEST: Upon request of a parent or guardian (or a patient who is over the age of eighteen years), the department ~~((will))~~ shall destroy the newborn screening specimen/information form only after all required

screening tests have been performed and if the patient's screening/clinical status related to these tests is not in question.

(3) Access: Access to stored newborn screening specimen/information forms ~~((shall))~~ must be restricted to department employees and those contractors or others approved by the department as necessary to meet specific program needs. Access is contingent upon compliance with all applicable federal and state laws, regulations, and policies safeguarding the privacy and confidentiality of medical information. The department shall assure that those granted access understand the confidentiality requirements and have a signed confidentiality agreement on file.

(4) Release: Dried blood spot samples and specimen information may only be released when required by state or federal law or under the following conditions:

(a) A sample from a specimen and copies of associated identifying information (patient information and testing results, if requested) may be released to:

(i) A health care provider at the request of the patient or ~~((their))~~ his or her legal representative after completing and signing a written request form approved by the department. The release form must be provided to the director of newborn screening before the request will be fulfilled.

(ii) A researcher with the written, informed consent of the patient or ~~((their))~~ the patient's legal representative as part of a research project that has been reviewed and approved by the ~~((DOH/DSHS human subjects research))~~ Washington state institutional review board and the secretary or designee of the department ~~((of health))~~.

(iii) A named person in a legally executed subpoena following review and approval of the state attorney general.

(iv) A person to whom release is mandated by order of a court of competent jurisdiction.

(b) Anonymous samples may be released if the department determines that the intended use has significant potential health benefit and that each of the following criteria have been met:

(i) The investigation design is adequate to assure anonymity will be preserved.

(ii) All newborn screening tests have been completed and the status of the infant is resolved.

(iii) At least one fully adequate spot will remain after the anonymous sample has been taken.

(iv) Sufficient resources (personnel) are available for extracting the samples.

(v) The ~~((DOH/DSHS human subjects research))~~ Washington state institutional review board has reviewed and approved the investigation. This requirement may be waived by the department for a very small (i.e., less than 100 sample) pilot study where the intent is to evaluate a testing tool, as opposed to an evaluation where the intent is to measure some characteristic of a population.

(5) Notification: The department shall notify parents or guardians of the specimen storage, retention/destruction and access requirements through the department's newborn screening informational pamphlet.

AMENDATORY SECTION (Amending WSR 99-20-036, filed 9/29/99, effective 10/30/99)

WAC 246-650-990 Screening charge. The department has authority under RCW 43.20B.020 to require a reasonable charge from parents, guardians, or responsible parties for the costs of newborn screening. The charge is to be collected through the facility where the specimen was obtained.

AMENDATORY SECTION (Amending WSR 05-20-108, filed 10/5/05, effective 11/5/05)

WAC 246-650-991 Specialty clinic support fee. ((+)) The department has the authority under RCW ~~((70.83.040))~~ 70.83.023 to collect ~~((a))~~ an eight dollar and forty cent fee for each infant screened to fund specialty clinics that provide treatment services for ~~((hemoglobin diseases, phenylketonuria,))~~ congenital ~~((adrenal hyperplasia, congenital hypothyroidism and other))~~ disorders defined by the state board of health under RCW 70.83.020, and may also be used for purposes of funding activities in subsection (2) of this section. This fee is to be collected in conjunction with the screening charge described in WAC 246-650-990.

~~((2) The specialty clinic support fee is \$3.50. It is to be collected in conjunction with the screening charge from the parents or other responsible party through the facility where the screening specimen is obtained.~~

~~(3) However, effective through June 30, 2007, the department will collect an additional \$3.10 to fund specialty clinics that provide treatment services for other disorders defined by the board under RCW 70.83.020.))~~

WSR 19-20-034
PERMANENT RULES
ENVIRONMENTAL AND
LAND USE HEARINGS OFFICE

[Filed September 24, 2019, 2:35 p.m., effective October 25, 2019]

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

Purpose: The board is a quasi-judicial body whose primary function is to conduct hearings. To facilitate the conduct of its hearings, the board has established rules of practice and procedure for its hearings. Occasionally the board needs to amend or update these rules, and that work is conducted at board meetings. Because this rule-making work is infrequent and irregular in nature, and administrative matters are handed [handled] by the environmental and land use hearings office, monthly board meetings are unnecessary and not an efficient use of state resources. The board is proposing to eliminate the portion of WAC 371-08-320(1) which establishes a regular monthly meeting schedule. Elimination of this rigid schedule will allow the board to schedule meetings only as needed.

Citation of Rules Affected by this Order: Amending WAC 371-08-320(1).

Statutory Authority for Adoption: RCW 43.21B.170.

Adopted under notice filed as WSR 19-15-083 on July 18, 2019.

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

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

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

Date Adopted: September 24, 2019.

Kay M. Brown
Board Chair
Pollution Control
Hearings Board

AMENDATORY SECTION (Amending WSR 15-03-044, filed 1/14/15, effective 2/14/15)

WAC 371-08-320 Board office hours and contact information. (1) The administrative business of the board, except rule making, is performed by the environmental and land use hearings office. ~~((The board holds meetings at 10:00 a.m. on the second Tuesday of each month))~~ To the extent necessary for rule making or other matters, the board will hold special meetings at the address set forth below.

(2) The information included in this section is current at the time of rule adoption, but may change. Current information is available on the board's internet site at www.eluho.wa.gov.

(a) The board is housed at the Environmental and Land Use Hearings Office, 1111 Israel Road S.W., Tumwater, Washington 98501. The principal hearing room used by the board is located at the same address, although many hearings are held near the site of the dispute at issue.

(b) The mailing address of the board is:

Pollution Control Hearings Board
P.O. Box 40903
Olympia, WA 98504-0903

(c) The telephone number of the board is 360-664-9160. The fax number is 360-586-2253. The board's email address is eluho@eluho.wa.gov.

(3) The office hours of the environmental and land use hearings office are 8:00 a.m. to 5:00 p.m., Monday through Friday, except for legal holidays.

WSR 19-20-043
PERMANENT RULES
HEALTH CARE AUTHORITY

[Filed September 25, 2019, 2:43 p.m., effective November 1, 2019]

Effective Date of Rule: November 1, 2019.

Purpose: The agency is amending chapter 182-547 WAC, Hearing aids, to implement E2SSB 5179, which restores coverage of hearing instruments for adults.

Changes Other than Editing from Proposed to Adopted Version:

Citation of Rules Affected by this Order: New WAC 182-547-0850 and 182-547-1050; and amending WAC 182-547-0100, 182-547-0200, 182-547-0700, 182-547-0800, 182-547-0900, 182-547-1000, and 182-547-1100.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160; E2SSB 5179, 65th legislature, 2018 regular session.

Adopted under notice filed as WSR 19-14-123 on July 3, 2019.

WAC 182-547-0100(3)		
Proposed	(3) The agency requires prior authorization for covered hearing aids when the clinical criteria set forth in this chapter are not met. The agency evaluates these requests on a case-by-case basis to determine whether they are medically necessary, according to the process found in WAC 182-501-0165.	The agency deleted subsection (3) from WAC 182-547-0100 and moved the content to WAC 182-547-1050.
Adopted	(3) The agency requires prior authorization for covered hearing aids when the clinical criteria set forth in this chapter are not met. The agency evaluates these requests on a case-by-case basis to determine whether they are medically necessary, according to the process found in WAC 182-501-0165.	
WAC 182-547-0200		
Proposed	<u>"Cochlear implant" means an electrical device that receives sound and transmits the resulting signal to electrodes implanted in the cochlea. That signal stimulates the cochlea so that hearing impaired persons can perceive sound.</u>	The agency changed the defined term from "cochlear implant" to "cochlear implant device" to match the references throughout the chapter.
Adopted	<u>"Cochlear implant device" means an electrical device that receives sound and transmits the resulting signal to electrodes implanted in the cochlea. That signal stimulates the cochlea so that hearing impaired persons can perceive sound.</u>	
WAC 182-547-0700(2)		
Proposed	(2) Clients (who are) enrolled in (an) <u>a medicaid agency-contracted managed care organization (MCO) (are eligible under fee for service for covered hearing aid services that are not covered by their plan, subject to the provisions of this chapter and other applicable WAC. However) must arrange for hearing aid and related services directly through the client's MCO. Additionally, clients enrolled in an agency-contracted MCO must obtain replacement parts for cochlear implants and bone-anchored hearing aids ((BAHA)),</u> including batteries, through their MCO.	The agency added the word "devices" to the last sentence to make consistent references to "cochlear implant devices" throughout the chapter.
Adopted	(2) Clients (who are) enrolled in (an) <u>a medicaid agency-contracted managed care organization (MCO) (are eligible under fee for service for covered hearing aid services that are not covered by their plan, subject to the provisions of this chapter and other applicable WAC. However) must arrange for hearing aid and related services directly through the client's MCO. Additionally, clients enrolled in an agency-contracted MCO must obtain replacement parts for cochlear <u>implant devices</u> and bone-anchored hearing aids ((BAHA)),</u> including batteries, through their MCO.	

WAC 182-547-0800(4)		
Proposed	(4) The agency pays for cochlear implant and ((BAHA)) bone-anchored hearing aid replacement parts when: (a) The manufacturer's warranty has expired; (b) The part is for immediate use, not a back-up part; and (c) The part needs to be replaced due to normal wear and tear and is not related to misuse or abuse of the item (see WAC ((182-502-0160)) <u>182-501-0050</u>).	The agency added the word "device" to the first sentence to make consistent references to "cochlear implant device" throughout the chapter.
Adopted	(4) The agency pays for cochlear implant <u>device</u> and ((BAHA)) bone-anchored hearing aid replacement parts when: (a) The manufacturer's warranty has expired; (b) The part is for immediate use, not a back-up part; and (c) The part needs to be replaced due to normal wear and tear and is not related to misuse or abuse of the item (see WAC ((182-502-0160)) <u>182-501-0050</u>).	
WAC 182-547-0800(5)		
Proposed	(5) The agency covers cochlear implant external ((speech)) sound processors, including maintenance and repair.	The agency added the word "devices" to the sentence to make consistent references to "cochlear implant devices" throughout the chapter. The agency then moved "external sound processors" to improve clarity.
Adopted	(5) The agency covers <u>external sound processors</u> for cochlear implant <u>devices</u> external ((speech)) sound processors , including maintenance and repair.	
WAC 182-547-0800(7)		
Proposed	(7) The agency covers batteries for hearing aids, cochlear implant external ((speech)) sound processors, and ((BAHA-speech)) bone-anchored hearing aid sound processors.	The agency added the word "devices" to the sentence to make consistent references to "cochlear implant devices" throughout the chapter. The agency then moved "external sound processors" to improve clarity.
Adopted	(7) The agency covers batteries for hearing aids, <u>external sound processors</u> for cochlear implant <u>devices</u> external ((speech)) sound processors , and ((BAHA-speech)) bone-anchored hearing aid sound processors.	
WAC 182-547-0850(2)		
Proposed	(2) Binaural hearing aids. The agency covers binaural hearing aids with prior authorization (PA).	The agency split subsection (2) into two sentences to better clarify agency policy.
Adopted	(2) Binaural hearing aids. The agency covers binaural hearing aids with p. <u>Prior authorization (PA) is required.</u>	
WAC 182-547-0850(5)		
Proposed	(5) Repair or replacement of external components of cochlear devices and bone-anchored hearing aids. The agency covers the following with PA.	The agency added the word "implant" to the sentence to make consistent references to "cochlear implant devices" throughout the chapter. The agency added language to, and split, the second sentence into two sentences to clarify agency policy.
Adopted	(5) Repair or replacement of external components of cochlear <u>implant</u> devices and bone-anchored hearing aids. The agency covers the following with <u>repair or replacement of external components of cochlear implant devices and bone-anchored hearing aids. PA is required.</u>	

WAC 182-547-0850 (5)(a)		
Proposed	(5)(a) Repair or replacement of external components of cochlear devices. If the client has bilateral cochlear devices, both devices are eligible for repair and replacement of external components; and	The agency added the word "implant" to both sentences to make consistent references to "cochlear implant devices" throughout the chapter.
Adopted	(5)(a) Repair or replacement of external components of cochlear <u>implant</u> devices. If the client has bilateral cochlear <u>implant</u> devices, both devices are eligible for repair and replacement of external components; and	
WAC 182-547-0850(7)		
Proposed	(7) Second hearing aid. The agency pays for a second hearing aid when the client either meets the following expedited prior authorization clinical criteria or PA for a limitation extension is requested:	The agency reworded the language in subsection (7) to improve clarity.
Adopted	(7) Second hearing aid. The agency pays for a second hearing aid when the client either meets the following expedited prior authorization clinical criteria or PA for a limitation extension is requested <u>and approved</u> :	
WAC 182-547-0850 (7)(a)		
Proposed	(7)(a) The client tries one hearing aid for a six-month period, but the hearing aid does not adequately meet the client's hearing need; and	The agency lowered the trial period to reduce the possibility that using one hearing aid may result in a loss of functionality of hearing in the ear not provided with a hearing aid.
Adopted	(7)(a) The client tries one hearing aid for a six-month <u>ninety-day</u> period, but the hearing aid does not adequately meet the client's hearing need; and	
WAC 182-547-0850 (7)(b)		
Proposed	(7)(b) One of the following reasons is documented in the client's record: (i) Inability or difficulty conducting job duties with only one hearing aid; (ii) Inability or difficulty functioning in the school environment with only one hearing aid; or (iii) Client is legally blind.	The agency added new (7)(b)(iii) to accommodate clients whose hearing impairment might cause the inability to live safely in the community with only one hearing aid rather than in a care facility. The agency reworded the subsection to improve clarity.
Adopted	(7)(b) One of the following reasons is documented in the client's record. <u>The client is:</u> (i) Inability <u>Unable to</u> or <u>has</u> difficulty <u>with</u> conducting job duties with only one hearing aid; (ii) Inability <u>Unable to</u> or <u>has</u> difficulty <u>with</u> functioning in the school environment with only one hearing aid; (iii) <u>Unable to live safely in the community with only one hearing aid;</u> or (iii) Client is <u>(iv)</u> Legally blind.	
WAC 182-547-0850(8)		
Proposed	N/A	The agency added coverage of batteries because batteries may be considered to be "supplies," which are covered under ESSB 5179, section 2(1), chapter 159, Laws of 2018.
Adopted	(8) Batteries. The agency covers batteries for hearing aids, external sound processors for cochlear implant devices, bone-anchored hearing aid sound processors.	

WAC 182-547-0900(1)		
Proposed	<p><u>(1) The medicaid agency does not cover the following items:</u> <u>(a) Batteries only for clients age twenty-one and over;</u> <u>(b) Tinnitus maskers;</u> <u>(c) Frequency modulation (FM) systems, including the computer-aided hearing devices for FM systems; and</u> <u>(d) Nonprescription hearing aids or similar devices including, but not limited to:</u> <u>(i) Personal sound amplification products (PSAPs);</u> <u>(ii) Hearables; and</u> <u>(iii) Pocket talkers or similar devices.</u></p>	The agency will cover batteries, so the agency removed them from this list and then renumbered the list.
Adopted	<p><u>(1) The medicaid agency does not cover the following items:</u> (a) Batteries only for clients age twenty-one and over; (b) Tinnitus maskers; (c) (b) Frequency modulation (FM) systems, including the computer-aided hearing devices for FM systems; and (d) (c) Nonprescription hearing aids or similar devices including, but not limited to: <u>(i) Personal sound amplification products (PSAPs);</u> <u>(ii) Hearables; and</u> <u>(iii) Pocket talkers or similar devices.</u></p>	
WAC 182-547-1000(1)		
Proposed	<p>(1) Prior authorization is not required for clients <u>age</u> twenty ((years of age and under)) <u>and younger</u> for hearing aid(s) and services. When billing, providers ((should)) must send claims for clients <u>age</u> twenty ((years of age)) and younger directly to the <u>medicaid</u> agency. Providers do not have to obtain authorization from the local children with special health care needs (CSHCN) coordinator.</p>	The agency removed subsection (2). The agency moved the last two sentences of subsection (1) into a new subsection (3) to improve clarity.
Adopted	<p>(1) Prior authorization is not required for clients <u>age</u> twenty ((years of age and under)) <u>and younger</u> for hearing aid(s) and services. <u>(3) When billing, providers ((should)) must</u> send claims for clients <u>age</u> twenty ((years of age)) and younger directly to the <u>medicaid</u> agency. Providers do not have to obtain authorization from the local children with special health care needs (CSHCN) coordinator.</p>	
WAC 182-547-1000(2)		
Proposed	<p>(2) The agency evaluates requests for covered services that are subject to limitations or other restrictions and approves such services beyond those limitations or restrictions as described in WAC 182-501-0169.</p>	The agency deleted the language in subsection (2) and added EPSDT language to remove possible confusion in regards to coverage for clients age twenty and younger.
Adopted	<p>(2) The agency evaluates requests for covered services that are subject to limitations or other restrictions and approves such services beyond those limitations or restrictions as described in WAC 182-501-0169. <u>(2) The agency pays for services according to the Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) provisions, as described in Chapter 182-534 WAC. The standard for coverage for EPSDT is that services, treatment, or other measures are medically necessary, safe and effective, and not experimental.</u></p>	

WAC 182-547-1050		
Proposed	<p>(1) For covered services that require prior authorization (PA), the provider must properly request authorization in accordance with the medicaid agency's rules and billing instructions.</p> <p>(2) The agency evaluates requests for covered services that are subject to limitations or other restrictions and considers such services beyond those limitations or restrictions as described in WAC 182-501-0169.</p> <p>(3) When the agency authorizes hearing aids or hearing aid-related services, the PA indicates only that the specific service is medically necessary; it is not a guarantee of payment. The client must be eligible for covered services at the time those services are provided.</p> <p>(4) To receive payment, providers must order and dispense hearing aids and hearing aid-related services within the authorized time frame.</p>	<p>The agency deleted subsection (3) from WAC 182-547-0100 and moved the content to become a new WAC 182-547-1050 (1). This also caused the numbering of WAC 182-547-1050 to shift.</p>
Adopted	<p>(1) <u>The agency requires prior authorization for covered hearing aids when the clinical criteria set forth in this chapter are not met. The agency evaluates these requests on a case-by-case basis to determine whether they are medically necessary, according to the process found in WAC 182-501-0165.</u></p> <p>(2) For covered services that require prior authorization (PA), the provider must properly request authorization in accordance with the medicaid agency's rules and billing instructions.</p> <p>(2) (3) The agency evaluates requests for covered services that are subject to limitations or other restrictions and considers such services beyond those limitations or restrictions as described in WAC 182-501-0169.</p> <p>(3) (4) When the agency authorizes hearing aids or hearing aid-related services, the PA indicates only that the specific service is medically necessary; it is not a guarantee of payment. The client must be eligible for covered services at the time those services are provided.</p> <p>(4) (5) To receive payment, providers must order and dispense hearing aids and hearing aid-related services within the authorized time frame.</p>	

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 2, Amended 0, Repealed 0.

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 7, Repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 7, Repealed 0.

Date Adopted: September 25, 2019.

Wendy Barcus
Rules Coordinator

AMENDATORY SECTION (Amending WSR 13-20-013, filed 9/20/13, effective 10/21/13)

WAC 182-547-0100 ((Hearing aids—General—For clients twenty years of age and younger.)) General
 ((Unless otherwise defined in WAC 182-547-0200, the terms within this chapter are intended to correspond with the terms in chapter 18.35 RCW.))

(1) The medicaid agency covers the hearing aids listed in this chapter, according to agency rules and subject to the limitations and requirements in this chapter. See also WAC 182-531-0375 audiology services.

(2) The agency pays for hearing aids when:

(a) Covered;

(b) Within the scope of an eligible client's medical care program;

(c) Medically necessary as defined under WAC 182-500-0070;

(d) Authorized, as required within this chapter, chapters 182-501 and 182-502 WAC, and the agency's published billing instructions and provider notices;

(e) Billed according to this chapter, chapters 182-501 and 182-502 WAC, and the agency's published billing instructions and provider notices; ~~((and))~~

(f) The client ~~((is twenty years of age or younger and))~~ completes a hearing evaluation, including an audiogram ~~((and/or))~~ or developmentally appropriate diagnostic physiologic test ~~((results performed and/or))~~, that is administered by and the results interpreted by a hearing health care professional; and

(g) The licensed audiologist, hearing aid specialist, otolaryngologist, or otologist concludes that the client may benefit from a hearing aid.

~~((3) The agency requires prior authorization for covered hearing aids when the clinical criteria set forth in this chapter are not met. The agency evaluates these requests on a case-by-case basis to determine whether they are medically necessary, according to the process found in WAC 182-501-0165-))~~

AMENDATORY SECTION (Amending WSR 13-20-013, filed 9/20/13, effective 10/21/13)

WAC 182-547-0200 ~~((Hearing aids--))~~Definitions.

The following definitions, the definitions found in RCW 18.35.010, and those found in chapter 182-500 WAC apply to this chapter.

"Bone-anchored hearing aid" or "bone conduction hearing device" means a type of hearing aid that transmits sound vibrations through bones in the head. The inner ear translates the vibrations the same way a normal ear translates sound waves. These devices can be surgically implanted or worn on headbands.

"Cochlear implant device" means an electrical device that receives sound and transmits the resulting signal to electrodes implanted in the cochlea. That signal stimulates the cochlea so that hearing impaired persons can perceive sound.

"Digital hearing aids" ~~((--Hearing aids))~~ means wearable sound-amplifying devices that use a digital circuit to analyze and process sound.

"Hearing aids" ~~((--))~~ means wearable sound-amplifying devices that are intended to compensate for hearing loss. These devices use a digital circuit to analyze and process sound. Hearing aids are described by where they are worn in the ear as in-the-ear (ITE), behind-the-ear (BTE), etc. ~~((Hearing aids can also be described by how they process the amplified signal. This would include analog conventional, analog programmable, digital conventional, and digital programmable.))~~

"Hearing health care professional" ~~((--))~~ means an audiologist or hearing aid ~~((fitter/dispenser))~~ specialist licensed under chapter 18.35 RCW, or ~~((an otorhinolaryngol-~~

~~ogist or otologist))~~ a physician specializing in diseases and disorders of the ear licensed under chapter 18.71 RCW.

"Maximum allowable fee" ~~((--))~~ means the maximum dollar amount that the medicaid agency will pay a provider for specific services, supplies and equipment.

~~((**"Prior authorization"**—A form of authorization used by the provider to obtain approval for a specific hearing aid and service(s). The approval is based on medical necessity and must be received before the service(s) are provided to clients as a precondition for payment.))~~

AMENDATORY SECTION (Amending WSR 13-20-013, filed 9/20/13, effective 10/21/13)

WAC 182-547-0700 ~~((Hearing aids—Eligibility—Clients twenty years of age and younger.))~~ Eligibility. (1) Clients ~~((twenty years of age and younger who are receiving services under a medical assistance program:~~

(a) Are eligible for covered hearing aids under this chapter and for the audiology services under WAC 182-531-0375;

(b) Must have a complete hearing evaluation, including an audiogram and/or developmentally appropriate diagnostic physiologic test results performed by a hearing health care professional; and

(c) Must be referred by a licensed audiologist, otorhinolaryngologist or otologist for a hearing aid)) covered by one of the Washington apple health programs as listed in the table in WAC 182-501-0060 are eligible for hearing aids and related services.

(2) Clients ~~((who are))~~ enrolled in ~~((an))~~ a medicaid agency-contracted managed care organization (MCO) ~~((are eligible under fee-for-service for covered hearing aid services that are not covered by their plan, subject to the provisions of this chapter and other applicable WAC. However))~~ must arrange for hearing aid and related services directly through the client's MCO. Additionally, clients enrolled in an agency-contracted MCO must obtain replacement parts for cochlear implant~~((s))~~ devices and bone-anchored hearing aids ~~((BAHA))~~, including batteries, through their MCO.

AMENDATORY SECTION (Amending WSR 15-03-042, filed 1/12/15, effective 2/12/15)

WAC 182-547-0800 ~~((Hearing aids--))~~Coverage—Clients age twenty years ~~((of age))~~ and younger. (1) The medicaid agency covers new, nonrefurbished, monaural or binaural hearing aid(s), which includes the ear molds, for eligible clients age twenty ~~((years of age))~~ and younger. In order for the provider to receive payment, the hearing aid must meet the client's specific hearing needs and carry a manufacturer's warranty for a minimum of one year.

(2) The agency pays for the following replacements as long as the need for replacement is not due to the client's carelessness, negligence, recklessness, deliberate intent, or misuse in accordance with WAC 182-501-0050~~((8))~~:

(a) Hearing aid(s), which includes the ear molds, when:

(i) The client's hearing aid(s) are:

(A) Lost;

(B) Beyond repair; or

(C) Not sufficient for the client's hearing loss; and

(ii) All warranties are expired.

(b) Ear mold(s) when the client's existing ear mold is damaged or no longer fits the client's ear.

(3) The agency pays for repairs of hearing aids that are less than five years old as follows:

(a) A maximum of two repairs, per hearing aid, per year, when the repair is less than fifty percent of the cost of a new hearing aid. To receive payment, all of the following must be met:

- (i) All warranties are expired; and
- (ii) The repair warranty is for a minimum of six months.

(b) A rental hearing aid(s) for up to thirty days while the client's own hearing aid is being repaired. In the case of a rental hearing aid(s), the agency pays separately for an ear mold(s).

(4) The agency pays for cochlear implant device and ~~((BAHA))~~ bone-anchored hearing aid replacement parts when:

- (a) The manufacturer's warranty has expired;
- (b) The part is for immediate use, not a back-up part; and
- (c) The part needs to be replaced due to normal wear and tear and is not related to misuse or abuse of the item (see WAC ((482-502-0160)) 182-501-0050).

(5) The agency covers external sound processors for cochlear implant ~~((external speech processors))~~ devices, including maintenance and repair.

(6) The agency covers ~~((BAHA))~~ bone-anchored hearing aid speech processors, including maintenance and repair.

(7) The agency covers batteries for hearing aids, external sound processors for cochlear implant ~~((external speech processors))~~ devices, and ~~((BAHA speech))~~ bone-anchored hearing aid sound processors.

NEW SECTION

WAC 182-547-0850 Coverage—Clients age twenty-one and older. (1) **Nonrefurbished, monaural hearing aids.** The medicaid agency covers one new nonrefurbished monaural hearing aid, which includes the ear mold, every five years for clients age twenty-one and older.

(a) The client must have an average decibel loss of forty-five or greater in the better ear, based on a pure-tone audiometric evaluation by a licensed audiologist or a licensed hearing aid specialist at 1000, 2000, 3000, and 4000 hertz (Hz) with effective masking as indicated.

(b) The hearing aid must meet the client's specific hearing needs and carry a manufacturer's warranty for a minimum of one year.

(2) **Binaural hearing aids.** The agency covers binaural hearing aids. Prior authorization (PA) is required.

(3) **Replacement.** The agency covers the following replacements if the need for replacement is not due to the client's carelessness, negligence, recklessness, deliberate intent, or misuse under WAC 182-501-0050(7):

(a) One replacement hearing aid, including the ear mold, in a five-year period when the warranty is expired and the client's hearing aid(s) is:

- (i) Lost; or
- (ii) Broken and cannot be repaired.

(b) One replacement ear mold, per year, when the client's existing ear mold is damaged or no longer fits the client's ear.

(4) **Repair of hearing aids.** The agency covers two repairs, per hearing aid, per year, when the cost of the repair is less than fifty percent of the cost of a new hearing aid. To receive payment, all of the following must be met:

- (a) All warranties are expired; and
- (b) The repair is under warranty for a minimum of ninety days.

(5) **Repair or replacement of external components of cochlear implant devices and bone-anchored hearing aids.** The agency covers the following repair or replacement of external components of cochlear implant devices and bone-anchored hearing aids. PA is required.

(a) Repair or replacement of external components of cochlear implant devices. If the client has bilateral cochlear implant devices, both devices are eligible for repair and replacement of external components; and

(b) Repair or replacement of external components of bone-anchored hearing aids, whether implanted or worn with a headband. If the client has bilateral bone-anchored hearing aids, both devices are eligible for repair and replacement of external components.

(6) **Rental of hearing aids.** The agency covers rental hearing aid(s) for up to two months while the client's own hearing aid(s) is being repaired. For rental hearing aid(s) only, the agency pays separately for an ear mold(s).

(7) **Second hearing aid.** The agency pays for a second hearing aid when the client either meets the following clinical criteria or a limitation extension is requested and approved:

(a) The client tries one hearing aid for a ninety-day period, but the hearing aid does not adequately meet the client's hearing need; and

(b) One of the following reasons is documented in the client's record. The client is:

- (i) Unable to or has difficulty with conducting job duties with only one hearing aid;
- (ii) Unable to or has difficulty with functioning in the school environment with only one hearing aid;
- (iii) Unable to live safely in the community with only one hearing aid; or
- (iv) Legally blind.

(8) **Batteries.** The agency covers batteries for hearing aids, external sound processors for cochlear implant devices, and bone-anchored hearing aid sound processors.

AMENDATORY SECTION (Amending WSR 13-20-013, filed 9/20/13, effective 10/21/13)

WAC 182-547-0900 ~~((Hearing aids—))~~Noncovered services—Clients ~~((twenty years of age and younger))~~ age twenty-one and older. ~~(((1) The agency does not cover the following hearing and hearing aid-related items and services for clients twenty years of age and younger:~~

- ~~(a) Tinnitus maskers;~~
- ~~(b) Group screenings for hearing loss, except as provided under the early and periodic screening, diagnosis and treatment (EPSDT) program under WAC 182-534-0100; or~~
- ~~(c) FM systems, including the computer aided hearing devices for FM systems.~~

~~(2) When EPSDT applies, the agency evaluates a non-covered service, equipment, or supply according to the pro-~~

ness in WAC 182-501-0165 to determine if it is medically necessary, safe, effective, and not experimental (see WAC 182-534-0100 for EPSDT rules.)) (1) The medicaid agency does not cover the following items:

(a) Tinnitus maskers;

(b) Frequency modulation (FM) systems, including the computer-aided hearing devices for FM systems; and

(c) Nonprescription hearing aids or similar devices including, but not limited to:

(i) Personal sound amplification products (PSAPs);

(ii) Hearables; and

(iii) Pocket talkers or similar devices.

(2) The agency evaluates requests for noncovered hearing aids and related services according to WAC 182-501-0160.

AMENDATORY SECTION (Amending WSR 13-20-013, filed 9/20/13, effective 10/21/13)

WAC 182-547-1000 ((Hearing aids—))Prior authorization—Clients age twenty ((years of age)) and younger. (1) Prior authorization is not required for clients age twenty ((years of age and under)) and younger for hearing aid(s) and services.

(2) The agency pays for services according to the early and periodic screening, diagnostic, and treatment (EPSDT) provisions, as described in chapter 182-534 WAC. The standard for coverage for EPSDT is that services, treatment, or other measures are medically necessary, safe and effective, and not experimental.

(3) When billing, providers ((should)) must send claims for clients age twenty ((years of age)) and younger directly to the medicaid agency. Providers do not have to obtain authorization from the local children with special health care needs (CSHCN) coordinator.

~~((2) The agency evaluates requests for covered services that are subject to limitations or other restrictions and approves such services beyond those limitations or restrictions as described in WAC 182-501-0169.))~~

NEW SECTION

WAC 182-547-1050 Prior authorization—Clients age twenty-one and older. (1) The agency requires prior authorization for covered hearing aids when the clinical criteria set forth in this chapter are not met. The agency evaluates these requests on a case-by-case basis to determine whether they are medically necessary, according to the process found in WAC 182-501-0165.

(2) For covered services that require prior authorization (PA), the provider must properly request authorization in accordance with the medicaid agency's rules and billing instructions.

(3) The agency evaluates requests for covered services that are subject to limitations or other restrictions and considers such services beyond those limitations or restrictions as described in WAC 182-501-0169.

(4) When the agency authorizes hearing aids or hearing aid-related services, the PA indicates only that the specific service is medically necessary; it is not a guarantee of pay-

ment. The client must be eligible for covered services at the time those services are provided.

(5) To receive payment, providers must order and dispense hearing aids and hearing aid-related services within the authorized time frame.

AMENDATORY SECTION (Amending WSR 13-20-013, filed 9/20/13, effective 10/21/13)

WAC 182-547-1100 ((Hearing aids—Reimbursement—General.)) Reimbursement. (1) The medicaid agency's payment for purchased hearing aids includes all of the following:

(a) ~~((A prefitting))~~ The audiometric evaluation;

(b) An impression for an ear mold;

(c) The ear mold; ((and

~~((A minimum of three post-fitting consultations.))~~

(d) The dispensing fee;

(e) A conformity evaluation, if done;

(f) Three batteries; and

(g) Up to three follow-up visits for the fitting, orientation, and checking of the hearing aid.

(2) The agency denies payment for hearing aids ((and/or)) and services when claims are submitted without the prior authorization number, when required, or the appropriate diagnosis or procedure code(s).

(3) The agency does not pay for hearing aid charges paid by insurance or other payer source.

(4) To receive payment, the provider must keep documentation in the client's medical file to support the medical necessity for the specific make and model of the hearing aid ordered for the client. This documentation must include the record of the audiology testing providing evidence that the client's hearing loss meets the eligibility criteria for a hearing aid.

WSR 19-20-046

PERMANENT RULES

HEALTH CARE AUTHORITY

[Filed September 25, 2019, 3:29 p.m., effective October 26, 2019]

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

Purpose: The agency is amending WAC 182-502-0002 to add dental health aide therapist to the list of eligible providers who can be reimbursed for providing services to medicaid clients in tribal facilities.

Citation of Rules Affected by this Order: Amending WAC 182-502-0002.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160; ESHB 1109, section 211(49), 2019 regular session.

Adopted under notice filed as WSR 19-17-083 on August 21, 2019.

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 the Request of a Non-governmental 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 1, Repealed 0.

Date Adopted: September 25, 2019.

Wendy Barcus
Rules Coordinator

AMENDATORY SECTION (Amending WSR 14-06-054, filed 2/27/14, effective 3/30/14)

WAC 182-502-0002 Eligible provider types. The following health care professionals, health care entities, suppliers or contractors of service may request enrollment with the Washington state health care authority (medicaid agency) to provide covered health care services to eligible clients. For the purposes of this chapter, health care services include treatment, equipment, related supplies, and drugs.

(1) Professionals:

(a) Advanced registered nurse practitioners;

(b) Anesthesiologists;

(c) Applied behavior analysis (ABA) professionals, as provided in WAC 182-531-1410 through 182-531-1436:

(i) Certified agency-affiliated counselors;

(ii) Certified counselors; and

(iii) Certified counselor advisors.

(d) Audiologists;

(e) Chemical dependency professionals:

(i) Mental health care providers; and

(ii) Peer counselors.

(f) Chiropractors;

(g) Dentists;

(h) Dental health aide therapists, as provided in chapter 70.350 RCW;

(i) Dental hygienists;

~~((i))~~ (j) Denturists;

~~((j))~~ (k) Dietitians or nutritionists;

~~((k))~~ (l) Hearing aid fitters/dispensers;

~~((l))~~ (m) Marriage and family therapists;

~~((m))~~ (n) Mental health counselors;

~~((n))~~ (o) Mental health care providers;

~~((o))~~ (p) Midwives;

~~((p))~~ (q) Naturopathic physicians;

~~((q))~~ (r) Nurse anesthetist;

~~((r))~~ (s) Ocularists;

~~((s))~~ (t) Occupational therapists;

~~((t))~~ (u) Ophthalmologists;

~~((u))~~ (v) Opticians;

~~((v))~~ (w) Optometrists;

~~((w))~~ (x) Orthodontists;

~~((x))~~ (y) Orthotist;

~~((y))~~ (z) Osteopathic physicians;

~~((z))~~ (aa) Osteopathic physician assistants;

~~((aa))~~ (bb) Peer counselors;

~~((bb))~~ (cc) Podiatric physicians;

~~((cc))~~ (dd) Pharmacists;

~~((dd))~~ (ee) Physicians;

~~((ee))~~ (ff) Physician assistants;

~~((ff))~~ (gg) Physical therapists;

~~((gg))~~ (hh) Prosthetist;

~~((hh))~~ (ii) Psychiatrists;

~~((ii))~~ (jj) Psychologists;

~~((jj))~~ (kk) Radiologists;

~~((kk))~~ (ll) Registered nurse delegators;

~~((ll))~~ (mm) Registered nurse first assistants;

~~((mm))~~ (nn) Respiratory therapists;

~~((nn))~~ (oo) Social workers; and

~~((oo))~~ (pp) Speech/language pathologists.

(2) Agencies, centers and facilities:

(a) Adult day health centers;

(b) Ambulance services (ground and air);

(c) Ambulatory surgery centers (medicare-certified);

(d) Birthing centers (licensed by the department of health);

(e) Cardiac diagnostic centers;

(f) Case management agencies;

(g) Chemical dependency treatment facilities certified by the department of social and health services (DSHS) division of behavioral health and recovery (DBHR), and contracted through either:

(i) A county under chapter 388-810 WAC; or

(ii) DBHR to provide chemical dependency treatment services.

(h) Centers for the detoxification of acute alcohol or other drug intoxication conditions (certified by DBHR);

(i) Community AIDS services alternative agencies;

(j) Community mental health centers;

(k) Diagnostic centers;

(l) Early and periodic screening, diagnosis, and treatment (EPSDT) clinics;

(m) Family planning clinics;

(n) Federally qualified health centers (designated by the federal department of health and human services);

(o) Genetic counseling agencies;

(p) Health departments;

(q) Health maintenance organization (HMO)/managed care organization (MCO);

(r) HIV/AIDS case management;

(s) Home health agencies;

(t) Hospice agencies;

(u) Hospitals;

(v) Indian health service facilities/tribal 638 facilities;

(w) Tribal or urban Indian clinics;

(x) Inpatient psychiatric facilities;

(y) Intermediate care facilities for the mentally retarded (ICF-MR);

(z) Kidney centers;

(aa) Laboratories (CLIA certified);

(bb) Maternity support services agencies; maternity case managers; infant case management, first steps providers;

(cc) Neuromuscular and neurodevelopmental centers;

(dd) Nurse services/delegation;

- (ee) Nursing facilities (approved by the DSHS aging and long-term support administration);
 - (ff) Pathology laboratories;
 - (gg) Pharmacies;
 - (hh) Private duty nursing agencies;
 - (ii) Radiology - Stand-alone clinics;
 - (jj) Rural health clinics (medicare-certified);
 - (kk) School districts and educational service districts;
 - (ll) Sleep study centers; and
 - (mm) Washington state school districts and educational service districts.
- (3) Suppliers of:
- (a) Blood, blood products, and related services;
 - (b) Durable and nondurable medical equipment and supplies;
 - (c) Complex rehabilitation technologies;
 - (d) Infusion therapy equipment and supplies;
 - (e) Prosthetics/orthotics;
 - (f) Hearing aids; and
 - (g) Respiratory care, equipment, and supplies.
- (4) Contractors:
- (a) Transportation brokers;
 - (b) Spoken language interpreter services agencies;
 - (c) Independent sign language interpreters; and
 - (d) Eyeglass and contact lens providers.

WSR 19-20-047**PERMANENT RULES****HEALTH CARE AUTHORITY**

[Filed September 25, 2019, 3:34 p.m., effective October 26, 2019]

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

Purpose: The agency is striking all references to dental managed care from these sections. Eligible clients will continue to receive their dental services through fee-for-service.

Citation of Rules Affected by this Order: Amending WAC 182-535-1050, 182-535-1060, 182-535-1245, 182-535A-0010, and 182-535A-0020.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160; ESHB 1109, sections 211 (1)(c) and 1111 (1)(c), chapter 415, Laws of 2019, 66th legislature, 2019 regular session.

Adopted under notice filed as WSR 19-17-037 on August 15, 2019.

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 the Request of a Non-governmental 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 1, Repealed 0.

Date Adopted: September 25, 2019.

Wendy Barcus
Rules Coordinator

AMENDATORY SECTION (Amending WSR 19-09-058, filed 4/15/19, effective 7/1/19)

WAC 182-535-1050 Definitions. The following definitions and abbreviations and those found in chapter 182-500 WAC apply to this chapter. The medicaid agency also uses dental definitions found in the American Dental Association's Current Dental Terminology (CDT) and the American Medical Association's Physician's Current Procedural Terminology (CPT). Where there is any discrepancy between the CDT or CPT and this section, this section prevails. (CPT is a trademark of the American Medical Association.)

"Access to baby and child dentistry (ABCD)" is a program to increase access to dental services for medicaid eligible infants, toddlers, and preschoolers through age five. See WAC 182-535-1245 for specific information.

"Alternate living facility" is defined in WAC 182-513-1100.

"American Dental Association (ADA)" is a national organization for dental professionals and dental societies.

"Anterior" refers to teeth (maxillary and mandibular incisors and canines) and tissue in the front of the mouth. Permanent maxillary anterior teeth include teeth six, seven, eight, nine, ten, and eleven. Permanent mandibular anterior teeth include teeth twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, and twenty-seven. Primary maxillary anterior teeth include teeth C, D, E, F, G, and H. Primary mandibular anterior teeth include teeth M, N, O, P, Q, and R.

"Asynchronous" means two or more events not happening at the same time.

"Behavior management" means using one additional professional staff, who is employed by the dental provider or clinic and who is not delivering dental treatment to the client, to manage the client's behavior to facilitate dental treatment delivery.

"By-report" means a method of reimbursement in which the department determines the amount it will pay for a service when the rate for that service is not included in the agency's published fee schedules. Upon request the provider must submit a "report" that describes the nature, extent, time, effort and/or equipment necessary to deliver the service.

"Caries" means carious lesions or tooth decay through the enamel or decay on the root surface.

• **"Incipient caries"** means the beginning stages of caries or decay, or subsurface demineralization.

• **"Rampant caries"** means a sudden onset of widespread caries that affects most of the teeth and penetrates quickly to the dental pulp.

"Comprehensive oral evaluation" means a thorough evaluation and documentation of a client's dental and medical history to include extra-oral and intra-oral hard and soft tissues, dental caries, missing or unerupted teeth, restorations, occlusal relationships, periodontal conditions (including

periodontal charting), hard and soft tissue anomalies, and oral cancer screening.

"Conscious sedation" means a drug-induced depression of consciousness during which a client responds purposefully to verbal commands, either alone or accompanied by light tactile stimulation. No interventions are required to maintain a patent airway, spontaneous ventilation is adequate, and cardiovascular function is maintained.

"Core buildup" means the building up of clinical crowns, including pins.

"Coronal" means the portion of a tooth that is covered by enamel.

"Crown" means a restoration covering or replacing the whole clinical crown of a tooth.

"Current dental terminology (CDT)" means a systematic listing of descriptive terms and identifying codes for reporting dental services and procedures performed by dental practitioners. CDT is published by the Council on Dental Benefit Programs of the American Dental Association (ADA).

"Current procedural terminology (CPT)" means a systematic listing of descriptive terms and identifying codes for reporting medical services, procedures, and interventions performed by physicians and other practitioners who provide physician-related services. CPT is copyrighted and published annually by the American Medical Association (AMA).

"Decay" means a term for caries or carious lesions and means decomposition of tooth structure.

"Deep sedation" means a drug-induced depression of consciousness during which a client cannot be easily aroused, ventilatory function may be impaired, but the client responds to repeated or painful stimulation.

"Dental general anesthesia" see **"general anesthesia."**

"Dentures" means an artificial replacement for natural teeth and adjacent tissues, and includes complete dentures, immediate dentures, overdentures, and partial dentures.

"Denturist" means a person licensed under chapter 18.30 RCW to make, construct, alter, reproduce, or repair a denture.

"Distant site (location of dental provider)" means the physical location of the dentist or authorized dental provider providing the dental service to a client through teledentistry.

"Edentulous" means lacking teeth.

"Endodontic" means the etiology, diagnosis, prevention and treatment of diseases and injuries of the pulp and associated periradicular conditions.

"EPSDT" means the agency's early and periodic screening, diagnostic, and treatment program for clients age twenty and younger as described in chapter 182-534 WAC.

"Extraction" see **"simple extraction"** and **"surgical extraction."**

"Flowable composite" means a diluted low-viscosity-filled resin-based composite dental restorative material that is used in cervical restorations and small, low stress bearing occlusal restorations.

"Fluoride varnish, rinse, foam or gel" means a substance containing dental fluoride which is applied to teeth, not including silver diamine fluoride.

"General anesthesia" means a drug-induced loss of consciousness during which a client is not arousable even by painful stimulation. The ability to independently maintain ventilatory function is often impaired. Clients may require assistance in maintaining a patent airway, and positive pressure ventilation may be required because of depressed spontaneous ventilation or drug-induced depression of neuromuscular function. Cardiovascular function may be impaired.

"Interim therapeutic restoration (ITR)" means the placement of an adhesive restorative material following caries debridement by hand or other method for the management of early childhood caries. It is not considered a definitive restoration.

"Limited oral evaluation" means an evaluation limited to a specific oral health condition or problem. Typically a client receiving this type of evaluation has a dental emergency, such as trauma or acute infection.

"Limited visual oral assessment" means an assessment by a dentist or dental hygienist provided in a setting other than a dental office or dental clinic to identify signs of disease and the potential need for referral for diagnosis.

"Medically necessary" see WAC 182-500-0070.

"Oral evaluation" see **"comprehensive oral evaluation."**

"Oral hygiene instruction" means instruction for home oral hygiene care, such as tooth brushing techniques or flossing.

"Originating site (location of client)" means the physical location of the medicaid client as it relates to teledentistry.

"Partials" or **"partial dentures"** mean a removable prosthetic appliance that replaces missing teeth on either arch.

"Periodic oral evaluation" means an evaluation performed on a patient of record to determine any changes in the client's dental or medical status since a previous comprehensive or periodic evaluation.

"Periodontal maintenance" means a procedure performed for clients who have previously been treated for periodontal disease with surgical or nonsurgical treatment. It includes the removal of supragingival and subgingival microorganisms, calculus, and deposits with hand and mechanical instrumentation, an evaluation of periodontal conditions, and a complete periodontal charting as appropriate.

"Periodontal scaling and root planing" means a procedure to remove plaque, calculus, microorganisms, and rough cementum and dentin from tooth surfaces. This includes hand and mechanical instrumentation, an evaluation of periodontal conditions, and a complete periodontal charting as appropriate.

"Posterior" means the teeth (maxillary and mandibular premolars and molars) and tissue towards the back of the mouth. Permanent maxillary posterior teeth include teeth one, two, three, four, five, twelve, thirteen, fourteen, fifteen, and sixteen. Permanent mandibular posterior teeth include teeth seventeen, eighteen, nineteen, twenty, twenty-one, twenty-eight, twenty-nine, thirty, thirty-one, and thirty-two. Primary maxillary posterior teeth include teeth A, B, I, and J. Primary mandibular posterior teeth include teeth K, L, S, and T.

~~("Prepaid ambulatory health plan (PAHP)" see WAC 182-538-050. For the purpose of this chapter, dental managed care contractors are considered PAHPs.)~~

"Prophylaxis" means the dental procedure of scaling and polishing which includes removal of calculus, plaque, and stains from teeth.

"Proximal" means the surface of the tooth near or next to the adjacent tooth.

"Radiograph (X-ray)" means an image or picture produced on a radiation sensitive film emulsion or digital sensor by exposure to ionizing radiation.

"Reline" means to resurface the tissue side of a denture with new base material or soft tissue conditioner in order to achieve a more accurate fit.

"Root canal" means the chamber within the root of the tooth that contains the pulp.

"Root canal therapy" means the treatment of the pulp and associated periradicular conditions.

"Root planing" means a procedure to remove plaque, calculus, microorganisms, and rough cementum and dentin from tooth surfaces. This includes hand and mechanical instrumentation.

"Scaling" means a procedure to remove plaque, calculus, and stain deposits from tooth surfaces.

"Sealant" means a dental material applied to teeth to prevent dental caries.

"Simple extraction" means the extraction of an erupted or exposed tooth to include the removal of tooth structure, minor smoothing of socket bone, and closure, as necessary.

"Standard of care" means what reasonable and prudent practitioners would do in the same or similar circumstances.

"Surgical extraction" means the extraction of an erupted or impacted tooth requiring removal of bone and/or sectioning of the tooth, and including elevation of mucoperiosteal flap if indicated. This includes related cutting of gingiva and bone, removal of tooth structure, minor smoothing of socket bone, and closure.

"Synchronous" means existing or occurring at the same time.

"Teledentistry" means the variety of technologies and tactics used to deliver HIPAA-compliant, interactive, real-time audio and video telecommunications (including web-based applications) or store-and-forward technology to deliver covered services within the dental care provider's scope of practice to a client at a site other than the site where the provider is located.

"Temporomandibular joint dysfunction (TMJ/TMD)" means an abnormal functioning of the temporomandibular joint or other areas secondary to the dysfunction.

"Therapeutic pulpotomy" means the surgical removal of a portion of the pulp (inner soft tissue of a tooth), to retain the healthy remaining pulp.

"Usual and customary" means the fee that the provider usually charges nonmedicaid customers for the same service or item. This is the maximum amount that the provider may bill the agency.

AMENDATORY SECTION (Amending WSR 19-09-058, filed 4/15/19, effective 7/1/19)

WAC 182-535-1060 Client eligibility. (1) Refer to WAC 182-501-0060 to see which apple health programs include dental-related services in their benefit package.

~~(2) ((Clients whose benefit package includes dental services are assigned a dental managed care plan. If a client is not eligible for a dental managed care plan, they receive services on a fee-for-service basis.~~

~~(3) Clients enrolled in an agency contracted managed care organization (MCO) or prepaid ambulatory health plan (PAHP) must receive their dental services through that MCO or PAHP, except as described under WAC 182-538-095.~~

~~(a) All clients are eligible for dental managed care benefits with the exception of clients receiving apple health benefits under a state-only program.~~

~~(b) Clients eligible for dental managed care on a voluntary basis include:~~

~~(i) American Indian/Alaska native (AI/AN) clients; and
(ii) Clients who reside in a county that has only one MCO or PAHP.~~

~~(c) See WAC 182-538-060 for more details regarding managed care choice and assignment.~~

~~(4)) Managed care clients are eligible under apple health fee-for-service for covered dental-related services not covered by their managed care organization (MCO), subject to the provisions of this chapter and other applicable agency rules.~~

~~(3) See WAC 182-507-0115 for rules for clients eligible under the alien emergency medical program.~~

~~((5)) (4) Exception to rule procedures as described in WAC 182-501-0160 are not available for services that are excluded from a client's benefit package.~~

AMENDATORY SECTION (Amending WSR 19-09-058, filed 4/15/19, effective 7/1/19)

WAC 182-535-1245 Access to baby and child dentistry (ABCD) program. The access to baby and child dentistry (ABCD) program is a program established to increase access to dental services for medicaid-eligible clients ages five and younger.

(1) Client eligibility for the ABCD program is as follows:

(a) Clients must be age five and younger. Once enrolled in the ABCD program, eligible clients are covered until their sixth birthday.

(b) Clients eligible under one of the following medical assistance programs are eligible for the ABCD program:

(i) Categorically needy program (CNP);
(ii) Limited casualty program-medically needy program (LCP-MNP);
(iii) Children's health program; ~~((*)~~)
(iv) State children's health insurance program (SCHIP);

or

(c) ABCD program services for eligible clients enrolled in a managed care organization (MCO) plan are paid through the fee-for-service payment system.

(2) Health care providers and community service programs identify and refer eligible clients to the ABCD pro-

gram. If enrolled, the client and an adult family member may receive:

- (a) Oral health education;
 - (b) "Anticipatory guidance" (expectations of the client and the client's family members, including the importance of keeping appointments); and
 - (c) Assistance with transportation, interpreter services, and other issues related to dental services.
- (3) Only ABCD-certified dentists and other agency-approved certified providers are paid an enhanced fee for furnishing ABCD program services. ABCD program services include, when appropriate:
- (a) Family oral health education. An oral health education visit:
 - (i) Is limited to one visit per day per family, up to two visits per child in a twelve-month period, per provider or clinic; and
 - (ii) Must include documentation of all of the following in the client's record:
 - (A) "Lift the lip" training;
 - (B) Oral hygiene training;
 - (C) Risk assessment for early childhood caries;
 - (D) Dietary counseling;
 - (E) Discussion of fluoride supplements; and
 - (F) Documentation in the client's record to record the activities provided and duration of the oral education visit.
 - (b) Comprehensive oral evaluations as defined in WAC 182-535-1050, once per client, per provider or clinic, as an initial examination. The agency covers an additional comprehensive oral evaluation if the client has not been treated by the same provider or clinic within the past five years;
 - (c) Periodic oral evaluations as defined in WAC 182-535-1050, once every six months. Six months must elapse between the comprehensive oral evaluation and the first periodic oral evaluation;
 - (d) Topical application of fluoride varnish;
 - (e) Amalgam, resin, and glass ionomer restorations on primary teeth, as specified in the agency's current published documents;
 - (f) Interim therapeutic restorations (ITRs) for primary teeth, only for clients age five and younger. The agency pays an enhanced rate for these restorations to ABCD-certified, ITR-trained dentists as follows:
 - (i) A one-surface, resin-based composite restoration with a maximum of five teeth per visit; and
 - (ii) Restorations on a tooth can be done every twelve months through age five, or until the client can be definitively treated for a restoration.
 - (g) Therapeutic pulpotomy;
 - (h) Prefabricated stainless steel crowns on primary teeth, as specified in the agency's current published documents;
 - (i) Resin-based composite crowns on anterior primary teeth; and
 - (j) Other dental-related services, as specified in the agency's current published documents.
- (4) The client's record must show documentation of the ABCD program services provided.

AMENDATORY SECTION (Amending WSR 19-09-058, filed 4/15/19, effective 7/1/19)

WAC 182-535A-0010 Definitions. The following definitions and those found in chapter 182-500 WAC apply to this chapter.

"Adolescent dentition" means teeth that are present after the loss of primary teeth and prior to the cessation of growth that affects orthodontic treatment.

"Appliance placement" means the application of orthodontic attachments to the teeth for the purpose of correcting dentofacial abnormalities.

"Cleft" means an opening or fissure involving the dentition and supporting structures, especially one occurring in utero. These can be:

- (a) Cleft lip;
- (b) Cleft palate (involving the roof of the mouth); or
- (c) Facial clefts (e.g., macrostomia).

"Comprehensive full orthodontic treatment" means utilizing fixed orthodontic appliances for treatment of adolescent dentition leading to the improvement of a client's severe handicapping craniofacial dysfunction and/or dentofacial deformity, including anatomical and functional relationships.

"Craniofacial anomalies" means abnormalities of the head and face, either congenital or acquired, involving disruption of the dentition and supporting structures.

"Craniofacial team" means a cleft palate/maxillofacial team or an American Cleft Palate Association-certified craniofacial team. These teams are responsible for the management (review, evaluation, and approval) of patients with cleft palate craniofacial anomalies to provide integrated management, promote parent-professional partnership, and make appropriate referrals to implement and coordinate treatment plans.

"Crossbite" means an abnormal relationship of a tooth or teeth to the opposing tooth or teeth, in which normal buccolingual or labiolingual relations are reversed.

"Dental dysplasia" means an abnormality in the development of the teeth.

"Ectopic eruption" means a condition in which a tooth erupts in an abnormal position or is fifty percent blocked out of its normal alignment in the dental arch.

"EPSDT" means the agency's early and periodic screening, diagnostic, and treatment program for clients twenty years of age and younger as described in chapter 182-534 WAC.

"Hemifacial microsomia" means a developmental condition involving the first and second brachial arch. This creates an abnormality of the upper and lower jaw, ear, and associated structures (half or part of the face is smaller in size).

"Interceptive orthodontic treatment" means procedures to lessen the severity or future effects of a malformation and to affect or eliminate the cause. Such treatment may occur in the primary or transitional dentition and may include such procedures as the redirection of ectopically erupting teeth, correction of isolated dental cross-bite, or recovery of recent minor space loss where overall space is adequate.

"Limited orthodontic treatment" means orthodontic treatment with a limited objective, not involving the entire dentition. It may be directed only at the existing problem, or

at only one aspect of a larger problem in which a decision is made to defer or forego more comprehensive therapy.

"**Malocclusion**" means improper alignment of biting or chewing surfaces of upper and lower teeth or abnormal relationship of the upper and lower dental arches.

"**Maxillofacial**" means relating to the jaws and face.

"**Occlusion**" means the relation of the upper and lower teeth when in functional contact during jaw movement.

"**Orthodontics**" means treatment involving the use of any appliance, in or out of the mouth, removable or fixed, or any surgical procedure designed to redirect teeth and surrounding tissues.

"**Orthodontist**" means a dentist who specializes in orthodontics, who is a graduate of a postgraduate program in orthodontics that is accredited by the American Dental Association, and who meets the licensure requirements of the department of health.

"**Permanent dentition**" means those teeth that succeed the primary teeth and the additional molars that erupt.

~~("Prepaid ambulatory health plan" or "PAHP" see WAC 182-538-050. For the purpose of this chapter, dental managed care contractors are considered PAHPs.)~~

"**Primary dentition**" means teeth that develop and erupt first in order of time and are normally shed and replaced by permanent teeth.

"**Transitional dentition**" means the final phase from primary to permanent dentition, in which most primary teeth have been lost or are in the process of exfoliating and the permanent successors are erupting.

AMENDATORY SECTION (Amending WSR 19-09-058, filed 4/15/19, effective 7/1/19)

WAC 182-535A-0020 Client eligibility. (1) Subject to the limitations of this chapter, the medicaid agency covers medically necessary orthodontic treatment and orthodontic-related services for severe handicapping malocclusions, craniofacial anomalies, or cleft lip or palate, for eligible clients through age twenty. Refer to WAC 182-501-0060 to see which Washington apple health programs include orthodontic services in their benefit package.

~~(2) (Clients enrolled in an agency contracted managed care organization (MCO) or prepaid ambulatory health plan (PAHP) must receive their orthodontic services through that MCO or PAHP, except as described under WAC 182-538-095. Clients whose benefit package includes dental services are assigned a dental managed care plan. If a client is not eligible for a dental managed care plan, they receive services on a fee for service basis.~~

~~(a) All clients are eligible for dental managed care benefits with the exception of clients receiving apple health benefits under a state-only program.~~

~~(b) Clients eligible for dental managed care on a voluntary basis include:~~

~~(i) American Indian/Alaska native (AI/AN) clients; and~~

~~(ii) Clients who reside in a county that has only one MCO or PAHP.~~

~~(c) See WAC 182-538-060 for more details regarding managed care choice and assignment.~~

~~(d) If a client receiving orthodontic services through an MCO or PAHP chooses to transfer to another MCO or PAHP or to fee for service (FFS) during active orthodontic treatment, the MCO or PAHP that initiated the orthodontic treatment remains responsible for payment until completion of the orthodontic treatment.~~

~~(e) If an FFS client transfers to an MCO or PAHP during active orthodontic treatment, the MCO or PAHP assumes payment responsibility until completion of the orthodontic treatment.~~

~~(3))~~ Eligible clients may receive the same orthodontic treatment and orthodontic-related services in recognized out-of-state bordering cities on the same basis as if provided in-state. See WAC 182-501-0175.

~~((4))~~ (3) Eligible clients may receive the same orthodontic treatment and orthodontic-related services for continued orthodontic treatment when originally rendered by a non-medicaid or out-of-state provider as follows:

(a) The provider must submit the initial orthodontic case study and treatment plan records with the request for continued treatment.

(b) The agency evaluates the initial orthodontic case study and treatment plan to determine if the client met the agency's orthodontic criteria per WAC 182-535A-0040 (1) through (3).

(c) The agency determines continued treatment duration based on the client's current orthodontic conditions.

(d) The agency does not cover continued treatment if the client's initial condition did not meet the agency's criteria for the initial orthodontic treatment. The agency pays a deband and retainer fee if the client does not meet the initial orthodontic treatment criteria.

WSR 19-20-048

PERMANENT RULES

BATES TECHNICAL COLLEGE

[Filed September 25, 2019, 4:37 p.m., effective October 26, 2019]

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

Purpose: Chapter 495A-140 WAC, Use of facilities, updated to explain the rules for using facilities at the college and appropriate behavior while on the campus of Bates Technical College.

Citation of Rules Affected by this Order: Amending chapter 495A-140 WAC.

Statutory Authority for Adoption: RCW 28B.50.140 and chapter 34.05 RCW.

Adopted under notice filed as WSR 19-12-055 [19-15-131] on May 31 [July 23], 2019.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 10, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 10, Repealed 0.

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

Date Adopted: September 25, 2019.

Dr. Jean Hernandez
Special Assistant
to the President

AMENDATORY SECTION (Amending WSR 92-12-017, filed 5/26/92, effective 6/26/92)

WAC 495A-140-010 Use of college facilities. Bates Technical College, District No. 28, serves Pierce and other counties by providing continued educational ~~((opportunity))~~ opportunities for its citizens. In keeping with this general purpose, the college believes that facilities should be available for a variety of uses ~~((which))~~ that are of benefit to the general public ~~((if such general))~~ provided said uses do not interfere with the educational mission of the college. However, a state agency is under no obligation to make its public facilities available to the community for private purposes.

AMENDATORY SECTION (Amending WSR 92-12-017, filed 5/26/92, effective 6/26/92)

WAC 495A-140-020 ~~((Limitation of use to school activities))~~ Facility use aligns with college mission. (1) When allocating use of college facilities, the highest priority is always given to activities specifically related to the college's mission. No arrangements will be made that may interfere with or operate to the detriment of ~~((;))~~ the college's own teaching, research, or public service programs. In particular, college buildings, properties, and facilities ~~((;))~~ including those assigned to student programs ~~((;))~~ are used primarily for:

- (a) The regularly established teaching, research, or public service activities of the college and its departments;
- (b) Cultural, educational, or recreational activities of the students, faculty, or staff;
- (c) Short courses, conferences, seminars, or similar events, conducted either in the public service or for the advancement of specific departmental professional interests ~~((;))~~ when arranged under the sponsorship of the college or its departments ~~((;))~~;
- (d) Public events of a cultural or professional nature brought to the campus at the request of college departments or committees ~~((and presented with their active))~~, official sponsorship, and active participation; or
- (e) Activities or programs sponsored by educational institutions, by state or federal agencies, by charitable agencies ~~((or))~~, civic groups, or community organizations whose activities are of widespread public service and of a character appropriate to the college.

(2) College facilities shall be assigned to student organizations for regular business meetings, social functions and for programs open to the public. Any recognized campus student

organization may invite speakers from outside the college community to speak on campus subject to the availability of facilities and compliance with college policies and procedures. The appearance of an invited speaker on campus does not represent an endorsement by the college, its students, faculty, administration, or the board of trustees, implicitly or explicitly, of the speaker's views.

(3) Recognized student organizations have the right to invite outside speakers to speak on campus subject to the availability of campus facilities, funding, and compliance with college policies and procedures.

(4) Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of space assigned, time of use, and to insure the proper maintenance of the facilities. Subject to the same limitations, college facilities shall be made available for assignment to individuals or groups within the college community. Arrangements by both organizations and individuals must be made through the designated administrative officer. Allocation of space shall be made in accordance with college rules and on the basis of time, space, priority of request and the demonstrated needs of the applicant.

~~((4))~~ (5) The college may restrict an individual's or a group's use of college facilities if that person or group has, in the past, physically abused college facilities. Charges may be imposed for damage or for any unusual costs for the use of facilities. The individual, group or organization requesting space will be required to state in advance the general purpose of any meeting.

AMENDATORY SECTION (Amending WSR 92-12-017, filed 5/26/92, effective 6/26/92)

WAC 495A-140-040 General policies limiting use. (1) College facilities may not be used for purposes of political campaigning by or for candidates who have filed for public office except for student-sponsored activities or forums.

(2) Religious groups shall not, under any circumstances, use the college facilities as a permanent meeting place. Use may be intermittent only.

(3) The college reserves the right to prohibit the use of college facilities by groups which restrict membership or participation in a manner inconsistent with the college's commitment to nondiscrimination as set forth in its written policies and rules.

(4) Activities of a political or commercial nature will not be approved if they involve the use of promotional signs or posters on buildings, trees, walls, or bulletin boards, or the distribution of samples outside the rooms or facilities to which access has been granted.

(5) These rules shall apply to recognized student groups using college facilities.

(6) Handbills, leaflets, newspapers, and similar materials except those which are commercial, obscene, or unlawful may be distributed only in designated areas on the campus where, and at times when, such distribution will not interfere with the orderly administration of the college affairs or the free flow of traffic. Any distribution of materials as authorized by the designated administrative officer shall not be

construed as support or approval of the content by the college community or the board of trustees.

(a) Materials may be distributed free of charge by any student(s), by members of recognized student organizations, or by college employees on or in college facilities at locations specifically designated by the office of student services or designee.

(b) Such handbills, leaflets, newspapers, and related matter must bear identification as to the publishing agency and distributing organization or individual.

(c) All nonstudents will register with the office of student services prior to the distribution of any handbill, leaflet, newspaper, or related matter.

(d) Any person or persons who violate provisions of (a), (b), or (c) of this subsection will be subject to disciplinary action or have their materials removed from the college premises.

(7) Use of audio or sound amplifying equipment is permitted only in locations and at times which will not interfere with the normal conduct of college affairs as determined by the appropriate administrative officer. Any sound amplification device may only be used at a volume that does not disrupt the normal use of classrooms, offices, laboratories, or any previously scheduled college event or activity.

(8) No person or group may use or enter onto college facilities having in their possession firearms, even if licensed to do so, except ~~((commissioned police officers as prescribed by law))~~ in the manners outlined in WAC 495A-121-041(9).

(9) The right of peaceful dissent within the college community will be preserved. The college retains the right to take steps to insure the safety of individuals, the continuity of the educational process, and the protection of property. While peaceful dissent is acceptable, violence or disruptive behavior is not a legitimate means of dissent. Should any person, group or organization attempt to resolve differences by means of violence, the college and its officials need not negotiate while such methods are employed.

(10) Orderly picketing and other forms of peaceful dissent are protected activities on and about the college premises. However, interference with free passage through areas where members of the college community have a right to be, interference with ingress and egress to college facilities, interruption of classes, injury to persons, or damage to property exceeds permissible limits.

(11) Where college space is used for an authorized function (such as a class or a public or private meeting under approved sponsorship, administrative functions or service related activities), groups must obey or comply with directions of the designated administrative officer, campus public safety officer, or individual in charge of the meeting.

(12) If a college facility abuts a public area or street, and if student activity, although on public property, unreasonably interferes with ingress and egress to college buildings, the college may choose to impose its own sanctions on the students although remedies might ~~((also))~~ be available through local law enforcement agencies.

NEW SECTION

WAC 495A-140-045 Use of facilities for expressive activities. Expressive activity includes, but is not limited to, informational picketing, petition circulation, 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 other types of assemblies to share information, perspective, or viewpoints.

Students, student organizations, and the general public may use prespecified locations on Bates Technical College, District No. 28, for expressive activities between the hours of 7:00 a.m. and 10:00 p.m., Monday through Friday, when the college is open to the public under the following conditions:

(1) There will be no overnight camping on college facilities or premises between the hours of 10:00 p.m. and 7:00 a.m. Camping is defined to include sleeping, cooking activities, storing personal belongings, personal habitation, or the erection of tents or other shelters or structures used for purposes of personal habitation.

(2) College groups are encouraged to contact campus safety and facilities no later than forty-eight hours in advance of the activity. However, if an expressive activity does not displace other activities occurring at the college, the college group may be permitted to make a last minute request to set up an activity.

(3) All sites used for expressive activities should be cleaned up and left in their original condition and may be subject to inspection by a representative of the college after the activity. Reasonable charges may be assessed against the sponsoring organization for the costs of extraordinary cleanup or for the repair of damaged property.

(4) All college and noncollege groups must comply with fire, safety, sanitation, or special regulations specified for the activity. The college cannot and will not provide utility connections or hookups for purposes of expressive activities conducted pursuant to this policy.

(5) The activity must be conducted in accordance with any other applicable board policies, college policies, and regulations at the college, local, state, and federal level.

(6) The expressive activities do not pose hazards or safety risks to the employees, students, or other college visitors.

(7) Expressive activities do not include obscene, lewd, or indecent conduct.

(8) Noncollege groups may use college facilities for expressive activity as identified in this procedure provided space is available and college regulations are followed.

AMENDATORY SECTION (Amending WSR 92-12-017, filed 5/26/92, effective 6/26/92)

WAC 495A-140-050 Administrative control. The board hereby delegates to the president authority to set up administrative procedures for the use of college facilities; and to establish rental schedules where appropriate. The college reserves the right to determine if an infraction of these rules has been committed.

AMENDATORY SECTION (Amending WSR 92-12-017, filed 5/26/92, effective 6/26/92)

WAC 495A-140-060 Trespass. (1) Individuals who are not students or members of the faculty or staff and who violate these rules will be advised of the specific nature of the violation, and if they persist in the violation, they will be requested by the president ~~((, or his or her designee,))~~ or designee to leave the college property. Such a request prohibits the entry of and withdraws the license or privilege to enter onto or remain upon any portion of the college facilities by the person or group of persons requested to leave. Such persons shall be subject to arrest under the provisions of chapter 9A.52 RCW.

(2) ~~((Members of the college community -))~~ Students, faculty, and staff ~~(())~~ members of the college who do not comply with these regulations will be reported to the appropriate college office or ~~((agency))~~ official for action in accordance with these rules.

AMENDATORY SECTION (Amending WSR 92-12-017, filed 5/26/92, effective 6/26/92)

WAC 495A-140-070 Prohibited conduct at college facilities. (1) The use or possession of unlawful drugs or narcotics, not medically prescribed, or of intoxicants on college property or at college functions, is prohibited. Students obviously under the influence of intoxicants, unlawful drugs or narcotics while in college facilities are subject to disciplinary action.

(2) The use of tobacco is prohibited in accordance with ~~((health regulations))~~ college, local, state, and federal laws.

(3) Destruction of property is also prohibited by state law in reference to public institutions.

(4) College facilities will not be used for commercial sales, solicitation, advertising, or promotional activities except when said activities:

(a) Clearly serve the educational objectives of the college;

(b) Display of books are of interest to the academic community;

(c) Display or demonstration of technical or research equipment serve the interest of the college;

(d) Said solicitation activities must not interfere with or operate to the detriment of conducting college affairs; and

(e) Are conducted under the sponsorship or at the request of:

(i) A college department or official; or

(ii) An officially chartered student club or the associated students of the college.

(5) Activities must not be conducted in such a manner as to obstruct vehicular, bicycle, pedestrian, other traffic, or interfere with ingress or egress to the college, college buildings or facilities, or college activities.

(6) No person or group may use or enter onto college facilities having in their possession firearms, even if licensed to do so, except commissioned police officers as prescribed by law or described in WAC 495A-121-041(9).

(7) The activity must not create safety hazards or pose safety risks to others.

(8) The activity must not substantially interfere with educational activities inside or outside any college building or prevent the college from fulfilling its mission and achieving its primary purpose of providing an education to its students. The activity must not substantially infringe on the rights and privileges of college students, employees, or visitors to the college.

(9) College buildings, rooms, and facilities may be rented by noncollege groups in accordance with the college's facilities use policy. When renting college buildings or rooms, an individual or organization may be required to post a bond and obtain insurance to protect the college against cost or other liability in accordance with the college's facility use policy. When the college grants permission to use its facilities, it is with the expressed understanding and condition that the individual or organization assumes full responsibility for any loss or damage.

(10) Restrictions on dangerous weapons include:

(a) Individuals participating in expressive activities must not bring any firearms, explosives, dangerous chemicals or other dangerous weapons that could be used to inflict bodily harm or to damage real or personal property on the college grounds; and

(b) Certified law enforcement officer may enter the campus in lawful possession of firearms while conducting official law enforcement duties.

(11) Restrictions on alcohol and drugs include:

(a) Individuals participating in expressive activities do not possess, use, or consume alcohol or intoxicants, prohibited drugs including not medically prescribed, or tobacco on campus property; and

(b) Prohibited drugs include those defined in chapter 69.41 RCW or any controlled substance under chapter 69.50 RCW, except as prescribed for medical use by the individual's licensed practitioner.

(12) College facilities may not be used for commercial sales, solicitations, advertising, or promotional activities.

(a) Such activities serve educational purposes of the college; and

(b) Such activities are under the sponsorship of an officially chartered student club, college department, or college office.

AMENDATORY SECTION (Amending WSR 92-12-017, filed 5/26/92, effective 6/26/92)

WAC 495A-140-080 Control of pets in college facilities. Pets are not permitted in campus buildings or on the grounds except for guide or service ~~((dogs for the visually or hearing impaired))~~ animals as noted in WAC 162-022-100.

AMENDATORY SECTION (Amending WSR 92-12-017, filed 5/26/92, effective 6/26/92)

WAC 495A-140-090 Basis of fee assessment. (1) The basis for establishing and charging use fees reflects the college's assessment of the present market, the cost of operations, and an evaluation of the intended purpose and its relationship to the purposes of this college. The board of trustees ~~((has determined that groups or organizations affiliated with the college should be permitted access to facilities at the low-~~

est charge on the fee schedule which may include complimentary use)) delegates to the president the authority to set an appropriate fee schedule. A current fee schedule is available to interested persons from the office of the executive director of (the college) facilities and operations.

(2) ~~((The college does not wish to compete with private enterprise. Therefore, the college reserves the right to deny applications for facility use when the administration and/or the board of trustees feels a commercial facility should be patronized.))~~ At no time will facility use be granted for a commercial activity at a rental rate, or upon terms, less than the full and fair rental value of premises used.

AMENDATORY SECTION (Amending WSR 92-12-017, filed 5/26/92, effective 6/26/92)

WAC 495A-140-100 Application procedures. (1) At least seven working days prior to the date of intended use of any college facility, an authorized representative of the requesting organization must submit proper and complete written application which may be obtained through the college's office of the executive director of ((college)) facilities and operations. ~~((A single application may be sufficient for a series of meetings by an organization unless those meetings vary significantly in some substantive way; if so, separate applications will be required.))~~

(2) Upon approval of the application, an authorized representative of the using organization shall sign the rental agreement. By affixing a signature as representing the using organization, the signatory specifies he or she has authority to enter into agreement on behalf of the organization and if the organization fails to pay the amount due, the signatory becomes responsible for all charges which may include interest payment for overdue accounts as specified on the rental form but not less than one percent per month.

(3) ~~Large events, events requiring expenditures on the part of the college, or where significant areas are blocked out for the renter, a minimum of up to fifty percent advance deposit may be required at the time of application.~~

(4)) The college policies and procedures must be followed accordingly.

(2) The college reserves the right to make pricing changes without prior written notice.

~~((5))~~ (3) Use of a facility is limited to the facilities specified on the agreement.

~~((6))~~ (4) The priorities for facility use place primary emphasis on regular college events and activities. The president ~~((and the board of trustees))~~ or designee reserves the right to cancel any permit and refund any payments for use of college facilities and equipment when they deem such action advisable and in the college's best interests.

~~((7))~~ (5) In the event of a cancellation of a facility use permit by the applicant, that organization is liable for all college costs and expenses in preparing the facility for its use.

~~((8))~~ (6) Any admission charge is to be specified and ~~((approved))~~ preapproved by the college.

~~((9))~~ (7) Organizations using Bates Technical College's facilities shall conduct all activities in accordance with applicable local, state, and federal laws including all rules adopted by the board of trustees.

AMENDATORY SECTION (Amending WSR 92-12-017, filed 5/26/92, effective 6/26/92)

WAC 495A-140-110 Supervision during activity. (1) Signatories of the rental agreement as well as adult organization leaders are responsible for group conduct and are expected to remain with their group during activities. When the use of special facilities makes it necessary that supervision be provided, the ~~((trustees))~~ president reserves the right to require a staff member represent the college at any activity on college facilities. ~~((Such))~~ Said service shall be paid at the current rate, by the organization requesting use of the facility(;) and does not relieve the organization from safeguarding the college's property.

(2) The security staff or some other authority of the college will open and lock all rented facilities. Keys to buildings or facilities will not be issued or loaned on any occasion to any ~~((using))~~ organization ~~((with the exception of keys to designated off-campus locations))~~ renting facilities from the college.

WSR 19-20-049

PERMANENT RULES

BATES TECHNICAL COLLEGE

[Filed September 25, 2019, 4:39 p.m., effective October 26, 2019]

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

Purpose: Chapter 495A-130 WAC, Tuition and fee schedules, updated to explain the tuition and fee rules for Bates Technical College.

Citation of Rules Affected by this Order: Amending chapter 495A-130 WAC.

Statutory Authority for Adoption: RCW 28B.50.140 and chapter 34.05 RCW.

Adopted under notice filed as WSR 19-12-053 [19-15-130] on May 31 [July 23], 2019.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 2, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, 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: September 25, 2019.

Dr. Jean Hernandez
Special Assistant
to the President

NEW SECTION

WAC 495A-130-010 Tuition and fee schedules. Chapter 28B.15 RCW sets the parameters for tuition and fee levels at state community and technical colleges. The legislature establishes the tuition and fee rates each biennium. The tuition and fee rates charged by Bates Technical College are based on this legislation, the specific amounts to be charged are transmitted to the college by the state board for community and technical colleges.

AMENDATORY SECTION (Amending WSR 92-12-017, filed 5/26/92, effective 6/26/92)

WAC 495A-130-020 Location of schedules. Additional and detailed information and specific amounts to be charged for each category of students will be found in the college catalog and in the following locations (~~on the Bates Technical College campus~~):

- (1) The Bates Technical College's office of admissions;
- (2) The Bates Technical College's registration and records office; and
- (3) The Bates Technical College web site.

NEW SECTION

WAC 495A-130-030 Tuition and fee waivers. (1) Bates Technical College may establish tuition and fee waivers as authorized by state law and by the state board for community and technical colleges. This will be done in accor-

Changes Other than Editing from Proposed to Adopted Version:

dance with regular college fiscal processes. Information regarding specific waivers will be available as provided in WAC 495A-130-020.

(2) Upon an applicant's request, individual determinations on tuition and fee waivers will be reviewed by the college, in a brief adjudicative proceeding under RCW 34.05.-482 through 34.05.494.

**WSR 19-20-060
PERMANENT RULES
HEALTH CARE AUTHORITY**

[Filed September 26, 2019, 11:29 a.m., effective October 27, 2019]

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

Purpose: The agency is updating this section to provide notice to providers and support enforcement of compliance with state and federal requirements related to the operations of entities receiving more than \$5 million in medicaid payments annually, including but not limited to, such entities providing information about the False Claims Act and establishing written policies for employees.

Citation of Rules Affected by this Order: New WAC 182-502-0017; and amending WAC 182-502-0016.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160; 42 U.S.C. Sec. 1396 (a)(68).

Adopted under notice filed as WSR 19-17-056 on August 19, 2019.

Proposed/Adopted	WAC Subsection	Reason
Original WAC 182-502-0017		
Proposed	<p>(5)(a) Annual monitoring. At the conclusion of each federal fiscal year, the agency identifies who qualifies as an entity subject to the requirements in Section 1902 (a)(68) of the Social Security Act.</p> <p>(b) If the agency determines that an entity is subject to and must comply with Section 1902 (a)(68) of the act:</p> <ul style="list-style-type: none"> (i) The agency provides written notice to the entity that it must comply; (ii) The entity must submit an attestation to the agency under penalty of perjury to verify the entity has adopted and disseminated compliant written policies as required; and (iii) The agency may request copies of the written policies and proof of dissemination to verify compliance with the requirements. <p>(c) If the agency does not receive the required documentation by the due date, the agency sends a warning to the entity to become compliant by a specified deadline.</p> <p>(d) If the entity remains noncompliant after the deadline, the agency ceases medical assistance payments until the entity is compliant.</p>	Typographical and formatting corrections.
Adopted	<p>(5)(a) Annual monitoring. At the conclusion of each federal fiscal year, the agency identifies who qualifies as an entity subject to the requirements in Section 1902 (a)(68) of the Social Security Act.</p> <p>(b) <u>(a)</u> If the agency determines that an entity is subject to and must comply with Section 1902 (a)(68) of the act:</p> <ul style="list-style-type: none"> (i) The agency provides written notice to the entity that it must comply; 	

Proposed/Adopted	WAC Subsection	Reason
	(ii) The entity must submit an attestation to the agency under penalty of perjury to verify the entity has adopted and disseminated compliant, written policies as required; and (iii) The agency may request copies of the written policies and proof of dissemination to verify compliance with the requirements. (e) (b) If the agency does not receive the required documentation by the due date, the agency sends a warning to the entity to become compliant by a specified deadline. (e) (c) If the entity remains noncompliant after the deadline, the agency ceases medical assistance payments until the entity is compliant.	

Number of Sections Adopted in Order to Comply with Federal Statute: New 1, Amended 1, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental 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 1, Repealed 0.

Date Adopted: September 26, 2019.

Wendy Barcus
Rules Coordinator

AMENDATORY SECTION (Amending WSR 15-10-003, filed 4/22/15, effective 5/23/15)

WAC 182-502-0016 Continuing requirements. (1) To continue to provide services for eligible clients and be paid for those services, a provider must:

(a) Provide all services without discriminating on the grounds of race, creed, color, age, sex, sexual orientation, religion, national origin, marital status, the presence of any sensory, mental or physical handicap, or the use of a trained dog guide or service animal by a person with a disability;

(b) Provide all services according to federal and state laws and rules, medicaid agency billing instructions, (~~numbered memoranda~~) provider alerts issued by the agency, and other written directives from the agency;

(c) Inform the agency of any changes to the provider's application or contract(~~(s)~~) including, but not limited to, changes in:

(i) Ownership (see WAC 182-502-0018);

(ii) Address or telephone number;

(iii) Professional practicing under the billing provider number; or

(iv) Business name.

(d) Retain a current professional state license, registration, certification (~~(and)~~) or applicable business license for the service being provided, and update the agency of all changes;

(e) Inform the agency in writing within seven calendar days of changes applicable to the provider's clinical privileges;

(f) Inform the agency in writing within seven business days of receiving any informal or formal disciplinary order, disciplinary decision, disciplinary action or other action(s)(~~(s)~~) including, but not limited to, restrictions, limitations, conditions and suspensions resulting from the practitioner's acts, omissions, or conduct against the provider's license, registration, or certification in any state;

(g) Screen employees and contractors with whom they do business prior to hiring or contracting, and on a monthly ongoing basis thereafter, to assure that employees and contractors are not excluded from receiving federal funds as required by 42 U.S.C. 1320a-7 and 42 U.S.C. 1320c-5;

(h) Report immediately to the agency any information discovered regarding an employee's or contractor's exclusion from receiving federal funds in accordance with 42 U.S.C. 1320a-7 and 42 U.S.C. 1320c-5. See WAC 182-502-0010 (2)(j) for information on the agency's screening process;

(i) Pass any portion of the agency's screening process as specified in WAC 182-502-0010 (2)(j) when the agency requires such information to reassess a provider;

(j) Maintain professional and general liability coverage to the extent the provider is not covered:

(i) Under agency, center, or facility professional and general liability coverage; or

(ii) By the Federal Tort Claims Act, including related rules and regulations(~~(s)~~).

(k) Not surrender, voluntarily or involuntarily, (~~his or her~~) the provider's professional state license, registration, or certification in any state while under investigation by that state or due to findings by that state resulting from the practitioner's acts, omissions, or conduct;

(l) Furnish documentation or other assurances as determined by the agency in cases where a provider has an alcohol or chemical dependency problem, to adequately safeguard the health and safety of medical assistance clients that the provider:

(i) Is complying with all conditions, limitations, or restrictions to the provider's practice both public and private; and

(ii) Is receiving treatment adequate to ensure that the dependency problem will not affect the quality of the provider's practice(~~(s) and~~).

(m) Submit to a revalidation process at least every five years. This process includes, but is not limited to:

(i) Updating provider information including, but not limited to, disclosures;

(ii) Submitting forms as required by the agency including, but not limited to, a new core provider agreement; and

(iii) Passing the agency's screening process as specified in WAC 182-502-0010 (2)(j).

(n) Comply with the employee education requirements regarding the federal and the state false claims recovery laws, the rights and protections afforded to whistleblowers, and related provisions in Section 1902 of the Social Security Act (42 U.S.C. 1396a(68)) and chapter 74.66 RCW when applicable. See WAC 182-502-0017 for information regarding the agency's requirements for employee education about false claims recovery.

(2) A provider may contact the agency with questions regarding its programs. However, the agency's response is based solely on the information provided to the agency's representative at the time of inquiry, and in no way exempts a provider from following the laws and rules that govern the agency's programs.

(3) The agency may refer the provider to the appropriate state health professions quality assurance commission.

NEW SECTION

WAC 182-502-0017 Employee education about false claims recovery. (1) The medicaid agency (agency) requires any entity (including providers) that makes or receives medical assistance payments from the agency or the agency designee of at least \$5,000,000 annually under the state plan to meet the requirements of Section 1902 (a)(68) of the Social Security Act in order to receive payments.

(2) **Entity policies and procedures.** Entities must adopt and disseminate policies and procedures for their employees, contractors, and agents regarding federal and state false claims and whistleblower protection laws.

(a) Written policies and procedures may be in paper or electronic form, but must be readily available to all employees, contractors, and agents.

(b) If the entity has an employee handbook, it must include a specific discussion of the laws described in written policies regarding the rights of employees to be protected as whistleblowers, and a specific discussion of the entity's policies and procedures for detecting and preventing fraud, waste, and abuse.

(3) **Entity.** An "entity" may include, but is not limited to, individual providers, a governmental agency, organization, unit, corporation, partnership, or other business arrangement irrespective of the form of business structure by which it exists or whether for-profit or not-for-profit.

(a) An organization may have multiple subsidiaries, locations, federal employer identification numbers (FEIN), or provider numbers and still be combined for the purposes of meeting the definition of an entity.

(b) Whether subsidiaries would be aggregated or viewed as separate entities depends on the corporate structure and assessment of the largest separate organizational unit that furnishes medicaid health care items or services.

(c) The agency and its designee administering the medicaid program, or any agent performing an administrative function, are not considered entities.

(4) **Payments received.** For any entity that receives medical assistance payments under the state plan of at least \$5,000,000 annually, the total amount includes:

(a) All payments received by an entity who furnishes items or services at one or more location(s);

(b) All payments received by an entity who furnishes items or services under one or more contractual or other payment arrangement(s);

(c) Only the amounts received from the agency or the agency designee. The amounts paid by a managed care organization (MCO) to the entity are only counted against the MCO, not the entity, when calculating the \$5,000,000 threshold; and

(d) Only payments received from Washington state. Payments from multiple states are not aggregated to reach the \$5,000,000 annual threshold.

(5) **Annual monitoring.** At the conclusion of each federal fiscal year, the agency identifies who qualifies as an entity subject to the requirements in Section 1902 (a)(68) of the Social Security Act.

(a) If the agency determines that an entity is subject to and must comply with Section 1902 (a)(68) of the act:

(i) The agency provides written notice to the entity that it must comply;

(ii) The entity must submit an attestation to the agency under penalty of perjury to verify the entity has adopted and disseminated compliant, written policies as required; and

(iii) The agency may request copies of the written policies and proof of dissemination to verify compliance with the requirements.

(b) If the agency does not receive the required documentation by the due date, the agency sends a warning to the entity to become compliant by a specified deadline.

(c) If the entity remains noncompliant after the deadline, the agency ceases medical assistance payments until the entity is compliant.

WSR 19-20-061

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed September 26, 2019, 12:32 p.m., effective October 27, 2019]

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

Purpose: WAC 458-20-244 is being amended to incorporate language from EHB 2163 (Part IA) (2017) Eliminating or narrowing tax preferences—Eliminating the sales and use tax exemption for bottled water; and SSB 5581 (Part IV) (2019) Ensuring continuing compliance with the streamlined sales and use tax agreement and addressing potential federal preemption, clarifying the definition of prepared food. WAC 458-20-244 is also being amended to modernize the structure and language of the rule.

Citation of Rules Affected by this Order: Amending WAC 458-20-244.

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

Other Authority: RCW 82.08.0293, 82.12.0293, 82.08.-9994, 82.08.99941, 82.12.9994, and 82.12.99941.

Adopted under notice filed as WSR 19-15-115 on July 23, 2019.

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 the Request of a Non-governmental 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: September 26, 2019.

Atif Aziz
Rules Coordinator

AMENDATORY SECTION (Amending WSR 15-01-006, filed 12/4/14, effective 1/4/15)

WAC 458-20-244 Food and food ingredients. (1) Introduction.

~~((a) What is the purpose of this rule?)~~ This rule provides guidelines for determining if food or food ingredients qualify for the retail sales tax and use tax exemptions under RCW 82.08.0293 and 82.12.0293 (collectively referred to in this rule as the "exemptions"). ~~((Effective June 12, 2014, chapter 140, Laws of 2014 (SB 6505), specifically excludes marijuana from the definition of food or food ingredients. Marijuana is any product with a THC concentration greater than .03 percent.))~~

There is no corresponding business and occupation (B&O) tax exemption. Even if a sale of food or food ingredients is exempt from retail sales tax or use tax under the exemptions, gross proceeds from sales of food or food ingredients remain subject to the retailing B&O tax.

~~((b) What)~~ **(2) Other rules ((might)) that may apply((?)).** Rules in the following list may contain additional relevant information:

~~((a))~~ **(a)** WAC 458-20-119((;)) Sales by caterers and food service contractors;

~~((a))~~ **(b)** WAC 458-20-124((;)) Restaurants, cocktail bars, taverns and similar businesses;

~~((a))~~ **(c)** WAC 458-20-12401((;)) Special stadium sales and use tax;

~~((a))~~ **(d)** WAC 458-20-166((;)) Hotels, motels, boarding houses, rooming houses, resorts, ~~((summer camps))~~ hostels, trailer camps, ((ete-)) short-term rentals and similar lodging businesses;

~~((a))~~ **(e)** WAC 458-20-167((;- Education)) Educational institutions, school districts, student organizations, and private schools;

~~((a))~~ **(f)** WAC 458-20-168((;)) Hospitals, nursing homes, assisted living facilities, adult family homes and similar health care facilities;

~~((a))~~ **(g)** WAC 458-20-169((;)) Nonprofit organizations; ~~((and~~

~~*))~~ **(h)** WAC 458-20-229((;)) Refunds; and

~~((i))~~ **(i)** WAC 458-20-243 Litter tax.

~~((2) What qualifies))~~ **(3) Items qualifying for the exemptions((?)).**

(a) In general. The exemptions apply to food and food ingredients. "Food and food ingredients" means substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value.

(b) Items not used solely for ingestion or chewing. Items that are commonly ingested or chewed by humans for their taste or nutritional value but which may also be used for other purposes are generally treated as food or food ingredients. For example, pumpkins are presumed to be a food or food ingredient unless the pumpkin is sold painted or is otherwise clearly for decorative purposes rather than consumption. This is true even though the purchaser may use an undecorated pumpkin for carving and display rather than for eating.

~~((2) What does not qualify))~~ **(4) Items not qualifying for the exemptions((?)).** The exemptions do not apply to the following items, which are not considered "food or food ingredients" or which are otherwise specifically excluded from the exemptions:

(a) Items sold for medical or hygiene purposes. Items commonly used for medical or hygiene purposes, such as cough drops, breath sprays, toothpaste, etc., are not ingested for taste or nutrition and are not considered a food or food ingredient. In contrast, breath mints are commonly ingested for taste and are considered a food or food ingredient.

(b) Bulk sales of ice. Ice sold in bags, containers, or units of greater than ten pounds and blocks of ice of any weight are not considered a food or food ingredient. Ice sold in cubed, shaved, or crushed form in packages or quantities of ten pounds or less is considered a food or food ingredient. Refer to WAC 458-20-120, Sales of ice, for additional guidance on the sale of ice.

(c) Alcoholic beverages. Alcoholic beverages are excluded from the definition of food and food ingredients. "Alcoholic beverages" means beverages that are suitable for human consumption and contain one-half of one percent or more of alcohol by volume.

(d) Tobacco. Tobacco is excluded from the definition of food and food ingredients. "Tobacco" includes cigarettes, cigars, chewing or pipe tobacco, or any other items that contain tobacco.

~~((Candy. Effective June 1, 2010, candy was excluded from the exemptions and retail sales tax was imposed on sales of candy. See chapter 23, Laws of 2010, sp. sess. Sales of candy again became exempt effective December 2, 2010. See chapter 2, Laws of 2011.~~

~~((i))~~ **(i)** "Candy" means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts, or other ingredients or flavorings in the form of bars, drops, or pieces.

(ii) "Candy" does not include any preparation containing flour and does not require refrigeration:)) Marijuana. Marijuana, useable marijuana, marijuana concentrates, or marijuana-infused products, as defined in RCW 69.50.101, are excluded from the definition of food and food ingredients. "Marijuana" means all parts of the plant *Cannabis* with a THC concentration greater than 0.3 percent on a dry weight basis.

(f) **Bottled water.** ((Effective June 1, 2010, bottled water was excluded from the exemptions and retail sales tax was due on sales of bottled water. See chapter 23, Laws of 2010, sp. sess. Sales of bottled water again became exempt effective December 2, 2010. See chapter 2, Laws of 2011.

(i)) Bottled water is excluded from the exemptions for food and food ingredients. "Bottled water" means water that is placed in a sealed container or package for human consumption.

((i)) (i) Bottled water is calorie free and does not contain sweeteners or other additives except that it may contain:

- (A) Antimicrobial agents;
- (B) Fluoride;
- (C) Carbonation;
- (D) Vitamins, minerals, and electrolytes;
- (E) Oxygen;
- (F) Preservatives; and
- (G) Only those flavors, extracts, or essences derived from a spice or fruit.

((iii) "Bottled water" includes water that is delivered to the buyer in a reusable container that is not sold with the water.

(iv) See subsection (8) of this rule for limited exceptions to the tax on bottled water:))

(ii) **Exemptions for tax on bottled water.** There are limited sales tax exemptions on bottled water. Sellers must collect the retail sales tax on all sales of bottled water, unless the bottled water is delivered to the buyer as described in (f)(ii)(C) of this subsection. Any buyer that has paid at least twenty-five dollars in state and local taxes on purchases of bottled water subject to the exemptions described in (f)(ii)(A) and (B) of this subsection may apply for a refund of the taxes directly from the department.

(A) **Prescription issued bottled water.** Bottled water prescribed to patients for use in the cure, mitigation, treatment, or prevention of disease or other medical condition is exempt. The bottled water must be prescribed, through an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission, by a licensed practitioner authorized by Washington law to prescribe.

(B) **Potable water not readily available.** Bottled water for human use by persons whose primary source of drinking water is unsafe is exempt. A person's primary source of drinking water is unsafe if:

(I) The public water system providing the drinking water has issued a public notification that the drinking water may pose a health risk, and the notification is still in effect on the date that the bottled water was purchased;

(II) Test results on the person's drinking water, which are no more than twelve months old, from a laboratory certified to perform drinking water testing show that the person's

drinking water does not meet safe drinking water standards applicable to public water systems; or

(III) The person otherwise establishes, to the department's satisfaction, that the person's drinking water does not meet safe drinking water standards applicable to public water systems.

(C) **Bottled water delivered to the buyer in a reusable container not sold with the water.** Buyers claiming an exemption listed in (f)(ii)(A) or (B) of this subsection that have the qualifying water delivered in a reusable container that is not sold with the water must complete a retail sales exemption certificate and provide it to the seller. The seller must retain a copy of the certificate.

(ii) For information regarding exemption certificates and refund requests, visit dor.wa.gov.

(g) **Soft drinks.** Soft drinks are excluded from the exemptions for food and food ingredients. "Soft drinks" means any nonalcoholic beverage that contains natural or artificial sweeteners, except beverages that contain:

- (*) (i) Milk or milk products;
- (*) (ii) Soy, rice, or similar milk substitutes; or
- (*) (iii) More than fifty percent by volume of vegetable or fruit juice.

For example, sweetened sports beverages are considered "soft drinks," but a sweetened soy beverage is a food or food ingredient.

Beverage mixes that are not sold in liquid form are not soft drinks even though they are intended to be made into a beverage by the customer. Examples include powdered fruit drinks, powdered tea or coffee drinks, and frozen concentrates. These items are (a) food or food ingredients and are not subject to retail sales tax.

(h) **Dietary supplements.** Dietary supplements are excluded from the exemptions for food and food ingredients. "Dietary supplement" means any product intended to supplement the diet, other than tobacco, which meets all of the following requirements:

(*) (i) Contains a vitamin; mineral; herb or other botanical; amino acid; a substance for use by humans to increase total dietary intake; or a concentrate, metabolite, constituent, extract; or combination of any of them;

(*) (ii) Is intended for ingestion in tablet, capsule, powder, soft gel, gelcap, or liquid form, or if not intended for ingestion in such a form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and

(*) (iii) Is required to be labeled with a Food and Drug Administration "supplement facts" box. If a product is otherwise considered a food or food ingredient and labeled with both a "supplement facts" box and "nutrition facts" box, the product is treated as a food or food ingredient.

Nutrition products formulated to provide balanced nutrition as a sole source of a meal or of the diet are considered a food or food ingredient and not a dietary supplement. Refer to RCW 82.08.925 for information on the sales tax exemption applicable to dietary supplements dispensed under a prescription.

(i) **Prepared food.** Prepared food is excluded from the exemptions for food and food ingredients. Prepared food generally means heated foods, combined foods, or foods sold

with utensils provided by the seller, as described in more detail in subsection ((4)) (5) of this rule. (~~"Prepared food" does not include food sold by a seller whose proper primary North American industry classification system (NAICS) classification is manufacturing in sector 311, except subsector 3118 (bakeries), unless the food is sold with utensils provided by the seller (see subsection (4)(e) of this rule).~~)

(4) What is "prepared food"?)

(5) Items designated as prepared foods. Food or food ingredients are "prepared foods" if any one of the following is true:

(a) **Heated foods.** Food or food ingredients are "prepared foods" if sold in a heated state or are heated by the seller, except bakery items. "Bakery items" include bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, Danish, cakes, tortes, pies, tarts, muffins, bars, cookies, and tortillas. Food is sold in a heated state or is heated by the seller when the seller provides the food to the customer at a temperature that is higher than the air temperature of the seller's establishment. Food is not sold in a heated state or heated by the seller if the customer, rather than the seller, heats the food in a microwave provided by the seller.

(b) **Combined foods.** Food or food ingredients are "prepared foods" if the item sold consists of two or more foods or food ingredients mixed or combined by the seller for sale as a single item, unless the food or food ingredients are any of the following:

(*) (i) Bakery items (defined in (a) of this subsection);

(*) (ii) Items that the seller only cuts, repackages, or pasteurizes;

(*) (iii) Items that contain eggs, fish, meat, or poultry, in a raw or undercooked state requiring cooking as recommended by the federal Food and Drug Administration in chapter 3, part 401.11 of *The Food Code*, published by the Food and Drug Administration, as amended or renumbered as of January 1, 2003, so as to prevent foodborne illness; or

(*) (iv) Items sold in an unheated state as a single item at a price that varies based on weight or volume.

(c) **Food sold with utensils provided by the seller.** Food or food ingredients are "prepared foods" if sold with utensils provided by the seller. Utensils include plates, knives, forks, spoons, glasses, cups, napkins, and straws. A plate does not include a container or packaging used to transport the food.

(i) **Utensils are customarily provided by the seller.** A food or food ingredient is "sold with utensils provided by the seller" if the seller's customary practice for that item is to physically deliver or hand a utensil to the customer with the food or food ingredient as part of the sales transaction. If the food or food ingredient is prepackaged with a utensil, the seller is considered to have physically delivered a utensil to the customer unless the food and utensil are prepackaged together by a food manufacturer classified under sector 311 of the NAICS. Examples of utensils provided by such manufacturers include juice boxes that are packaged with drinking straws, and yogurt or ice cream cups that are packaged with wooden or plastic spoons.

(ii) **Utensils are necessary to receive the food.** Individual food or food ingredient items are "sold with utensils provided by the seller" if a plate, glass, cup, or bowl is necessary

to receive the food or food ingredient and the seller makes those utensils available to its customers. For example, items obtained from a self-serve salad bar are sold with utensils provided by the seller, because the customer must use a bowl or plate provided by the seller in order to receive the items.

(ii) **More than seventy-five percent prepared food sales with utensils available.** All food and food ingredients sold at an establishment, including foods prepackaged with a utensil by a manufacturer classified under sector 311 of the NAICS, are "sold with utensils provided by the seller" if the seller makes utensils available to its customers and the seller's gross retail sales of prepared food under (a), (b), and (c)(ii) of this subsection equal more than seventy-five percent of the seller's gross retail sales of all food and food ingredients, including prepared food, soft drinks, bottled water, and dietary supplements.

(A) **Exception for four or more servings.** Even if a seller has more than seventy-five percent prepared food sales, four servings or more of food or food ingredients packaged for sale as a single item and sold for a single price are not "sold with utensils provided by the seller" unless the seller's customary practice for the package is to physically hand or otherwise deliver a utensil to the customer as part of the sales transaction. Whenever available, the number of servings included in a package of food or food ingredients is to be determined based on the manufacturer's product label. If no label is available, the seller must reasonably determine the number of servings.

(B) **Determining total sales of prepared foods.** The seller must determine a single prepared food sales percentage annually for all the seller's establishments in the state based on the prior year of sales. The seller may elect to determine its prepared food sales percentage based either on the prior calendar year or on the prior fiscal year. A seller may not change its elected method for determining its prepared food percentage without the written consent of the department of revenue. The seller must determine its annual prepared food sales percentage as soon as possible after accounting records are available, but in no event later than ninety days after the beginning of the seller's calendar or fiscal year. A seller may make a good faith estimate of its first annual prepared food sales percentage if the seller's records for the prior year are not sufficient to allow the seller to calculate the prepared food sales percentage. The seller must adjust its good faith estimate prospectively if its relative sales of prepared foods in the first ninety days of operation materially depart from the seller's estimate.

(d) **Examples.** The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all of the facts and circumstances.

(i) **Example 1.** Fast Cafe sells hot and cold coffee and mixed coffee and mixed milk beverages, cold soft drinks, milk and juice in single-serving containers, sandwiches, whole fruits, cold pasta salad, cookies and other pastries. Fast Cafe prepares the pasta salad on-site. It orders the pastries from a local bakery, including specialty cakes which it sells both as whole cakes and by the slice. It purchases its sandwiches from a local caterer. The sandwiches are delivered by

the caterer prewrapped in plastic with condiments and a plastic knife. Fast Cafe makes straws, napkins and cup lids available for all customers by placing them on a self-service stand. In its first full year of operation, Fast Cafe's annual gross retail sales of all food and food ingredients, including prepared food, soft drinks, bottled water, and dietary supplements is \$100,000. Of this gross retail sales total, \$80,000 is from the sale of hot coffee and hot and cold mixed coffee and milk beverages, all sold in disposable paper or plastic cups with the Fast Cafe logo.

Because more than seventy-five percent of Fast Cafe's total retail sales of food and food ingredients, including prepared food, soft drinks, bottled water, and dietary supplements are sales of food or food ingredients that are heated or combined by the seller or sold with a utensil (cups) necessary to receive the food, Fast Cafe has more than seventy-five percent prepared food sales. Because Fast Cafe makes utensils available for its customers, all food and food ingredients sold by Fast Cafe are considered "prepared food," including the cold milk beverages, cookies and pastries, pasta salad, sandwiches and whole fruits. The only exception is the sale of whole specialty cakes. Because a whole cake contains four or more servings, it is not subject to retail sales tax unless Fast Cafe customarily hands a utensil to the customer as part of the sale transaction.

(ii) **Example 2.** Assume the same facts as in Example 1, but that only \$60,000 of Fast Cafe's Year 1 gross retail sales were sales of hot coffee and hot and cold mixed coffee and milk beverages. The remainder of its retail sales were sales of sandwiches, whole fruits, cookies and other pastries. Under these facts, Fast Cafe does not have more than seventy-five percent prepared food sales. Thus, the items sold by Fast Cafe are taxed as follows:

(*) (A) Hot coffee and milk beverages are heated by the seller and are also sold by Fast Cafe with a utensil (a paper cup) necessary to receive the food. The hot coffee and milk beverages are "prepared food" for either reason and are subject to retail sales tax.

(*) (B) Cold mixed milk beverages are a combination of two or more foods or food ingredients and are also sold by Fast Cafe with a utensil (a paper or plastic cup) necessary to receive the food. The cold milk beverages are "prepared food" for either reason and are subject to retail sales tax.

(*) (C) Cold soft drinks are not exempt and are subject to retail sales tax.

(*) (D) Sandwiches prepared by the caterer are subject to retail sales tax. Even though the caterer, rather than the seller, combines the ingredients and includes a utensil, Fast Cafe is considered to have provided the utensil because the caterer is not a food manufacturer classified under sector 311 of the NAICS.

(*) (E) Pasta salad is combined by the seller and is subject to retail sales tax. Note that if the pasta salad was sold by the pound, rather than by servings, it would not be subject to retail sales tax.

(*) (F) Milk and juice in single serving containers, whole fruit, cookies, pastries, slices of cake, and whole cakes are not subject to retail sales tax unless the seller's customary practice is to hand a utensil to the customer as part of the sales transaction. None of these items are heated by the seller,

combined by the seller, or require a plate, glass, cup, or bowl in order to receive the item. Even if Fast Cafe heats the pastries for its customers, the pastries are not subject to retail sales tax.

(iii) **Example 3.** A pizza restaurant sells whole hot pizzas, hot pizza by the slice, and unheated ready-to-bake pizzas. The whole hot pizzas and hot pizza sold by the slice, including delivered pizzas, are "prepared food" because these items are sold in a heated state. If the unheated ready-to-bake pizzas are prepared by the seller, they are "prepared food" because the seller has mixed or combined two or more food ingredients. This is true even though some ingredients in the unheated pizzas are raw or uncooked, because those ingredients do not require cooking to prevent foodborne illness. If the unheated ready-to-bake pizzas are prepared by a manufacturer other than the seller, they will be taxable as "prepared food" only if sold with utensils provided by the seller.

~~((5)) How are combined sales of taxable and exempt items taxed?~~

~~((a))~~ (6) **Combined sales of taxable and exempt items.**

Where two or more distinct and identifiable items of tangible personal property, at least one of which is a food or food ingredient, are sold for one nonitemized price that does not vary based on the selection by the purchaser of items included in the transaction:

(*) (a) The entire transaction is taxable if the seller's purchase price or sales price of the taxable items is greater than fifty percent of the combined purchase price or sales price; and

(*) (b) The entire transaction is exempt from retail sales tax if the seller's purchase price or sales price of the taxable items is fifty percent or less of the combined purchase price or sales price.

The seller may make the determination based on either purchase price or sales price, but may not use a combination of the purchase price and sales price.

~~((b))~~ **Example.** A combination wine and cheese picnic basket contains four items packaged together: A bottle of wine, a wine opener, single-serving cheeses, and the picnic basket holding these items. The seller's purchase price for the wine, wine-opener, and picnic basket totals ten dollars. The seller's purchase price for the cheeses is two dollars. The seller must collect retail sales taxes on the entire package, because the seller's purchase price for the taxable items (ten dollars) is greater than fifty percent of the combined purchase price (twelve dollars).

(c) **Incidental packaging.** "Distinct and identifiable items" does not include packaging which is immaterial or incidental to the sale of another item or items. For example, a decorative bag sold filled with candy is not the sale of "distinct and identifiable" items where the bag is merely ornamental packaging immaterial in the sale of the candy.

(d) **Free items.** "Distinct and identifiable items" does not include items provided free of charge. An item is only provided free of charge if the seller's sales price does not vary depending on whether the item is included in the sale.

~~((6))~~ ~~What are the~~ (7) **Seller's accounting requirements**~~((2))~~. All sales of food and food ingredients at an establishment will be treated as taxable unless the seller separately accounts for sales of exempt and nonexempt food and food

ingredients. It is sufficient separation for accounting purposes if cash registers or the like are programmed to identify items that are not tax exempt and to calculate and assess the proper sales tax accordingly.

~~((7) Are there any))~~ **(8) Other retail sales tax exemptions that may apply((?)).**

(a) **Meals served to certain persons.** The exemptions apply to food and food ingredients furnished, prepared, or served as meals:

(i) Under a state-administered nutrition program for the aged as provided for in the Older Americans Act (Public Law 95-478 Title III) and RCW 74.38.040;

(ii) ~~((That are))~~ **Provided** to senior citizens, individuals with disabilities, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW; or

(iii) ~~((Effective August 1, 2009, RCW 82.08.0293 provides))~~ **Provided** to residents, sixty-two years of age or older, of a qualified low-income senior housing facility by the lessor or operator of the facility. The sale of a meal that is billed to both spouses of a marital community or both domestic partners of a domestic partnership meets the age requirement in this subsection (a)(iii) if at least one of the spouses or domestic partners is at least sixty-two years of age. For purposes of this subsection, "qualified low-income senior housing facility" means a facility:

(A) That meets the definition of a qualified low-income housing project under Title 26 U.S.C. Sec. 42 of the federal Internal Revenue Code, as existing on August 1, 2009;

(B) That has been partially funded under Title 42 U.S.C. Sec. 1485 of the federal Internal Revenue Code; and

(C) For which the lessor or operator has at any time been entitled to claim a federal income tax credit under Title 26 U.S.C. Sec. 42 of the federal Internal Revenue Code.

(b) **Foods exempt under the Supplemental Nutrition Assistance Program (SNAP).** Under RCW 82.08.0297, eligible foods purchased with food benefits under the SNAP or a successor program are exempt from the retail sales tax. This is a separate and broader exemption than the retail sales tax exemption for food and food ingredients under RCW 82.08.-0293. For example, bottled water, soft drinks, garden seeds, and plants which produce food for the household to eat are "eligible foods" but are not "food or food ingredients." If such items are purchased with food benefits under SNAP or a successor program, they are exempt from the retail sales tax under RCW 82.08.0297, even though the items do not qualify for the exemption under RCW 82.08.0293.

(i) **Use of food benefits combined with other means of payment.** When both food benefits and other means of payment are used in the same sales transaction, for purposes of collecting retail sales taxes, the other means of payment shall be applied first to items which are food and food ingredients exempt under RCW 82.08.0293. The intent is to apply the benefits and other means of payment in such a way as to provide the greatest possible exemption from retail sales tax.

(ii) **Example.** A customer purchases the following at a grocery store: Meat for three dollars, cereal for three dollars, canned soft drinks for five dollars, and soap for two dollars for a total of thirteen dollars. The customer pays with seven dollars in benefits and six dollars in cash. The cash is applied

first to the soap because the soap is neither exempt under RCW 82.08.0293 nor an eligible food under SNAP. The remaining cash (four dollars) is applied first to the meat and the cereal. The food benefits are applied to the balance of the meat and cereal (two dollars) and to the soft drinks (five dollars). Retail sales tax is due only on the soap.

~~((8) Exceptions to tax on bottled water. Effective June 1, 2010, two exemptions to the retail sales and use taxes on bottled water were as described in (a) and (b) of this subsection. Effective December 2, 2010, the retail sales and use taxes on bottled water were repealed. The exemptions are no longer applicable effective December 2, 2010.~~

~~(a) **Prescription issued bottled water.** Bottled water prescribed to patients for use in the cure, mitigation, treatment, or prevention of disease or other medical condition and delivered to the buyer in a reusable container that is not sold with the water is exempt provided the buyer provides the seller with a completed buyer's retail sales tax exemption certificate or a streamlined sales tax exemption certificate. A seller must retain a copy of the certificate for their files. Tax will be collected on all other sales of prescribed bottled water. Any buyer that has paid at least twenty-five dollars in state and local sales taxes on purchases of bottled water subject to this exemption may apply for a refund of the collected taxes directly from the department. No refund may be made for tax paid more than four years after the end of the calendar year in which the tax was paid to a seller.~~

~~(b) **Potable water not readily available.** Bottled water for human use to persons who do not otherwise have a readily available source of potable water and delivered to the buyer in a reusable container that is not sold with the water is exempt provided the buyer provides the seller with a completed buyer's retail sales tax exemption certificate or a streamlined sales tax exemption certificate. A seller must retain a copy of the certificate for their files. Tax will be collected on all other sales of bottled water. Any buyer that has paid at least twenty-five dollars in state and local sales taxes on purchases of bottled water subject to this exemption may apply for a refund of the collected taxes directly from the department. No refund may be made for tax paid more than four years after the end of the calendar year in which the tax was paid to a seller.~~

~~(c) **Forms and additional information are available.** Forms and additional information can be obtained from the department's internet site at <http://dor.wa.gov/> or by contacting the department at:~~

Taxpayer Services
Department of Revenue
P.O. Box 47478
Olympia, WA 98504-7478
1-800-647-7706))

(9) **Vending machine sales.** The exemptions do not apply to sales of food and food ingredients dispensed from vending machines. There are special requirements for reporting sales tax collected on vending machine sales, discussed in (a) of this subsection. "Honor box" sales (sales of snacks or other items from open display trays) are not considered vending machine sales.

(a) **Calculating and reporting retail sales tax collected on vending machine sales.** Vending machine owners do not need to state the retail sales tax amount separately from the selling price. See RCW 82.08.050 and 82.08.0293. Instead, vending machine owners must determine the amount of retail sales tax collected on the sale of food or food ingredients by using one of the following methods:

(i) **Food or food ingredients dispensed in a heated state (~~and~~), soft drinks, and bottled water.** For food or food ingredients dispensed from vending machines in a heated state (e.g., hot coffee, soups, tea, and hot chocolate) and vending machine sales of soft drinks and bottled water, a vending machine owner must calculate the amount of retail sales tax that has been collected ("tax in gross") based on the gross vending machine proceeds. The "tax in gross" is a deduction against the gross amount of both retailing B&O and retail sales. The formula is:

$$\frac{((\text{gross machine proceeds} - (\text{gross machine proceeds}) - \text{tax in gross})}{(1 + \text{sales tax rate}))}$$

$$\frac{\text{gross machine proceeds} - [(\text{gross machine proceeds}) / (1 + \text{sales tax rate})]}{= \text{tax in gross}}$$

(ii) **All other food or food ingredients.** For all other food and food ingredients dispensed from vending machines, a vending machine owner must calculate the amount of retail sales tax that has been collected ("tax in gross") based on fifty-seven percent of the gross vending machine proceeds. The "tax in gross" is a deduction against the gross amount of both retailing B&O and retail sales. The formula is:

$$(\text{gross machine proceeds} \times .57) \times \text{sales tax rate} = \text{tax in gross}$$

The remaining 43% of the gross vending machine proceeds, less the "tax in gross" amount, is reported as an exempt food sales deduction against retail sales proceeds only calculated as follows:

$$(\text{gross machine proceeds} \times .43) - \text{tax in gross} = \text{exempt food deduction}$$

(b) **Example.** Jane owns a vending machine business with machines in Spokane and Seattle. In each location, she has a vending machine selling candy (~~and water~~) and a second vending machine selling hot cocoa and coffee drinks. Her annual sales for the vending machines and the combined retail sales tax rates for Seattle and Spokane are as follows:

	Coffee Machine (cocoa & coffee)	Candy Machine (candy & water)	Combined Retail Sales Tax Rate
Seattle	\$2,500	\$10,000	(.088) .101
Spokane	\$3,000	\$6,000	(.086) .089

To determine the amount of retail sales tax she collected on the sale of cocoa and coffee (food dispensed in a heated state, subject to retail sales tax), Jane calculates the "tax in gross" deduction amount as follows:

$$\frac{((\text{gross machine proceeds} - (\text{gross machine proceeds}) - \text{tax in gross})}{(1 + \text{sales tax rate}))}$$

$$\frac{\text{gross machine proceeds} - [(\text{gross machine proceeds}) / (1 + \text{sales tax rate})]}{= \text{tax in gross}}$$

\$2,500 -	=	((202.24))	(Seattle coffee machine)
(\$2,500 / (.101))		<u>\$229.34</u>	
\$3,000 -	=	((237.57))	(Spokane coffee machine)
(\$3,000 / (.089))		<u>\$245.18</u>	
		((439.78))	
		<u>\$474.52</u>	

Thus, for both retailing B&O and retail sales, Jane must report her total gross coffee machine proceeds of \$5,500 with a "tax in gross" deduction of ~~\$((439.78))~~ 474.52.

To determine the amount of retail sales tax she collected on the sale of candy (~~and water~~), Jane calculates the "tax in gross" deduction amount as follows:

$$(\text{gross machine proceeds} \times .57) \times \text{sales tax rate} = \text{tax in gross}$$

\$10,000 x .57 x (.088)	=	((501.60))	(Seattle candy machine)
<u>.101</u>		<u>\$575.70</u>	
\$6,000 x .57 x (.086)	=	((294.12))	(Spokane candy machine)
<u>.089</u>		<u>\$304.38</u>	
		((795.72))	
		<u>\$880.08</u>	

Thus, for both retailing B&O and retail sales, Jane must report her total gross candy machine proceeds of \$16,000 with a "tax in gross" deduction of ~~\$((795.72))~~ 880.08.

Jane must also report an exempt food sales deduction representing the remaining 43% of the gross candy machine proceeds.

$$(43\% \times \text{gross machine proceeds}) - \text{tax in gross} = \text{exempt food deduction}$$

$$(.43 \times \$16,000) - \$((795.72)) \text{ 880.08 } = \$((6,084.28)) \text{ 5999.92 }$$

Jane reports the exempt food sales deduction only against the gross amount of her retail sales. The deduction does not apply to retailing B&O.

WSR 19-20-070

PERMANENT RULES

PUGET SOUND

CLEAN AIR AGENCY

[Filed September 26, 2019, 5:37 p.m., effective November 1, 2019]

Effective Date of Rule: November 1, 2019.

Purpose: Section 3.11 - The agency's practice for many years has been to annually adjust the maximum civil penalty amount as allowed by law. The proposed adjustment to the maximum civil penalty amount accounts for inflation, as authorized by RCW 70.94.431 and as determined by the state office of the economic and revenue forecast council. Without this adjustment, the maximum penalty amount would effectively decrease each year. The consumer price index for the Seattle/Tacoma/Bellevue area increased by 2.66 percent for the 2018 calendar year, which amounts to an increase of \$522.00 in the maximum civil penalty amount.

The proposed amendment does not affect the way the agency determines actual civil penalty amounts in individual

cases. This continues to be done following civil penalty worksheets previously approved by the board.

Section 3.25 - This section currently provides that whenever federal rules are referenced in agency regulations, the effective date of the federal regulations referred to is July 1, 2018. This provides certainty so that persons affected by the regulations and agency staff know which version of a federal regulation to reference. For many years, the agency's practice has been to update this date annually to stay current with federal regulations. Following this practice, the proposed amendments would change the reference date to July 1, 2019.

Citation of Rules Affected by this Order: Amending Regulation I, Sections 3.11 (Civil Penalties) and 3.25 (Federal Regulation Reference Date).

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 19-17-072 on August 20, 2019.

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

Number of Sections Adopted at the Request of a Non-governmental 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: September 26, 2019.

Craig Kenworthy
Executive Director

AMENDATORY SECTION

SECTION 3.11 CIVIL PENALTIES

(a) Any person who violates any of the provisions of chapter 70.94 RCW or any of the rules or regulations in force pursuant thereto, may incur a civil penalty in an amount not to exceed \$((~~19,609.00~~)) 20,131.00, per day for each violation.

(b) Any person who fails to take action as specified by an order issued pursuant to chapter 70.94 RCW or Regulations I, II, and III of the Puget Sound Clean Air Agency shall be liable for a civil penalty of not more than \$((~~19,609.00~~)) 20,131.00, for each day of continued noncompliance.

(c) Within 30 days of the date of receipt of a Notice and Order of Civil Penalty, the person incurring the penalty may apply in writing to the Control Officer for the remission or mitigation of the penalty. To be considered timely, a mitigation request must be actually received by the Agency, during regular office hours, within 30 days of the date of receipt of a Notice and Order of Civil Penalty. This time period shall be calculated by excluding the first day and including the last, unless the last day is a Saturday, Sunday, or legal holiday, and then it is excluded and the next succeeding day that is not

a Saturday, Sunday, or legal holiday is included. The date stamped by the Agency on the mitigation request is prima facie evidence of the date the Agency received the request.

(d) A mitigation request must contain the following:

(1) The name, mailing address, telephone number, and telefacsimile number (if available) of the party requesting mitigation;

(2) A copy of the Notice and Order of Civil Penalty involved;

(3) A short and plain statement showing the grounds upon which the party requesting mitigation considers such order to be unjust or unlawful;

(4) A clear and concise statement of facts upon which the party requesting mitigation relies to sustain his or her grounds for mitigation;

(5) The relief sought, including the specific nature and extent; and

(6) A statement that the party requesting mitigation has read the mitigation request and believes the contents to be true, followed by the party's signature.

The Control Officer shall remit or mitigate the penalty only upon a demonstration by the requestor of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(e) Any civil penalty may also be appealed to the Pollution Control Hearings Board pursuant to chapter 43.21B RCW and chapter 371-08 WAC. An appeal must be filed with the Hearings Board and served on the Agency within 30 days of the date of receipt of the Notice and Order of Civil Penalty or the notice of disposition on the application for relief from penalty.

(f) A civil penalty shall become due and payable on the later of:

(1) 30 days after receipt of the notice imposing the penalty;

(2) 30 days after receipt of the notice of disposition on application for relief from penalty, if such application is made; or

(3) 30 days after receipt of the notice of decision of the Hearings Board if the penalty is appealed.

(g) If the amount of the civil penalty is not paid to the Agency within 30 days after it becomes due and payable, the Agency may bring action to recover the penalty in King County Superior Court or in the superior court of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(h) Civil penalties incurred but not paid shall accrue interest beginning on the 91st day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the 31st day following final resolution of the appeal.

(i) To secure the penalty incurred under this section, the Agency shall have a lien on any vessel used or operated in violation of Regulations I, II, and III which shall be enforced as provided in RCW 60.36.050.

AMENDATORY SECTION**SECTION 3.25 FEDERAL REGULATION REFERENCE DATE**

Whenever federal regulations are referenced in Regulation I, II, or III, the effective date shall be July 1, (~~2018~~) 2019.

WSR 19-20-072
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 19-238—Filed September 27, 2019, 9:19 a.m., effective October 28, 2019]

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

Purpose: The department wants to improve the reconciliation of its sales from discount and packaged licenses.

Citation of Rules Affected by this Order: New WAC 220-220-095.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.240, 77.12.800, 77.32.090, 77.32.470.

Adopted under notice filed as WSR 19-14-127 on July 3, 2019.

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

Number of Sections Adopted at the Request of a Non-governmental 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 0, Amended 0, Repealed 0.

Date Adopted: September 27, 2019.

Larry M. Carpenter, Chair
Fish and Wildlife Commission

NEW SECTION

WAC 220-220-095 Discount distribution. When a recreational license is sold at a discount or when it is part of a package of licenses created after January 1, 2017, and sold at a price less than the total value of each individual license product, the funds from the sale of a license or package of licenses are distributed to multiple department accounts. The amount of the funds distributed to each of the accounts shall be reduced by the same percentage as the total discount for the purchase of a license or package commencing with license year 2020 products.

WSR 19-20-073
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 19-239—Filed September 27, 2019, 9:24 a.m., effective October 28, 2019]

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

Purpose: The purpose of the new recreational package is to increase convenience and reduce cost for individuals in the public who may want to hunt and fish by purchasing one annual package.

Citation of Rules Affected by this Order: New WAC 220-220-093.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.04.055, and 77.12.047.

Adopted under notice filed as WSR 19-14-128 on July 3, 2019.

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

Number of Sections Adopted at the Request of a Non-governmental 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 0, Amended 0, Repealed 0.

Date Adopted: September 27, 2019.

Larry M. Carpenter, Chair
Fish and Wildlife Commission

NEW SECTION

WAC 220-220-093 Combination hunting and fishing packages. There is hereby created an annual Get Outdoors license for residents that combines fishing, shellfishing, and hunting privileges. The fee for the annual Get Outdoors license will not be priced higher than the sum of the individual items. The fee for this license is \$208.80 and applicable fees as of December 1, 2019.

The Get Outdoors license includes the following:

- (1) Annual combination recreational freshwater, saltwater, and shellfish license as described in WAC 220-220-060;
- (2) Two-pole endorsement as described in WAC 220-220-160;
- (3) Puget Sound Dungeness crab endorsement as described in WAC 220-310-020;
- (4) Annual combination hunting license for deer, elk, bear, and cougar as described in RCW 77.32.450;
- (5) Small game license as described in RCW 77.32.460;
- (6) Migratory bird permit and migratory bird authorization as described in RCW 77.32.350 and WAC 220-412-100; and

(7) Two turkey tags as described in RCW 77.32.460.

WSR 19-20-074
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 19-240—Filed September 27, 2019, 9:39 a.m., effective October 28, 2019]

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

Purpose: The department needs to amend rules in order to conform to state law.

Citation of Rules Affected by this Order: Repealing WAC 220-220-210; and amending WAC 220-220-060 and 220-220-230.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.240, 77.12.800, 77.32.090, 77.32.470.

Adopted under notice filed as WSR 19-14-126 on July 3, 2019.

Changes Other than Editing from Proposed to Adopted Version: Withdrew proposed amendment to WAC 220-220-320.

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

Number of Sections Adopted at the Request of a Non-governmental 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 2, Repealed 1.

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: September 27, 2019.

Larry M. Carpenter, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-220-060 Reduced rate annual fish Washington license, and license upgrades. (1) There is hereby created an annual fish Washington license for residents that combines recreational freshwater and saltwater fishing, shellfish, and seaweed harvest privileges. The fee for the annual fish Washington license is \$60.50 and applicable fees as of July 1, 2019, and will not be priced higher than the sum of the individual items. The fish Washington license also includes the following:

(a) ~~((The Columbia River salmon and steelhead endorsement;~~

~~(b)))~~ A Puget Sound Dungeness Crab endorsement; and

~~((c)))~~ (b) A two-pole endorsement.

(2) The director is authorized to allow any Washington state resident who has purchased an annual freshwater, saltwater, or shellfish/seaweed license to upgrade to a combination license for the cost difference between his or her current annual fishing license(s) and the cost of the combination license, plus transaction and dealer fees. The director may limit the times of the year that this upgrade is made available for sale.

(3) There is hereby created an annual senior combination recreation fishing license which includes freshwater and saltwater fishing, shellfish, and seaweed harvest privileges. The state fee for the annual senior combination fishing license will not be priced higher than the sum of the individual items and is available to any senior residents.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-220-230 Free fishing weekend. The Saturday and Sunday following the first Monday in June is declared to be free fishing weekend in Washington. On this weekend a fishing license is not required for any person, regardless of age or residency, to fish for or possess fish and shellfish and a fish and wildlife lands vehicle use permit is not required to utilize department parking facilities except that it is unlawful to fish for or possess any species for which a catch record is required without a valid catch record card in possession. Anglers may fish with two poles in all lakes where it is legal to do so without purchasing a two-pole endorsement ~~((, and may also fish in all open areas of the Columbia River and tributaries without purchasing a Columbia River endorsement))~~. During free fishing weekend only the license, endorsements, and permit provided for in this section are affected, and all other rules including the catch record card requirement remain in effect.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-220-210 Columbia River endorsement.

WSR 19-20-077
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 19-246—Filed September 27, 2019, 2:08 p.m., effective October 28, 2019]

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

Purpose: HB 1917, as passed by the 2019 legislative session, amended RCW 77.15.194 to provide that an airport operator may obtain a special trapping permit once every three years, and must annually report the previous year's trapping activity to the department. The rule change amends WAC 220-417-040 to reflect the same.

Citation of Rules Affected by this Order: Amending WAC 220-417-040.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.020.

Adopted under notice filed as WSR 19-16-112 on August 5, 2019.

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 the Request of a Non-governmental 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: September 27, 2019.

Larry M. Carpenter, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-417-040 Use of body-gripping traps—Special trapping permit required. (1) As used in this section, unless the context clearly requires otherwise, the following definitions apply:

(a) "Airport operator" means any municipality as defined in RCW 14.08.010(2) or state agency which owns and/or operates an airport.

(b) "Body-gripping trap" as defined by RCW 77.15.192 means a trap that grips an animal's body or body part. Body-gripping trap includes, but is not limited to, steel-jawed leghold traps, padded-jaw leghold or padded foot-hold traps, Conibear traps, neck snares, and nonstrangling foot snares. Cage and box traps, suitcase-type live beaver traps, and common rat and mouse traps are not considered body-gripping traps.

~~((b))~~ (c) "Conibear or Conibear-type trap" means any trap of various manufacturers having design and operational characteristics essentially the same as or like that developed by Frank Conibear and designed and set to grip and hold an animal's body across its main axis.

~~((c))~~ (d) "Padded-jaw leghold" or "padded foot-hold trap" means a trap designed and set to grip the foot of an animal, both jaws of which are covered with rubber pads having a minimum thickness of one-eighth inch.

~~((d))~~ (e) "Nonstrangling-type foot snare" means a cable or wire designed and set to encircle and hold an animal's foot or limb. Noose traps used in falconry are not considered nonstrangling-type foot snare traps because they are not designed to ultimately kill the bird but rather to ensure the bird's health and safety and cause no harm by using slip nooses which are constructed of monofilament nylon.

~~((e))~~ (f) "Special trapping permit" means a permit issued to a person under the authority of RCW 77.15.194 and

the provisions of this section to use certain body-gripping traps to abate an animal problem (~~(for thirty days)~~).

~~((f))~~ (g) "Permittee" means the person to whom a special trapping permit is granted.

(2) It is unlawful to trap wildlife using body-gripping traps without a special trapping permit issued by the department.

(3) It is unlawful to fail to comply with any conditions of a special trapping permit to trap.

(4) Persons issued a special trapping permit must submit a report of wildlife taken to the department within ten days after the permit expiration date or as defined on the permit.

(5) An airport operator that uses a padded foot, leghold, or any other body gripping trap for the protection of human and aviation security to secure an animal must obtain a special trapping permit from the director once every three years, and once each year, as conditioned on the permit, submit a report of wildlife taken to the department from the previous year's activities.

(6) It is unlawful to knowingly offer to sell, barter, or otherwise exchange the raw fur or carcass of a mammal that has been trapped pursuant to a special trapping permit.

~~((6))~~ (7) A person seeking a special trapping permit shall complete and submit a department-provided application.

~~((7))~~ (8) To conduct wildlife research, the applicant shall submit a scientific collection permit application as provided by the department.

~~((8))~~ (9) One permit renewal may be requested by completing the justification and applicant certification on the report of animals taken.

~~((9))~~ (10) The conditions of a special trapping permit shall be determined by the department and be annotated on the permit.

~~((10))~~ (11) All parts of animals taken under a special trapping permit must be properly disposed of in a lawful manner. Raw fur may only be retained for personal use or education purposes which do not result in retail sale or commerce.

~~((11))~~ (12) Any retention of raw fur obtained through the use of a special trapping permit requires a valid Washington state trapper's license unless the carcass is accompanied by a transfer authorization, as described in WAC 220-200-120, from a licensed trapper.

~~((12))~~ (13) A copy of the permit shall be in the immediate possession of the person authorized to trap pursuant to a permit.

~~((13))~~ (14) A special trapping permit may be denied when, in the judgment of the department:

(a) Other appropriate nonlethal methods to abate damage have not been utilized;

(b) The alleged animal problem either does not exist or the extent is insufficient to justify lethal removal;

(c) The use of the requested body-gripping trap(s) would result in direct or indirect harm to people or domestic animals;

(d) The use of the requested body-gripping trap(s) would conflict with federal or state law, local ordinance or department rule.

(e) The application is incomplete.

~~((14))~~ (15) A special trapping permit may be revoked if the department determines:

(a) Information contained in the application was inaccurate or false;

(b) The permittee or person trapping under the permit fails to comply with any of the permit conditions; or

(c) The permittee or person trapping under the permit exceeds the number of animals authorized.

(d) Information becomes available that otherwise would have led to the denial of the original application or the inclusion of additional conditions in the permit.

~~((15))~~ (16) If the department denies or revokes a special trapping permit the department will provide the applicant a written notice including a statement of the specific reason(s) for the denial or revocation.

(a) The applicant may request an appeal to contest the denial or revocation pursuant to chapter 34.05 RCW. The department must receive an appeal request in writing within twenty days from the mailing date of the notice of denial or revocation. Address appeals to WDFW Legal Services Office, 600 Capitol Way North, Olympia, Washington 98501-1091.

(b) A notice contested by written appeal is final when that proceeding ends in a final order pursuant to chapter 34.05 RCW, or is otherwise dismissed.

(c) If there is no timely request for an appeal, then the department's denial or revocation of the permit is final and effective on the 21st calendar day following the mailing date of the notice of denial or revocation.

WSR 19-20-078
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 19-245—Filed September 27, 2019, 2:11 p.m., effective October 28, 2019]

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

Purpose: The department amended WAC 220-414-080, 220-415-030, 220-415-050, and 220-415-060.

The amendments update the rules that were affected by the passage of SB 5148 during the 2019 legislative session, which requires the commission to adopt rules allowing hunters to wear either fluorescent orange or fluorescent pink clothing, or both, in order to meet a visible clothing requirement when hunting.

Citation of Rules Affected by this Order: Amending WAC 220-414-080, 220-415-030, 220-415-050, and 220-415-060.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.020.

Adopted under notice filed as WSR 19-16-111 on August 5, 2019.

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 4, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental 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: September 27, 2019.

Larry M. Carpenter, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending WSR 19-10-011, filed 4/19/19, effective 5/20/19)

WAC 220-414-080 Hunting—Hunter orange and hunter pink clothing requirements. (1) It is unlawful to hunt upland birds or rabbits with a firearm, other than a muzzleloading firearm, during any upland game bird season unless the hunter is wearing fluorescent hunter orange and/or fluorescent hunter pink clothing.

(2) It is unlawful to hunt big game, except bear and cougar, with modern firearm equipment at any time in any manner unless the hunter is wearing fluorescent hunter orange and/or fluorescent hunter pink clothing.

(3) It is unlawful to hunt wildlife, except migratory birds, during those times and in those places open to taking of deer or elk during nonmaster hunter, modern firearm general seasons, unless the hunter is wearing fluorescent hunter orange and/or fluorescent hunter pink clothing.

(4) Wearing fluorescent hunter (~~(orange)~~) clothing means: A minimum of 400 square inches of fluorescent hunter orange and/or fluorescent hunter pink exterior clothing, worn above the waist and visible from all sides. A combination of both colors may be worn to meet the 400 square inches.

(5) A violation of this section is an infraction, punishable under RCW 77.15.160.

AMENDATORY SECTION (Amending WSR 19-10-011, filed 4/19/19, effective 5/20/19)

WAC 220-415-030 2019 Deer special permits. It is unlawful to fail to comply with the bag, possession, and season limits described below. A violation of this section is punishable under RCW 77.15.410 Unlawful hunting of big game—Penalty.

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

Hunters must purchase a deer hunting license prior to purchasing a permit application. Hunters may only apply for permits consistent with the tag required for the hunt choice; however, Multiple Season Permit holders may apply for archery, muzzleloader, or modern firearm permit hunts. Hunters drawn for a special permit hunt must comply with weapon restrictions, dates, and other conditions listed for the

hunt. Hunters drawn for a special permit designated "Any tag" under the "Weapon/Tag" restriction must use equipment consistent with the requirements of their transport tag and license.

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Kelly Hill White-tailed Buck	Modern	Any	Nov. 20-24	White-tailed, Any buck	GMU 105	5
Kelly Hill Mule Deer Buck	Modern	Any	Nov. 3-24	Mule deer, 3 pt. min.	GMU 105	1
Douglas White-tailed Buck	Modern	Any	Nov. 20-24	White-tailed, Any buck	GMU 108	5
Douglas Mule Deer Buck	Modern	Any	Nov. 3-24	Mule deer, 3 pt. min.	GMU 108	1
Aladdin White-tailed Buck	Modern	Any	Nov. 20-24	White-tailed, Any buck	GMU 111	5
Aladdin Mule Deer Buck	Modern	Any	Nov. 3-24	Mule deer, 3 pt. min.	GMU 111	1
Selkirk Mule Deer Buck	Modern	Any	Nov. 3-24	Mule deer, 3 pt. min.	GMU 113	1
49 Degrees North White-tailed Buck	Modern	Any	Nov. 20-24	White-tailed, Any buck	GMU 117	5
49 Degrees North Mule Deer Buck	Modern	Any	Nov. 3-24	Mule deer, 3 pt. min.	GMU 117	1
Huckleberry White-tailed Buck	Modern	Any	Nov. 20-24	White-tailed, Any buck	GMU 121	5
Huckleberry Mule Deer Buck	Modern	Any	Nov. 3-24	Mule deer, 3 pt. min.	GMU 121	1
Mt. Spokane	Modern	Any	Nov. 20-24	Any buck	GMU 124	5
Mica Peak	Modern	Any	Nov. 20-24	3 pt. min.	GMU 127	5
Cheney	Modern	Any	Nov. 20-24	3 pt. min.	GMU 130	5
Roosevelt	Modern	Any	Nov. 20-24	3 pt. min.	GMU 133	5
Steptoe	Modern	Any	Nov. 20-24	3 pt. min.	GMU 139	5
Almota	Modern	Any	Nov. 20-24	3 pt. min.	GMU 142	5
Dayton	Modern	Any	Nov. 20-24	3 pt. min.	GMU 162	5
Tucannon	Modern	Any	Nov. 20-24	3 pt. min.	GMU 166	2
Wenaha West	Modern	Any	Nov. 7-14	Mule deer, 3 pt. min.	Deer Area 1008	2
Wenaha East	Modern	Any	Nov. 7-14	Mule deer, 3 pt. min.	Deer Area 1009	5
Ten Forty	Modern	Any	Nov. 4-10	White-tailed deer, 3 pt. min.	Deer Area 1040	2
Grande Ronde	Modern	Any	Nov. 20-24	3 pt. min.	GMU 186	1
East Okanogan	Modern	Any	Nov. 1-20	Any buck	GMU 204	10
Sinlahekin	Modern	Any	Nov. 1-20	Any buck	GMU 215	10
Chewuch	Modern	Any	Nov. 1-20	Any buck	GMU 218	15
Pearrygin	Modern	Any	Nov. 1-20	Any buck	GMU 224	20
Gardner	Modern	Any	Nov. 1-20	Any buck	GMU 231	12
Pogue	Modern	Any	Nov. 1-20	Any buck	GMU 233	15
Alta	Modern	Any	Nov. 1-20	Any buck	GMU 242	18
Manson	Modern	Any	Nov. 1-20	Any buck	GMU 243	7
Chiwawa	Modern	Any	Nov. 1-20	Any buck	GMU 245	20
Slide Ridge	Modern	Any	Nov. 1-20	Any buck	GMU 246	8
Entiat	Modern	Any	Nov. 1-20	Any buck	GMU 247	15
Swakane	Modern	Any	Nov. 1-20	Any buck	GMU 250	9
Mission	Modern	Any	Nov. 1-20	Any buck	GMU 251	7
Desert	Modern	Any	Oct. 19-27	Any buck	GMU 290	18
Desert	Modern	Any	Nov. 9-17	Any buck	GMU 290	5

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Naneum	Modern	Any	Nov. 11-17	Any buck	GMU 328	14
Quilomene	Modern	Any	Nov. 4-17	Any buck	GMU 329	17
Teanaway	Modern	Any	Nov. 11-17	Any buck	GMU 335	24
L.T. Murray	Modern	Any	Nov. 11-17	Any buck	GMUs 336, 340	5
Bethel	Modern	Any	Nov. 4-17	Any buck	GMU 360	5
Cowiche	Modern	Any	Nov. 4-17	Any buck	GMU 368	10
Alkali	Modern	Any	Nov. 2-17	Any buck	GMU 371	8
Grayback	Modern	Any	Nov. 7-26	3 pt. min.	GMU 388	20
Nooksack	Modern	Any	Nov. 1-13	Any buck	GMU 418	25
Skagit	Modern	Any	Nov. 1-18	Any buck	GMU 426	10
Sauk	Modern	Any	Nov. 1-13	Any buck	GMU 437	25
Stillaguamish	Modern	Any	Nov. 1-18	Any buck	GMU 448	12
Snoqualmie	Modern	Any	Nov. 1-18	Any buck	GMU 460	10
Green River	Any tag	Any	Nov. 2-8	Any buck	GMU 485	5
Lincoln	Modern	Any	Nov. 1-13	Any buck	GMU 501	4
Mossyrock	Modern	Any	Nov. 1-13	Any buck	GMU 505	4
Willapa Hills	Modern	Any	Nov. 1-13	Any buck	GMU 506	4
Stormking	Modern	Any	Nov. 1-13	Any buck	GMU 510	1
South Rainier	Modern	Any	Nov. 1-13	Any buck	GMU 513	1
Packwood	Modern	Any	Nov. 1-13	Any buck	GMU 516	1
Winston	Modern	Any	Nov. 1-13	Any buck	GMU 520	4
Ryderwood	Modern	Any	Nov. 1-13	Any buck	GMU 530	4
Coweeman	Modern	Any	Nov. 1-13	Any buck	GMU 550	4
Toutle	Modern	Any	Nov. 1-13	Any buck	GMU 556	1
Lewis River	Modern	Any	Nov. 1-13	Any buck	GMU 560	1
Washougal	Modern	Any	Nov. 1-13	Any buck	GMU 568	2
Siouxon	Modern	Any	Nov. 1-13	Any buck	GMU 572	1
Wind River	Modern	Any	Nov. 11-26	Any buck	GMU 574	20
West Klickitat	Modern	Any	Nov. 11-26	3 pt. min.	GMU 578	15
Mason	Modern	Any	Nov. 1-13	Any buck	GMU 633	10
Wynoochee	Modern	Any	Nov. 1-13	Any buck	GMU 648	8
Satsop	Modern	Any	Nov. 1-13	Any buck	GMU 651	10
White River	Modern	Any	Nov. 1-13	Any buck	GMU 653	10
Mashel	Modern	Any	Nov. 1-13	Any buck	GMU 654	10
Minot Peak	Modern	Any	Nov. 1-13	Any buck	GMU 660	4
Capitol Peak	Modern	Any	Nov. 1-13	Any buck	GMU 663	7
Skookumchuck	Modern	Any	Nov. 1-13	Any buck	GMU 667	10
Fall River	Modern	Any	Nov. 1-13	Any buck	GMU 672	4
Chiliwist	Archery	Any	Nov. 21-30	Any buck	GMU 239	10
Chiwawa	Archery	Any	Dec. 1-8	Any buck	GMU 245	8
Slide Ridge	Archery	Any	Dec. 1-8	Any buck	GMU 246	2
Entiat	Archery	Any	Nov. 21-30	Any buck	GMU 247	30
Desert	Archery	Any	Sept. 1 - Oct. 5	Any buck	GMU 290	10
Desert	Archery	Any	Nov. 23 - Dec. 8	Any buck	GMU 290	10
Naneum	Archery	Any	Nov. 18 - Dec. 8	Any buck	GMU 328	7
Quilomene	Archery	Any	Nov. 18 - Dec. 8	Any buck	GMU 329	9
Teanaway	Archery	Any	Nov. 18 - Dec. 8	Any buck	GMU 335	10
Kitsap	Archery	Any	Nov. 1-13	Any buck	GMU 627	10
Skokomish	Archery	Any	Nov. 1-13	Any buck	GMU 636	10
Skookumchuck	Archery	Any	Nov. 1-13	Any buck	GMU 667	10

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Blue Mtns. Foothills	Muzzleloader	Any	Nov. 20 - Dec. 8	White-tailed, 3 pt. min.	GMUs 149, 154, 162, 166	70
Alta	Muzzleloader	Any	Nov. 21-30	Any buck	GMU 242	15
Chiwawa	Muzzleloader	Any	Nov. 25-30	Any buck	GMU 245	2
Slide Ridge	Muzzleloader	Any	Nov. 25-30	Any buck	GMU 246	1
Mission	Muzzleloader	Any	Nov. 25-30	Any buck	GMU 251	9
Desert	Muzzleloader	Any	Oct. 5-13	Any buck	GMU 290	2
Teanaway	Muzzleloader	Any	Nov. 4-10	Any buck	GMU 335	5
L.T. Murray	Muzzleloader	Any	Nov. 4-10	Any buck	GMUs 336, 340	1
Bald Mountain	Muzzleloader	Any	Nov. 4-17	Any buck	GMUs 342, 346	2
Naneum	Muzzleloader	Any	Nov. 4-10	Any buck	GMU 328	1
Quilomene	Muzzleloader	Any	Sept. 28 - Oct. 6	Any buck	GMU 329	2
Olympic	Muzzleloader	Any	Nov. 1-13	Any buck	GMU 621	10

Bucks						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Palouse	Modern	Any	Nov. 9-19	White-tailed, 3 pt. min.	GMUs 127-142	750
Blue Mtns. Foothills West	Modern	Any	Nov. 9-19	White-tailed, 3 pt. min.	GMUs 149, 154, 162, 163, 166	110
Blue Mtns. Foothills East	Modern	Any	Nov. 9-19	White-tailed, 3 pt. min.	GMUs 145, 172 (except Deer Area 1040), 178, 181	50
Mayview	Any tag	Any	Nov. 16-19	3 pt. min.	GMU 145	25
Ten Forty	Modern	Any	Oct. 12-20	3 pt. min.	Deer Area 1040	2
Lick Creek	Modern	Any	Nov. 20-24	3 pt. min.	GMU 175	1
East Okanogan	Modern	Any	Nov. 1-20	Any white-tailed deer	GMU 204	40
Sinlahekin	Modern	Any	Nov. 1-20	Any white-tailed deer	GMU 215	40
Chewuch	Modern	Any	Nov. 1-20	Any white-tailed deer	GMU 218	15
Pearygin	Modern	Any	Nov. 1-20	Any white-tailed deer	GMU 224	15
Gardner	Modern	Any	Nov. 1-20	Any white-tailed deer	GMU 231	15
Pogue	Modern	Any	Nov. 1-20	Any white-tailed deer	GMU 233	15
Chiliwist	Modern	Any	Nov. 1-20	Any white-tailed deer	GMU 239	15
Alta	Modern	Any	Nov. 1-20	Any white-tailed deer	GMU 242	15
Ritzville	Modern	Any	Nov. 1-20	Any buck	GMU 284	9
Simcoe	Modern	Any	Oct. 12-22	3 pt. min.	Deer Area 5382	3
Hoko	Modern	Any	Nov. 1-13	Any buck	GMU 601	5
Sol Duc	Modern	Any	Nov. 1-13	Any buck	GMU 607	5
Goodman	Modern	Any	Nov. 1-13	Any buck	GMU 612	5
Clearwater	Modern	Any	Nov. 1-13	Any buck	GMU 615	5
Quinalt Ridge	Modern	Any	Nov. 1-13	Any buck	GMU 638	2
North River	Modern	Any	Nov. 1-13	Any buck	GMU 658	5
Williams Creek	Modern	Any	Nov. 1-13	Any buck	GMU 673	7
Bear River-Long Beach	Modern	Any	Nov. 1-13	Any buck	GMUs 681, 684	2
Parker Lake	Archery	Any	Sept. 1-30 and Nov. 19 - Dec. 1	Any white-tailed buck	Deer Area 1031	5
Ten Forty	Archery	Any	Sept. 1-15	3 pt. min.	Deer Area 1040	2
Big Bend	Archery	Any	Dec. 1-8	Any buck	GMU 248	10
Ritzville	Archery	Any	Dec. 1-8	Any buck	GMU 284	24
Alkali	Archery	Any	Sept. 1-22	Any buck	GMU 371	3
Whitcomb	Archery	Any	Oct. 1-10	Any buck	Deer Area 3071	10
Paterson	Archery	Any	Oct. 1-10	Any buck	Deer Area 3072	10

Bucks						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Simcoe	Archery	Any	Sept. 1-27	3 pt. min.	Deer Area 5382	3
West Klickitat	Archery	Any	Nov. 27 - Dec. 2	3 pt. min.	GMU 578	20
Whitcomb	Muzzleloader	Any	Nov. 19-27	Any buck	Deer Area 3071	5
Paterson	Muzzleloader	Any	Nov. 19-27	Any buck	Deer Area 3072	5
Parker Lake	Muzzleloader	Any	Oct. 1-31 and Dec. 2-14	Any white-tailed deer	Deer Area 1031	5
Blue Creek	Muzzleloader	Any	Sept. 28 - Oct. 6	3 pt. min.	GMU 154	10
Dayton	Muzzleloader	Any	Sept. 28 - Oct. 6	3 pt. min.	GMU 162	15
Marengo	Muzzleloader	Any	Sept. 28 - Oct. 6	3 pt. min.	GMU 163	10
Tucannon	Muzzleloader	Any	Sept. 28 - Oct. 6	3 pt. min.	GMU 166	10
Wenaha	Muzzleloader	Any	Sept. 28 - Oct. 6	3 pt. min.	GMU 169	20
Mountain View	Muzzleloader	Any	Sept. 28 - Oct. 6	3 pt. min.	GMU 172 (except Deer Area 1040)	15
Ten Forty	Muzzleloader	Any	Sept. 28 - Oct. 6	3 pt. min.	Deer Area 1040	2
Peola	Muzzleloader	Any	Sept. 28 - Oct. 6	3 pt. min.	GMU 178	10
Ritzville	Muzzleloader	Any	Nov. 23-29	Any buck	GMU 284	2
Alkali	Muzzleloader	Any	Sept. 23 - Oct. 13	Any buck	GMU 371	1
Kahlotus	Muzzleloader	Any	Sept. 28 - Oct. 6	Any buck	GMU 381	20
Simcoe	Muzzleloader	Any	Nov. 20-30	3 pt. min.	Deer Area 5382	3
West Klickitat	Muzzleloader	Any	Dec. 3-8	3 pt. min.	GMU 578	20
Dickey	Muzzleloader	Any	Nov. 1-13	Any buck	GMU 602	5
Copalis-Matheny	Muzzleloader	Any	Nov. 1-13	Any buck	GMUs 618, 642	5

Antlerless						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Mayview	Modern	Any	Nov. 1-12	Antlerless	GMU 145	40
Mayview	Modern	Any	Nov. 1-12	White-tailed, antlerless	GMU 145	25
Prescott	Modern	Any	Nov. 1-12	Antlerless	GMU 149	50
Prescott	Modern	Any	Nov. 1-12	White-tailed, antlerless	GMU 149	20
Blue Creek	Modern	Any	Nov. 9-19	White-tailed, antlerless	GMU 154	50
Dayton	Modern	Any	Nov. 9-19	White-tailed, antlerless	GMU 162	100
Ten Ten	Modern	Any	Nov. 9-19	Antlerless	Deer Area 1010	15
Marengo	Modern	Any	Nov. 1-12	White-tailed, antlerless	GMU 163	50
Marengo	Modern	Any	Nov. 1-12	Antlerless	GMU 163	5
Peola	Modern	Any	Nov. 1-12	Antlerless	GMU 178	40
Couse	Modern	Any	Nov. 1-12	Antlerless	GMU 181	25
Lincoln	Modern	Any	Oct. 12-31	Antlerless	GMU 501	15
Mossyrock	Modern	Any	Oct. 12-31	Antlerless	GMU 505	30
Winston	Modern	Any	Oct. 12-31	Antlerless	GMU 520	20
Ryderwood	Modern	Any	Oct. 12-31	Antlerless	GMU 530	10
Olympic	Modern	Any	Oct. 12-31	Antlerless	GMU 621	15
Coyle	Modern	Any	Oct. 12-31	Antlerless	GMU 624	20
Kitsap	Modern	Any	Oct. 12-31	Antlerless	GMU 627	10
Mason	Modern	Any	Oct. 12-31	Antlerless	GMU 633	20
Skokomish	Modern	Any	Oct. 12-31	Antlerless	GMU 636	5
Wynoochee	Modern	Any	Oct. 12-31	Antlerless	GMU 648	20
Satsop	Modern	Any	Oct. 12-31	Antlerless	GMU 651	15
Mashel	Modern	Any	Oct. 12-31	Antlerless	GMU 654	10
North River	Modern	Any	Oct. 12-31	Antlerless	GMU 658	15
Minot Peak	Modern	Any	Oct. 12-31	Antlerless	GMU 660	15
Capitol Peak	Modern	Any	Oct. 12-31	Antlerless	GMU 663	12

Antlerless						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Skookumchuck	Modern	Any	Oct. 12-31	Antlerless	GMU 667	20
Williams Creek	Modern	Any	Oct. 12-31	Antlerless	GMU 673	5
Mashel	Archery	Any	Oct. 20-30	Antlerless	GMU 654	10
Whitcomb	Archery	Any	Oct. 20-30	Antlerless	Deer Area 3071	10
Paterson	Archery	Any	Oct. 20-30	Antlerless	Deer Area 3072	10
Whitcomb	Muzzleloader	Any	Nov. 29 - Dec. 5	Antlerless	Deer Area 3071	10
Paterson	Muzzleloader	Any	Nov. 29 - Dec. 5	Antlerless	Deer Area 3072	10
Washtucna	Muzzleloader	Any	Nov. 25 - Dec. 8	Antlerless	GMUs 139, 142, 284, 381	200
Prescott	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 149	25
Blue Creek	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 154	20
Ten Ten	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	Deer Area 1010	20
Marengo	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 163	10
Peola	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 178	10
Mossyrock	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 505	10
Winston	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 520	5
Ryderwood	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 530	10
Coweeman	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 550	10
Yale	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 554	2
Olympic	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 621	20
Coyle	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 624	15
Kitsap	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 627	10
Mason	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 633	35
Skokomish	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 636	15
Wynoochee	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 648	15
Satsop	Muzzleloader	Any	Nov. 27 - Dec. 15	Antlerless	GMU 651	15
Mashel	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 654	20
North River	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 658	15
Minot Peak	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 660	5
Capitol Peak	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 663	18
Williams Creek	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 673	5

2nd Deer						
Second deer permits are only valid with the purchase of a second deer license. The second deer license must be for the same tag type as the first deer license.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Benge	Any	Any	Dec. 9-31	Antlerless	Deer Area 2010	30
Lakeview	Any	Any	Jan. 1-30, 2020	Antlerless	Deer Area 2011	15
Methow	Any	Any	Sept. 3 - Oct. 6	Antlerless	Deer Area 2012	10
North Okanogan	Any	Any	Sept. 3 - Oct. 6	Antlerless	Deer Area 2013	10
Central Okanogan	Any	Any	Sept. 3 - Oct. 6	Antlerless	Deer Area 2014	10
Omak	Any	Any	Sept. 3 - Oct. 6	Antlerless	Deer Area 2015	10
Conconully	Any	Any	Sept. 3 - Oct. 6	Antlerless	Deer Area 2016	10
Lake Chelan North	Any	Any	Aug. 1-31	Antlerless	Deer Area 2017	45
North Issaquah	Any	Any	Oct. 12-31 and Nov. 14-17	Antlerless	Deer Area 4541	10
Mt. Spokane	Modern	Any	Oct. 12-25 and Nov. 9-19	Antlerless	GMU 124	350
Mica Peak	Modern	Any	Oct. 12-22	Antlerless	GMU 127	100
Cheney	Modern	Any	Oct. 12-22	Antlerless	GMU 130	150
Roosevelt	Modern	Any	Oct. 12-22	Antlerless	GMU 133	100
Harrington	Modern	Any	Oct. 12-22	Antlerless	GMU 136	150

2nd Deer						
Second deer permits are only valid with the purchase of a second deer license. The second deer license must be for the same tag type as the first deer license.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Washtucna	Modern	Any	Oct. 12-22	Antlerless	GMUs 139, 142, 284, 381	350
Mayview	Modern	Any	Nov. 1-12	Antlerless	GMU 145	15
Blue Creek	Modern	Any	Nov. 9-19	White-tailed, antlerless	GMU 154	30
Ten Ten	Modern	Any	Nov. 9-19	White-tailed, antlerless	Deer Area 1010	15
East Okanogan	Modern	Any	Oct. 12-22	White-tailed, antlerless	GMU 204	45
Sinlahekin	Modern	Any	Oct. 12-22	White-tailed, antlerless	GMU 215	40
Chewuch	Modern	Any	Oct. 12-22	White-tailed, antlerless	GMU 218	10
Pearygin	Modern	Any	Oct. 12-22	White-tailed, antlerless	GMU 224	10
Gardner	Modern	Any	Oct. 12-22	White-tailed, antlerless	GMU 231	10
Pogue	Modern	Any	Oct. 12-22	White-tailed, antlerless	GMU 233	10
Chiliwist	Modern	Any	Oct. 12-22	White-tailed, antlerless	GMU 239	10
Alta	Modern	Any	Oct. 12-22	White-tailed, antlerless	GMU 242	10
Big Bend	Modern	Any	Oct. 12-22	Antlerless	GMU 248	20
St. Andrews	Modern	Any	Oct. 12-22	Antlerless	GMU 254	15
Foster Creek	Modern	Any	Oct. 12-22	Antlerless	GMU 260	15
Withrow	Modern	Any	Oct. 12-22	Antlerless	GMU 262	15
Badger	Modern	Any	Oct. 12-22	Antlerless	GMU 266	15
Desert	Modern	Any	Dec. 10-25	Antlerless	GMU 290	25
Kahlotus	Modern	Any	Dec. 9-17	Antlerless	GMU 381	10
Orcas	Modern	Any	Oct. 12-31 and Nov. 14-17	Antlerless	GMU 411	60
Shaw	Modern	Any	Oct. 12-31 and Nov. 14-17	Antlerless	GMU 412	30
San Juan	Modern	Any	Oct. 12-31 and Nov. 14-17	Antlerless	GMU 413	50
Lopez	Modern	Any	Oct. 12-31 and Nov. 14-17	Antlerless	GMU 414	60
Blakely	Modern	Any	Oct. 12-31 and Nov. 14-17	Antlerless	GMU 415	30
Decatur	Modern	Any	Oct. 12-31 and Nov. 14-17	Antlerless	GMU 416	5
Cypress	Modern	Any	Oct. 12-31 and Nov. 14-17	Antlerless	GMU 417	30
Guemes	Modern	Any	Oct. 12-31 and Nov. 14-17	Antlerless	GMU 419	20
Whidbey	Modern	Any	Oct. 12-31 and Nov. 14-17	Antlerless	GMU 420	150
Camano	Modern	Any	Oct. 12-31 and Nov. 14-17	Antlerless	GMU 421	30
Vashon-Maury	Any	Any	Aug. 1 - Dec. 31	Antlerless	GMU 422	200
Anderson	Modern	Any	Oct. 12-31 and Nov. 14-17	Antlerless	GMU 655	40
Deschutes	Modern	Any	Oct. 12-31 and Nov. 14-17	Antlerless	GMU 666	40
Mt. Spokane	Archery	Any	Sept. 1-27 and Nov. 25 - Dec. 15	Antlerless	GMU 124	100
Mica Peak	Archery	Any	Sept. 1-27 and Nov. 25 - Dec. 15	Antlerless	GMU 127	75
Clarkston	Archery	Any	Nov. 20 - Dec. 31	Antlerless	Deer Area 1021	20
Orcas	Archery	Any	Sept. 1-26 and Nov. 20 - Dec. 31	Antlerless	GMU 411	40

2nd Deer						
Second deer permits are only valid with the purchase of a second deer license. The second deer license must be for the same tag type as the first deer license.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Shaw	Archery	Any	Sept. 1-26 and Nov. 20 - Dec. 31	Antlerless	GMU 412	20
San Juan	Archery	Any	Sept. 1-26 and Nov. 20 - Dec. 31	Antlerless	GMU 413	30
Lopez	Archery	Any	Sept. 1-26 and Nov. 20 - Dec. 31	Antlerless	GMU 414	30
Blakely	Archery	Any	Sept. 1-26 and Nov. 20 - Dec. 31	Antlerless	GMU 415	20
Decatur	Archery	Any	Sept. 1-26 and Nov. 20 - Dec. 31	Antlerless	GMU 416	5
Cypress	Archery	Any	Sept. 1-26 and Nov. 20 - Dec. 31	Antlerless	GMU 417	20
Guemes	Archery	Any	Sept. 1-26 and Nov. 20 - Dec. 31	Antlerless	GMU 419	10
Whidbey	Archery	Any	Sept. 1-26 and Nov. 20 - Dec. 31	Antlerless	GMU 420	50
Camano	Archery	Any	Sept. 1-26 and Nov. 20 - Dec. 31	Antlerless	GMU 421	25
Miller	Archery	Any	Dec. 16-31	Antlerless	Deer Area 6020	40
Anderson	Archery	Any	Sept. 1-27 and Nov. 27 - Dec. 31	Antlerless	GMU 655	10
Mt. Spokane	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 124	125
Cheney	Muzzleloader	Any	Sept. 28 - Oct. 6 and Nov. 25 - Dec. 8	Antlerless	GMU 130	25
Roosevelt	Muzzleloader	Any	Sept. 28 - Oct. 6 and Nov. 25 - Dec. 8	Antlerless	GMU 133	25
Harrington	Muzzleloader	Any	Sept. 28 - Oct. 6 and Nov. 25 - Dec. 8	Antlerless	GMU 136	25
Mayview	Muzzleloader	Any	Sept. 28 - Oct. 6	Antlerless	GMU 145	10
Foster Creek	Muzzleloader	Any	Sept. 29 - Oct. 7	Antlerless	GMU 260	10
Moses Coulee	Muzzleloader	Any	Sept. 29 - Oct. 7	Antlerless	GMU 269	10
Lakeview	Muzzleloader	Any	Nov. 1-18	Antlerless	Deer Area 2011	5
Orcas	Muzzleloader	Any	Sept. 28 - Oct. 6 and Nov. 20 - Dec. 15	Antlerless	GMU 411	20
Shaw	Muzzleloader	Any	Sept. 28 - Oct. 6 and Nov. 20 - Dec. 15	Antlerless	GMU 412	20
San Juan	Muzzleloader	Any	Sept. 28 - Oct. 6 and Nov. 20 - Dec. 15	Antlerless	GMU 413	20
Lopez	Muzzleloader	Any	Sept. 28 - Oct. 6 and Nov. 20 - Dec. 15	Antlerless	GMU 414	20
Blakely	Muzzleloader	Any	Sept. 28 - Oct. 6 and Nov. 20 - Dec. 15	Antlerless	GMU 415	10
Decatur	Muzzleloader	Any	Sept. 28 - Oct. 6 and Nov. 20 - Dec. 15	Antlerless	GMU 416	5
Cypress	Muzzleloader	Any	Sept. 28 - Oct. 6 and Nov. 20 - Dec. 15	Antlerless	GMU 417	20
Guemes	Muzzleloader	Any	Sept. 28 - Oct. 6 and Nov. 20 - Dec. 15	Antlerless	GMU 419	10
Whidbey	Muzzleloader	Any	Sept. 28 - Oct. 6 and Nov. 20 - Dec. 15	Antlerless	GMU 420	20
Camano	Muzzleloader	Any	Sept. 28 - Oct. 6 and Nov. 20 - Dec. 15	Antlerless	GMU 421	20
Anderson	Muzzleloader	Any	Sept. 28 - Oct. 6 and Nov. 27 - Dec. 15	Antlerless	GMU 655	5

Youth						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Washtucna	Modern	Youth	Oct. 12-22	Any deer	GMUs 139, 142, 284, 381	100
Blue Mtns. Foothills West	Modern	Youth	Oct. 12-22	Antlerless	GMUs 149, 154, 163, Deer Area 1010	60
Blue Mtns. Foothills East	Modern	Youth	Oct. 12-22	Antlerless	GMUs 145, 172 (except Deer Area 1040), 178,181	40
Mayview	Modern	Youth	Oct. 12-22	Any deer	GMU 145	15
Prescott	Modern	Youth	Oct. 12-22	Any deer	GMU 149	20
Peola	Modern	Youth	Oct. 12-22	Any deer	GMU 178	20
Tucannon	Modern	Youth	Oct. 12-22	White-tailed, antlerless	GMU 166	10
Ten Forty	Modern	Youth	Oct. 12-20	Antlerless	Deer Area 1040	5
Couse	Modern	Youth	Oct. 12-22	Antlerless	GMU 181	15
Couse	Modern	Youth	Oct. 12-22	Any deer	GMU 181	5
East Okanogan	Modern	Youth	Oct. 12-22	Antlerless	GMU 204	20
Wannacut	Modern	Youth	Oct. 12-22	Antlerless	GMU 209	10
Sinlahekin	Modern	Youth	Oct. 12-22	Antlerless	GMU 215	10
Chewuch	Modern	Youth	Oct. 12-22	Antlerless	GMU 218	10
Pearygin	Modern	Youth	Oct. 12-22	Antlerless	GMU 224	10
Gardner	Modern	Youth	Oct. 12-22	Antlerless	GMU 231	10
Pogue	Modern	Youth	Oct. 12-22	Antlerless	GMU 233	10
Chiliwist	Modern	Youth	Oct. 12-22	Antlerless	GMU 239	10
Alta	Modern	Youth	Oct. 12-22	Antlerless	GMU 242	10
Chiwawa	Modern	Youth	Oct. 12-22	Antlerless	GMU 245	3
Entiat	Modern	Youth	Oct. 12-22	Antlerless	GMU 247	3
Swakane	Modern	Youth	Oct. 12-22	Antlerless	GMU 250	3
Mission	Modern	Youth	Oct. 12-22	Antlerless	GMU 251	5
Bridgeport	Modern	Youth	Oct. 12-22	Antlerless	GMUs 248, 260	20
Palisades	Modern	Youth	Oct. 12-22	Antlerless	GMUs 266, 269	20
Beezley	Modern	Youth	Oct. 12-22	Any deer	GMU 272	50
Benge	Modern	Youth	Oct. 26 - Nov. 3	Antlerless	Deer Area 2010	30
Desert	Modern	Youth	Dec. 7-22	Antlerless	GMU 290	5
Horse Heaven Hills	Modern	Youth	Oct. 12-22	Antlerless	GMU 373	10
Ringold	Modern	Youth	Oct. 12-22	Antlerless	GMU 379	10
Simcoe	Modern	Youth	Oct. 12-22	Any deer	Deer Area 5382	2
East Klickitat	Modern	Youth	Oct. 12-22	Any buck	GMU 382 (except CLOSED in Deer Area 5382)	5
East Klickitat	Modern	Youth	Oct. 12-22	Antlerless	GMU 382 (except CLOSED in Deer Area 5382)	5
Grayback	Modern	Youth	Oct. 12-22	Any buck	GMU 388	5
Grayback	Modern	Youth	Oct. 12-22	Antlerless	GMU 388	5
Green River	Modern	Youth	Nov. 2-8	Any buck	GMU 485	5
Lincoln	Modern	Youth	Oct. 12-31	Antlerless	GMU 501	10
Randle	Modern	Youth	Oct. 12-31	Antlerless	GMU 503	5
Mossyrock	Modern	Youth	Oct. 12-31	Antlerless	GMU 505	10
Stormking	Modern	Youth	Oct. 12-31	Antlerless	GMU 510	5
South Rainier	Modern	Youth	Oct. 12-31	Antlerless	GMU 513	5
Packwood	Modern	Youth	Oct. 12-31	Antlerless	GMU 516	5
Winston	Modern	Youth	Oct. 12-31	Antlerless	GMU 520	10

Youth						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Ryderwood	Modern	Youth	Oct. 12-31	Antlerless	GMU 530	10
Coweeman	Modern	Youth	Oct. 12-31	Antlerless	GMU 550	10
Yale	Modern	Youth	Oct. 12-31	Antlerless	GMU 554	10
Toutle	Modern	Youth	Oct. 12-31	Antlerless	GMU 556	10
Lewis River	Modern	Youth	Oct. 12-31	Antlerless	GMU 560	5
Washougal	Modern	Youth	Oct. 12-31	Antlerless	GMU 568	5
Siouxon	Modern	Youth	Oct. 12-31	Antlerless	GMU 572	5
Wind River	Modern	Youth	Oct. 12-31	Antlerless	GMU 574	5
West Klickitat	Modern	Youth	Oct. 12-31	Any buck	GMU 578	5
West Klickitat	Modern	Youth	Oct. 12-31	Antlerless	GMU 578	5
Pysht	Modern	Youth	Nov. 1-13	Any buck	GMU 603	5
Olympic	Modern	Youth	Oct. 5-31	Any deer	GMU 621	15
Coyle	Modern	Youth	Oct. 7-31	Any deer	GMU 624	10
Kitsap	Modern	Youth	Oct. 7-31	Any deer	GMU 627	10
Mason	Modern	Youth	Nov. 1-13	Any deer	GMU 633	25
Skokomish	Modern	Youth	Oct. 7-31	Any deer	GMU 636	10
Wynoochee	Modern	Youth	Oct. 7-31	Any deer	GMU 648	12
Satsop	Modern	Youth	Oct. 7-31	Any deer	GMU 651	10
Mashel	Modern	Youth	Oct. 5-31	Antlerless	GMU 654	15
North River	Modern	Youth	Oct. 5-31	Antlerless	GMU 658	10
Minot Peak	Modern	Youth	Oct. 7-31	Any deer	GMU 660	6
Minot Peak	Modern	Youth	Nov. 1-13	Any buck	GMU 660	4
Capitol Peak	Modern	Youth	Oct. 7-31	Any deer	GMU 663	8
Skookumchuck	Modern	Youth	Oct. 5-31	Antlerless	GMU 667	15
Skookumchuck	Modern	Youth	Oct. 5-31	Any buck	GMU 667	20
East Okanogan	Muzzleloader	Youth	Sept. 28 - Oct. 6	Antlerless	GMU 204	5
Wannacut	Muzzleloader	Youth	Sept. 28 - Oct. 6	Antlerless	GMU 209	5
Pogue	Muzzleloader	Youth	Sept. 28 - Oct. 6	Antlerless	GMU 233	5
Chiliwist	Muzzleloader	Youth	Sept. 28 - Oct. 6	Antlerless	GMU 239	5
Alta	Muzzleloader	Youth	Sept. 28 - Oct. 6	Antlerless	GMU 242	5
Mission	Muzzleloader	Youth	Sept. 28 - Oct. 6	Antlerless	GMU 251	3
Whitcomb	Muzzleloader	Youth	Nov. 1-13	Antlerless	Deer Area 3071	5
Paterson	Muzzleloader	Youth	Nov. 1-13	Antlerless	Deer Area 3072	5
Region 5	Any	Youth with mentor	Aug. 1, 2019 - Mar. 31, 2020	Antlerless	Designated Areas in Region 5	10 ^{HC}

Senior 65+						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Washtucna	Modern	65+	Oct. 12-22	Antlerless	GMUs 139, 142, 284, 381	20
Blue Mtns. Foothills	Modern	65+	Oct. 12-22	Antlerless	GMUs 145, 149, 154, 163, Deer Area 1010, 178, 181	30
East Okanogan	Modern	65+	Oct. 12-22	Antlerless	GMU 204	5
Wannacut	Modern	65+	Oct. 12-22	Antlerless	GMU 209	5
Sinlahekin	Modern	65+	Oct. 12-22	Antlerless	GMU 215	5
Chewuch	Modern	65+	Oct. 12-22	Antlerless	GMU 218	5
Pearygin	Modern	65+	Oct. 12-22	Antlerless	GMU 224	5
Gardner	Modern	65+	Oct. 12-22	Antlerless	GMU 231	5
Pogue	Modern	65+	Oct. 12-22	Antlerless	GMU 233	5
Chiliwist	Modern	65+	Oct. 12-22	Antlerless	GMU 239	5

Senior 65+						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Alta	Modern	65+	Oct. 12-22	Antlerless	GMU 242	5
Chiwawa	Modern	65+	Oct. 12-22	Antlerless	GMU 245	5
Entiat	Modern	65+	Oct. 12-22	Antlerless	GMU 247	5
Swakane	Modern	65+	Oct. 12-22	Antlerless	GMU 250	5
Mission	Modern	65+	Oct. 12-22	Antlerless	GMU 251	5
Bridgeport	Modern	65+	Oct. 12-22	Antlerless	GMUs 248, 260	5
Palisades	Modern	65+	Oct. 12-22	Antlerless	GMUs 266, 269	5
Rattlesnake Hills	Modern	65+	Oct. 12-22	Antlerless	GMU 372	10
Horse Heaven Hills	Modern	65+	Oct. 12-22	Antlerless	GMU 373	10
East Klickitat	Modern	65+	Oct. 12-22	Antlerless	GMU 382 (except CLOSED in Deer Area 5382)	2
North Issaquah	Any	65+	Oct. 12-31 and Nov. 14- 17	Antlerless	Deer Area 4541	10
Lincoln	Modern	65+	Oct. 12-31	Antlerless	GMU 501	5
Mossyrock	Modern	65+	Oct. 12-31	Antlerless	GMU 505	5
Stormking	Modern	65+	Oct. 12-31	Antlerless	GMU 510	5
South Rainier	Modern	65+	Oct. 12-31	Antlerless	GMU 513	5
Packwood	Modern	65+	Oct. 12-31	Antlerless	GMU 516	5
Winston	Modern	65+	Oct. 12-31	Antlerless	GMU 520	5
Yale	Modern	65+	Oct. 12-31	Antlerless	GMU 554	5
Toutle	Modern	65+	Oct. 12-31	Antlerless	GMU 556	5
Lewis River	Modern	65+	Oct. 12-31	Antlerless	GMU 560	2
Washougal	Modern	65+	Oct. 12-31	Antlerless	GMU 568	2
Siouxon	Modern	65+	Oct. 12-31	Antlerless	GMU 572	2
Wind River	Modern	65+	Oct. 12-31	Antlerless	GMU 574	2
West Klickitat	Modern	65+	Oct. 12-31	Antlerless	GMU 578	2
Olympic	Modern	65+	Oct. 12-31	Antlerless	GMU 621	10
Coyle	Modern	65+	Oct. 12-31	Antlerless	GMU 624	5
Kitsap	Modern	65+	Oct. 12-31	Antlerless	GMU 627	5
Mason	Modern	65+	Oct. 12-31	Antlerless	GMU 633	20
Skokomish	Modern	65+	Oct. 12-31	Antlerless	GMU 636	10
Wynoochee	Modern	65+	Oct. 12-31	Antlerless	GMU 648	10
Satsop	Modern	65+	Oct. 12-31	Antlerless	GMU 651	10
Mashel	Modern	65+	Oct. 12-31	Antlerless	GMU 654	10
North River	Modern	65+	Oct. 12-31	Antlerless	GMU 658	10
Minot Peak	Modern	65+	Oct. 12-31	Antlerless	GMU 660	10
Capitol Peak	Modern	65+	Oct. 12-31	Antlerless	GMU 663	12

Hunters with Disabilities						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Washtucna	Modern	Hunter with Dis- ability	Oct. 12-22	Antlerless	GMUs 139, 142, 284, 381	20
Blue Mtns. Foothills	Modern	Hunter with Dis- ability	Oct. 12-22	Antlerless	GMUs 145, 149, 154, 163, Deer Area 1010, 178, 181	20
East Okanogan	Modern	Hunter with Dis- ability	Oct. 12-22	Antlerless	GMU 204	5
Wannacut	Modern	Hunter with Dis- ability	Oct. 12-22	Antlerless	GMU 209	5
Sinlahekin	Modern	Hunter with Dis- ability	Oct. 12-22	Antlerless	GMU 215	5

Hunters with Disabilities						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Chewuch	Modern	Hunter with Disability	Oct. 12-22	Antlerless	GMU 218	5
Pearrygin	Modern	Hunter with Disability	Oct. 12-22	Antlerless	GMU 224	5
Gardner	Modern	Hunter with Disability	Oct. 12-22	Antlerless	GMU 231	5
Pogue	Modern	Hunter with Disability	Oct. 12-22	Antlerless	GMU 233	5
Chiliwist	Modern	Hunter with Disability	Oct. 12-22	Antlerless	GMU 239	5
Alta	Modern	Hunter with Disability	Oct. 12-22	Antlerless	GMU 242	5
Chiwawa	Modern	Hunter with Disability	Oct. 12-22	Antlerless	GMU 245	3
Entiat	Modern	Hunter with Disability	Oct. 12-22	Antlerless	GMU 247	3
Mission	Modern	Hunter with Disability	Oct. 12-22	Antlerless	GMU 251	3
Saint Andrews	Modern	Hunter with Disability	Oct. 12-22	Antlerless	GMU 254	5
Bridgeport	Modern	Hunter with Disability	Oct. 12-22	Antlerless	GMUs 248, 260	5
Palisades	Modern	Hunter with Disability	Oct. 12-22	Antlerless	GMUs 266, 269	5
Beezley	Modern	Hunter with Disability	Oct. 12-22	Antlerless	GMU 272	10
Ritzville	Modern	Hunter with Disability	Oct. 12-22	Antlerless	GMU 284	10
Horse Heaven Hills	Modern	Hunter with Disability	Oct. 12-22	Antlerless	GMU 373	10
Kahlotus	Modern	Hunter with Disability	Oct. 28 - Nov. 5	Antlerless	GMU 381	10
East Klickitat	Modern	Hunter with Disability	Oct. 12-22	Antlerless	GMU 382 (except CLOSED in Deer Area 5382)	2
North Issaquah	Any	Hunter with Disability	Oct. 12-31 and Nov. 14-17	Antlerless	Deer Area 4541	10
Lincoln	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 501	2
Mossyrock	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 505	3
Stormking	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 510	2
South Rainier	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 513	2
Packwood	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 516	2
Winston	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 520	2
Yale	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 554	2
Toutle	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 556	3
Lewis River	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 560	1

Hunters with Disabilities						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Washougal	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 568	2
Siouxon	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 572	1
Wind River	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 574	1
West Klickitat	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 578	1
Olympic	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 621	10
Kitsap	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 627	5
Mason	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 633	5
Skokomish	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 636	10
Satsop	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 651	10
Mashel	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 654	10
North River	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 658	5
Minot Peak	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 660	5
Capitol Peak	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 663	5
Skookumchuck	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 667	10
Fall River	Modern	Hunter with Disability	Oct. 12-31	Antlerless	GMU 672	5
Fall River	Modern	Hunter with Disability	Nov. 1-13	Any buck	GMU 672	6
Wind River	Archery	Hunter with Disability	Sept. 1-28	Antlerless	GMU 574	1
West Klickitat	Archery	Hunter with Disability	Sept. 1-28	Antlerless	GMU 578	1
East Okanogan	Muzzleloader	Hunter with Disability	Sept. 28 - Oct. 6	Antlerless	GMU 204	5
Sinlahekin	Muzzleloader	Hunter with Disability	Sept. 28 - Oct. 6	Antlerless	GMU 215	5
Gardner	Muzzleloader	Hunter with Disability	Sept. 28 - Oct. 6	Antlerless	GMU 231	5
Chiwawa	Muzzleloader	Hunter with Disability	Sept. 28 - Oct. 6	Antlerless	GMU 245	3
Entiat	Muzzleloader	Hunter with Disability	Sept. 28 - Oct. 6	Antlerless	GMU 247	3
Mission	Muzzleloader	Hunter with Disability	Sept. 28 - Oct. 6	Antlerless	GMU 251	3
Saint Andrews	Muzzleloader	Hunter with Disability	Sept. 28 - Oct. 6	Antlerless	GMU 254	5
Bridgeport	Muzzleloader	Hunter with Disability	Sept. 28 - Oct. 6	Antlerless	GMUs 248, 260	5
Palisades	Muzzleloader	Hunter with Disability	Sept. 28 - Oct. 6	Antlerless	GMUs 266, 269	5
Olympic	Muzzleloader	Hunter with Disability	Sept. 28 - Oct. 6	Antlerless	GMU 621	10

Hunters with Disabilities						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Mason	Muzzleloader	Hunter with Disability	Sept. 28 - Oct. 6	Antlerless	GMU 633	5
Skokomish	Muzzleloader	Hunter with Disability	Sept. 28 - Oct. 6	Antlerless	GMU 636	5
Wynoochee	Muzzleloader	Hunter with Disability	Sept. 28 - Oct. 6	Antlerless	GMU 648	5
Satsop	Muzzleloader	Hunter with Disability	Nov. 27 - Dec. 15	Antlerless	GMU 651	10
North River	Muzzleloader	Hunter with Disability	Sept. 28 - Oct. 6	Antlerless	GMU 658	5
Capitol Peak	Muzzleloader	Hunter with Disability	Sept. 28 - Oct. 6	Antlerless	GMU 663	8
Skookumchuck	Muzzleloader	Hunter with Disability	Sept. 28 - Oct. 6	Antlerless	GMU 667	10

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

Hunt Name	Weapon/Tag	Requirements	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Region 1	Any/2nd deer tag	Master Hunter deer tag required	Master Hunter	Aug. 1, 2019 - March 31, 2020	Antlerless	Designated Areas in Region 1	30 ^{HC}
Region 1	Archery/2nd deer tag	Master Hunter deer tag required	Master Hunter	Aug. 1, 2019 - March 31, 2020	Antlerless	Designated Areas in Region 1	20 ^{HC}
Region 2	Any/2nd deer tag	Master Hunter deer tag required	Master Hunter	Aug. 1, 2019 - March 31, 2020	Antlerless	Designated Areas in Region 2	10 ^{HC}
Region 3	Any/2nd deer tag	Master Hunter deer tag required	Master Hunter	Aug. 1, 2019 - March 31, 2020	Antlerless	Designated Areas in Region 3	40 ^{HC}
Region 5	Any/2nd deer tag	Master Hunter deer tag required	Master Hunter	Aug. 1, 2019 - March 31, 2020	Antlerless	Designated Areas in Region 5	10 ^{HC}
Region 6	Any/2nd deer tag	Master Hunter deer tag required	Master Hunter	July 1, 2019 - March 31, 2020	Antlerless	Designated Areas in Region 6	10 ^{HC}

Hunter Education Instructor Incentive Permits

- Special deer permits will be allocated through a random drawing to those hunter education instructors who qualify.
 - Permit hunters must use archery equipment during archery seasons, muzzleloader equipment or archery equipment during muzzleloader seasons, and any legal weapon during modern firearm seasons. Hunter orange and/or hunter pink is required during modern firearm seasons.
 - Except for online class incentive permits and chief instructor incentive permits, qualifying hunter education instructors must be certified and have been in active status for a minimum of three consecutive years, inclusive of the year prior to the permit drawing.
 - Permittees may purchase a second license for use with the permit hunt only.
- Qualified hunter education instructors may only receive one incentive permit each year.

Area	Dates	Restrictions	GMUs	Permits
Region 1	All general season and permit seasons established for GMUs included with the permit. Not eligible for seasons and permits for auction hunts; raffle hunts; and hunts for master hunters, youth hunters, hunters with disabilities, or hunters 65 years and older, unless the hunter education instructor legally qualifies for such hunts.	Any white-tailed deer	Any 100 series GMU EXCEPT GMU 157	2
Region 2		Any white-tailed deer	GMUs 204, 215, 233, 239	1
Region 2		Any white-tailed deer	GMUs 218, 224, 231, 242	1
Region 2		Any deer	GMUs 218, 231	1
Region 2		Any deer	GMUs 245, 247	1
Region 2		Any deer	GMU 290	1
Region 3		Any deer	GMUs 335-368	2
Region 4		Any deer	Any 400 series GMU EXCEPT GMUs 485 and 490	2
Region 5		Any deer	All 500 series GMUs EXCEPT GMU 522	4
Region 6		Any deer	Any 600 series GMU	2

AMENDATORY SECTION (Amending WSR 19-10-011, filed 4/19/19, effective 5/20/19)

WAC 220-415-050 2018-2020 Elk general seasons and definitions. It is unlawful to fail to comply with bag, possession, and season limits described below. A violation of this section is punishable under RCW 77.15.410 Unlawful hunting of big game—Penalty.

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

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

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

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

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

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

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

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

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

current penalties and assessments under RCW 77.15.410 and 77.15.420.

True-spike GMUs: 251, 328-335.

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

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

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

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

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

Elk Tag Areas

Eastern Washington: All 100, 200, and 300 GMUs.

EA - Eastern Washington Archery Tag

EF - Eastern Washington Modern Firearm General Elk Tag

EM - Eastern Washington Muzzleloader Tag

Western Washington: All 400, 500, and 600 GMUs.

WA - Western Washington Archery Tag

WF - Western Washington Modern Firearm General Elk Tag

WM - Western Washington Muzzleloader Tag

Modern Firearm General Elk Seasons

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

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

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

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	2018 Dates	2019 Dates	2020 Dates	Legal Elk
Eastern Washington	EF	101, 105, 108, 111, 113, 117, 121, 204	Oct. 27 - Nov. 4	Oct. 26 - Nov. 3	Oct. 31 - Nov. 8	Any bull
		145 through 154, 162 through 169, 172 (except Elk Area 1040), 175 through 186, 249, 336 through 368	Oct. 27 - Nov. 4	Oct. 26 - Nov. 3	Oct. 31 - Nov. 8	Spike bull
		251, 328, 329, 334, 335	Oct. 27 - Nov. 4	Oct. 26 - Nov. 3	Oct. 31 - Nov. 8	True spike bull
		Elk Area 3722*	Sept. 8-23	Sept. 7-22	Sept. 12-27	Antlerless only
		124 through 142, 372, 382, 388	Oct. 27 - Nov. 4	Oct. 26 - Nov. 3	Oct. 31 - Nov. 8	Any elk
		203, 209 through 248, 250, 254 through 290, 373, 379, 381	Oct. 27 - Nov. 15	Oct. 26 - Nov. 15	Oct. 31 - Nov. 15	Any elk

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	2018 Dates	2019 Dates	2020 Dates	Legal Elk
		Master Hunters Only: 371, Elk Areas 3911 and 3912. Must wear hunter orange and/or hunter pink.	Aug. 1 - Jan. 20, 2019	Aug. 1 - Jan. 20, 2020	Aug. 1 - Jan. 20, 2021	Antlerless only
		Master Hunters Only: 127, 130	Dec. 9-31	Dec. 9-31	Dec. 9-31	Antlerless only
*GMU 372 and Elk Area 3722 are mainly private property. Hunters are not advised to try hunting these areas without making prior arrangements for access.						
Western Washington	WF	460, 466, 503, 505 through 520, 524 (except CLOSED in Elk Area 5066), 530, 550, 560, 568, 572, 574, 578, 601 through 618, 624 (except for Elk Area 6071), 627, 633, 638 (except master hunters only in Elk Area 6064 portion of GMU 638), 642 through 651, 652 (except for Elk Area 6014), 654 through 660, 667 through 684.	Nov. 3-14	Nov. 2-13	Nov. 7-18	3 pt. min.
		501, 504, 663, Elk Area 6014	Nov. 3-14	Nov. 2-13	Nov. 7-18	3 pt. min. or antlerless
		407, 448, 564, 666	Nov. 3-14	Nov. 2-13	Nov. 7-18	Any elk
		454	Nov. 3-14	Nov. 2-13	Nov. 7-18	Any bull

Archery General Elk Seasons

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

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

Hunting Method: Bow and arrow only, as defined under WAC 220-414-070.

Special Notes: Archery tag holders can hunt only during archery seasons and must hunt with archery equipment (WAC 220-414-070). Archery elk hunters may apply for special bull permits. Please see permit table for tag eligibility for all elk permits.

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	2018 Dates	2019 Dates	2020 Dates	Legal Elk
Early Archery General Elk Seasons						
Eastern Washington	EA	101 through 142, 204, 243, 247, 249, 250, 373, 379, 381, 388	Sept. 8-20	Sept. 7-19	Sept. 12-24	Any elk
		162, 166, 169, 172 (except Elk Area 1040), 175, 186, 336, 340, 352, 356, 364	Sept. 8-20	Sept. 7-19	Sept. 12-24	Spike bull
		328, 329, 336, 340, 352, 356, 364	Sept. 15-20	Sept. 14-19		Antlerless
		328, 329	Sept. 8-20	Sept. 7-19	Sept. 12-24	True spike bull
		334, 335	Sept. 8-20	Sept. 7-19	Sept. 12-24	True spike bull or antlerless
		145, 149, 154, Elk Area 1010, Elk Area 1013, 163, 178, 181	Sept. 8-20	Sept. 7-19	Sept. 12-24	Spike bull or antlerless
Western Washington	WA	407, 448, 454, 564, 666, 684, Elk Area 6014	Sept. 8-20	Sept. 7-19	Sept. 12-24	Any elk
		501 through 505, 520, 550, 554, 560, 568, 572, 574, 578, Elk Area 6061, 652 (except Elk Area 6013 closed to antlerless), 654, 660, 663, 667 through 673, 681, 699	Sept. 8-20	Sept. 7-19	Sept. 12-24	3 pt. min. or antlerless

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	2018 Dates	2019 Dates	2020 Dates	Legal Elk
		460, 466, 506, 510, 513, 516, 524 (except CLOSED in Elk Area 5066), 530, 601 through 618, 624 (except for Elk Area 6071), 627, 633, 638 (except Master Hunters only in Elk Area 6064), 642 through 651, 658	Sept. 8-20	Sept. 7-19	Sept. 12-24	3 pt. min.
Late Archery General Elk Seasons						
Eastern Washington	EA	101, 105, 108, 117, 121, 204	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Any bull
		124, 127, 373, 388	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Any elk
		178	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Antlerless only
		Elk Area 1010, 163	Dec. 9 - Jan. 30, 2019	Dec. 9 - Jan. 30, 2020	Dec. 9 - Jan. 30, 2021	Antlerless only
		203, 209 through 248, 250, 254 through 290, 379, 381. Must wear hunter orange and/or hunter pink.	Oct. 27 - Nov. 15	Oct. 26 - Nov. 15	Oct. 31 - Nov. 15	Any elk
		Master Hunters Only: 371, Elk Areas 3911 and 3912. Must wear hunter orange and/or hunter pink.	Aug. 1 - Jan. 20, 2019	Aug. 1 - Jan. 20, 2020	Aug. 1 - Jan. 20, 2021	Antlerless only
		Master Hunters Only: 127, 130	Dec. 9-31	Dec. 9-31	Dec. 9-31	Antlerless only
		328, 334, 335	Nov. 21 - Dec. 8	Nov. 27 - Dec. 8	Nov. 25 - Dec. 8	True spike bull or antlerless
		336, 342, 346, 352, 364, Elk Area 3681	Nov. 21 - Dec. 8	Nov. 27 - Dec. 8	Nov. 25 - Dec. 8	Spike bull or antlerless
Western Washington	WA	Elk Area 4601, 503, 505, 506, 530, 652 (except Elk Area 6013 closed to antlerless), 663, 667, 672, 681, and 699. Master hunters only in Elk Area 6064 portion of GMU 638	Nov. 21 - Dec. 15	Nov. 27 - Dec. 15	Nov. 25 - Dec. 15	3 pt. min. or antlerless
		407	Nov. 21 - Jan 20, 2019	Nov. 27 - Jan 20, 2020	Nov. 25 - Jan 20, 2021	Any elk
		448, 454, 564, 666	Nov. 21 - Dec. 15	Nov. 27 - Dec. 15	Nov. 25 - Dec. 15	Any elk
		603, 612, 615, 638 (except for Elk Area 6064), 648	Nov. 21 - Dec. 15	Nov. 27 - Dec. 15	Nov. 25 - Dec. 15	3 pt. min.
		*GMU 372 and Elk Area 3722 are mainly private property. Hunters are not advised to try hunting these areas without making prior arrangements for access.				

Muzzleloader General Elk Seasons

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

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

Hunting Method: Muzzleloader, as defined under WAC 220-414-060, or bow and arrow, as defined under WAC 220-414-070.

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

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	2018 Dates	2019 Dates	2020 Dates	Legal Elk
Early Muzzleloader General Elk Seasons						
Eastern Washington	EM	101 through 121, 204, 247	Oct. 6-12	Oct. 5-11	Oct. 3-9	Any bull
		124 through 142, 245, 250	Oct. 6-12	Oct. 5-11	Oct. 3-9	Any elk
		145, 149, 154, 162, 163, 166, 172 (except Elk Area 1040), 175, 178, 181, 336 through 342, 352 through 368	Oct. 6-12	Oct. 5-11	Oct. 3-9	Spike bull

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	2018 Dates	2019 Dates	2020 Dates	Legal Elk
		328, 329, 334, 335, Elk Area 2051	Oct. 6-12	Oct. 5-11	Oct. 3-9	True spike bull
Western Washington	WM	407, 448, 454, 564, 666, 684	Oct. 6-12	Oct. 5-11	Oct. 3-9	Any elk
		460, 466, 506, 510, 513, 516, 520, 524 (except CLOSED in Elk Area 5066), 530, 550, 554, 560, 568, 572, 574, 578, 602, 603, 607, 612, 615, 624 (except for Elk Area 6071), 627, 633, 638 (except for Elk Area 6064), 642, 648, 660, 672, 673, 681	Oct. 6-12	Oct. 5-11	Oct. 3-9	3 pt. min.
		501, 503, 504, 505, 652 (except Elk Area 6013 closed to antlerless), Elk Area 6014, 654, 663, 667, Elk Area 4601	Oct. 6-12	Oct. 5-11	Oct. 3-9	3 pt. min. or antlerless
Late Muzzleloader General Elk Seasons						
Eastern Washington	EM	130 through 142	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Any elk
		203, 209 through 248, 250, 254 through 290, 373, 379, 381. Must wear hunter orange and/or hunter pink.	Oct. 27 - Nov. 15	Oct. 26 - Nov. 15	Oct. 31 - Nov. 15	Any elk
		Master Hunters Only: 371, Elk Areas 3911 and 3912. Must wear hunter orange and/or hunter pink.	Aug. 1 - Jan. 20, 2019	Aug. 1 - Jan. 20, 2020	Aug. 1 - Jan. 20, 2021	Antlerless only
		Master Hunters Only: 127, 130	Dec. 9-31	Dec. 9-31	Dec. 9-31	Antlerless only
Western Washington	WM	407	Nov. 21 - Jan. 20, 2019	Nov. 27 - Jan. 20, 2020	Nov. 25 - Jan. 20, 2021	Any elk
		501, 503, 504, 505, 578, 652 (except Elk Area 6013 closed to antlerless), 667	Nov. 21 - Dec. 8	Nov. 27 - Dec. 8	Nov. 25 - Dec. 8	3 pt. min. or antlerless
		448, 454, 564, 666, 684	Nov. 21 - Dec. 15	Nov. 27 - Dec. 15	Nov. 25 - Dec. 15	Any elk
		568, 574	Nov. 21-30	Nov. 27-30	Nov. 25-30	3 pt. min.
		601, 618, 651, 658	Nov. 21 - Dec. 15	Nov. 27 - Dec. 15	Nov. 25 - Dec. 15	3 pt. min.

AMENDATORY SECTION (Amending WSR 19-10-011, filed 4/19/19, effective 5/20/19)

WAC 220-415-060 2019 Elk special permits. It is unlawful to fail to comply with the bag, possession, and season limits described below. A violation of this section is punishable under RCW 77.15.410 Unlawful hunting of big game—Penalty.

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

Hunters must purchase an elk hunting license prior to purchasing a permit application. Hunters may only apply for per-

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

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Turnbull	EA, EF, EM	Any	Sept. 29 - Oct. 6 and Nov. 16 - Dec. 5	Any bull	Elk Area 1015	1
Prescott	EF	Any	Oct. 21 - Nov. 3	Any bull	GMU 149	2
Blue Creek	EF	Any	Sept. 23-27	Any bull	GMU 154	1

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Blue Creek	EF	Any	Oct. 21 - Nov. 3	Any bull	GMU 154	10
Watershed	EA, EF, EM	Any	Oct. 26 - Nov. 3	3 pt. min.	GMU 157	40
Dayton	EF	Any	Oct. 21 - Nov. 3	Any bull	GMU 162	6
Ten Ten	EF	Any	Sept. 23-27	Any bull	Elk Area 1010, GMU 163	1
Ten Ten	EF	Any	Oct. 21 - Nov. 3	Any bull	Elk Area 1010, GMU 163	2
Tucannon	EF	Any	Oct. 21 - Nov. 3	Any bull	GMU 166	13
Wenaha West	EF	Any	Oct. 21 - Nov. 3	Any bull	Elk Area 1008	6
Wenaha East	EF	Any	Oct. 21 - Nov. 3	Any bull	Elk Area 1009	6
Mountain View	EF	Any	Oct. 21 - Nov. 3	Any bull	GMU 172, EXCEPT Elk Area 1040	11
Ten Forty	EF	Any	Oct. 21 - Nov. 3	Any bull	Elk Area 1040	2
Lick Creek	EF	Any	Oct. 21 - Nov. 3	Any bull	GMU 175	2
Peola	EF	Any	Sept. 23-27	Any bull	GMUs 178, 145	1
Peola	EF	Any	Oct. 21 - Nov. 3	Any bull	GMUs 178, 145	2
Couse	EF	Any	Oct. 21 - Nov. 3	Any bull	GMU 181	4
Mission	EF	Any	Sept. 21-29	Any bull	GMU 251	4
Colockum	EF	Any	Sept. 23-27	Any bull	GMUs 328, 329, 334	1
Colockum	EF	Any	Oct. 21 - Nov. 3	Any bull	GMUs 328, 329, 334	24
Teanaway	EF	Any	Sept. 23-27	Any bull	GMU 335	2
Peaches Ridge	EF	Any	Sept. 23-27	Any bull	GMUs 336, 346	3
Observatory	EF	Any	Sept. 23-27	Any bull	GMUs 334, 340, 342	3
Little Naches	EF	Any	Sept. 28 - Oct. 6	Any bull	GMU 346	4
Goose Prairie	EF	Any	Sept. 23-27	Any bull	GMUs 352, 356	3
Bethel	EF	Any	Sept. 23-27	Any bull	GMU 360	3
Rimrock	EF	Any	Sept. 23-27	Any bull	GMU 364	3
Cowiche	EF	Any	Sept. 23-27	Any bull	GMU 368	3
Nooksack	WF	Any	Oct. 5-31 and Dec. 16-31	Any bull	GMU 418	12
Green River	WF, WA, WM	Any	Nov. 2-8	Any bull	GMU 485	10
Wahkiakum	WF	Any	Sept. 23-27	Any bull	GMUs 506, 530	1
South Rainier	WF	Any	Sept. 23-27	Any bull	GMUs 510, 513	1
Packwood	WF	Any	Sept. 23-27	Any bull	GMU 516	1
Winston	WF	Any	Sept. 23-27	Any bull	GMU 520	1
Coweeman	WF	Any	Sept. 23-27	Any bull	GMU 550	1
Toutle	WF	Any	Sept. 23-27 and Nov. 2-13	Any bull	GMU 556	2
Toutle	WF	Any	Nov. 2-13	Any bull	GMU 556	44
Lewis River	WF	Any	Sept. 23-27	Any bull	GMU 560	2
Siouxon	WF	Any	Sept. 23-27	Any bull	GMU 572	2
Carlton	WF	Any	Sept. 23-27	Any bull	Elk Area 5057	5
West Goat Rocks	WF	Any	Sept. 23-27	Any bull	Elk Area 5058	5
Upper Smith Creek	WF	Any	Sept. 23-27	Any bull	Elk Area 5064	1
Mount Whittier	WF	Any	Sept. 23-27	Any bull	Elk Area 5065	1
Norway Pass	WF	Any	Sept. 23-27	Any bull	Elk Area 5066	2
Mt. Adams	WF	Any	Sept. 23-27	Any bull	Elk Area 5059	5
Mudflow	WF	Any	Nov. 2-13	Any bull	Elk Area 5099	7
Peninsula	WF	Any	Sept. 23-27	3 pt. min.	GMUs 602, 603, 607, 612, 615	4
Matheny	WF	Any	Sept. 23-27	3 pt. min.	GMU 618	3
Quinault	WF	Any	Sept. 23-27	3 pt. min.	GMU 638	5
Wynoochee	WF	Any	Sept. 23-27	3 pt. min.	GMU 648	1

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
White River	WF	Any	Sept. 23-27	Any bull	GMU 653	2
Prescott	EA	Any	Sept. 1-19	Any bull	GMU 149	1
Blue Creek	EA	Any	Sept. 1-19	Any bull	GMU 154	6
Dayton	EA	Any	Sept. 1-19	Any bull	GMU 162	3
Ten Ten	EA	Any	Sept. 1-19	Any bull	Elk Area 1010, GMU 163	3
Tucannon	EA	Any	Sept. 1-19	Any bull	GMU 166	5
Wenaha West	EA	Any	Sept. 1-19	Any bull	Elk Area 1008	2
Wenaha East	EA	Any	Sept. 1-19	Any bull	Elk Area 1009	3
Mountain View	EA	Any	Sept. 1-19	Any bull	GMU 172, EXCEPT Elk Area 1040	9
Ten Forty	EA	Any	Sept. 9-22	Any bull	Elk Area 1040	2
Lick Creek	EA	Any	Sept. 1-19	Any bull	GMU 175	3
Peola	EA	Any	Sept. 1-19	Any bull	GMUs 178, 145	3
Couse	EA	Any	Sept. 1-19	Any bull	GMU 181	3
Colockum	EA	Any	Sept. 7-19	Any bull	GMUs 328, 329, 334	17
Teanaway	EA	Any	Sept. 7-19	Any bull	GMU 335	2
Peaches Ridge	EA	Any	Sept. 7-19	Any bull	GMUs 336, 346	10
Observatory	EA	Any	Sept. 7-19	Any bull	GMUs 334, 340, 342	20
Goose Prairie	EA	Any	Sept. 7-19	Any bull	GMUs 352, 356	7
Bethel	EA	Any	Sept. 7-19	Any bull	GMU 360	6
Rimrock	EA	Any	Sept. 7-19	Any bull	GMU 364	21
Cowiche	EA	Any	Sept. 7-19	Any bull	GMU 368	6
Nooksack	WA	Any	Aug. 26 - Sept. 14 and Jan. 1-19, 2020	Any bull	GMU 418	7
Toutle	WA	Any	Sept. 7-19 and Dec. 1-15	Any bull	GMU 556	30
Upper Smith Creek	WA	Any	Sept. 15-21	Any bull	Elk Area 5064	1
Norway Pass	WA	Any	Sept. 7-13	Any bull	Elk Area 5066	2
Mudflow	WA	Any	Sept. 14-22 and Nov. 15-20	Any bull	Elk Area 5099	7
Peninsula	WA	Any	Sept. 1-22	3 pt. min.	GMUs 602, 603, 607, 612, 615	2
White River	WA	Any	Sept. 14-25 and Dec. 1-15	Any bull	GMU 653	19
Prescott	EM	Any	Sept. 30 - Oct. 11	Any bull	GMU 149	1
Blue Creek	EM	Any	Sept. 30 - Oct. 11	Any bull	GMU 154	2
Dayton	EM	Any	Sept. 30 - Oct. 11	Any bull	GMU 162	2
Ten Ten	EM	Any	Sept. 30 - Oct. 11	Any bull	Elk Area 1010, GMU 163	1
Tucannon	EM	Any	Sept. 30 - Oct. 11	Any bull	GMU 166	2
Wenaha West	EM	Any	Sept. 30 - Oct. 11	Any bull	Elk Area 1008	1
Wenaha East	EM	Any	Sept. 30 - Oct. 11	Any bull	Elk Area 1009	2
Mountain View	EM	Any	Sept. 30 - Oct. 11	Any bull	GMU 172, EXCEPT Elk Area 1040	5
Ten Forty	EM	Any	Sept. 30 - Oct. 11	Any bull	Elk Area 1040	2
Lick Creek	EM	Any	Sept. 30 - Oct. 11	Any bull	GMU 175	1
Peola	EM	Any	Sept. 30 - Oct. 11	Any bull	GMUs 178, 145	1
Couse	EM	Any	Sept. 30 - Oct. 11	Any bull	GMU 181	1
Mission	EM	Any	Sept. 30 - Oct. 11	Any bull	GMU 251	4
Colockum	EM	Any	Sept. 28 - Oct. 6	Any bull	GMUs 328, 329, 334	6
Teanaway	EM	Any	Sept. 28 - Oct. 6	Any bull	GMU 335	2
Peaches Ridge	EM	Any	Sept. 28 - Oct. 6	Any bull	GMUs 336, 346	4
Observatory	EM	Any	Sept. 28 - Oct. 6	Any bull	GMUs 334, 340, 342	6

Quality						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Goose Prairie	EM	Any	Sept. 28 - Oct. 6	Any bull	GMUs 352, 356	2
Bethel	EM	Any	Sept. 28 - Oct. 6	Any bull	GMU 360	2
Rimrock	EM	Any	Sept. 28 - Oct. 6	Any bull	GMU 364	4
Cowiche	EM	Any	Sept. 28 - Oct. 6	Any bull	GMU 368	2
Nooksack	WM	Any	Sept. 18-29 and Nov. 15-24, and Dec. 1-8	Any bull	GMU 418	7
Toutle	WM	Any	Oct. 5-11	Any bull	GMU 556	19
Mount Whittier	WM	Any	Sept. 15-21	Any bull	Elk Area 5065	1
Norway Pass	WM	Any	Sept. 15-21	Any bull	Elk Area 5066	2
Mudflow	WM	Any	Oct. 5-15	Any bull	Elk Area 5099	7
Peninsula	WM	Any	Sept. 28 - Oct. 4	3 pt. min.	GMUs 602, 603, 607, 612, 615	2

Bulls						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Turnbull	EF	Any	Dec. 11-16	Spike bull only	Elk Area 1015	1
Ten Forty	EF	Any	Oct. 26 - Nov. 3	Spike bull only	Elk Area 1040	2
Grande Ronde	EF	Any	Oct. 21 - Nov. 3	Any bull	GMU 186	1
Mission	EF	Any	Oct. 21 - Nov. 3	Any bull	GMU 251	4
Teanaway	EF	Any	Oct. 21 - Nov. 3	Any bull	GMU 335	5
Peaches Ridge	EF	Any	Oct. 21 - Nov. 3	Any bull	GMUs 336, 346	13
Observatory	EF	Any	Oct. 21 - Nov. 3	Any bull	GMUs 334, 340, 342	16
Goose Prairie	EF	Any	Oct. 21 - Nov. 3	Any bull	GMUs 352, 356	8
Bethel	EF	Any	Oct. 21 - Nov. 3	Any bull	GMU 360	7
Rimrock	EF	Any	Oct. 21 - Nov. 3	Any bull	GMU 364	28
Cowiche	EF	Any	Oct. 21 - Nov. 3	Any bull	GMU 368	5
Alkali	EF	Any	Oct. 14 - Nov. 1	Any bull	GMUs 334, 371	15
Skagit River	WF	Any	Oct. 5 - Nov. 7	Any bull	Elk Area 4941	5
Upper Smith Creek	WF	Any	Oct. 17-23	Any bull	Elk Area 5064	2
Mount Whittier	WF	Any	Oct. 17-23	Any bull	Elk Area 5065	1
Norway Pass	WF	Any	Oct. 17-23	Any bull	Elk Area 5066	3
Olympic	WF	Any	Oct. 19 - Nov. 13	3 pt. min.	GMU 621, EXCEPT for Elk Area 6071	6
Skokomish	WF	Any	Oct. 19 - Nov. 13	3 pt. min.	GMU 636	3
White River	WF	Any	Oct. 19 - Nov. 13	Any bull	GMU 653	37
Turnbull	EA	Any	Sept. 7-19	Spike bull only	Elk Area 1015	1
Ten Forty	EA	Any	Sept. 1-8	Spike bull only	Elk Area 1040	2
Grande Ronde	EA	Any	Sept. 1-19	Any bull	GMU 186	1
Alkali	EA	Any	Sept. 1-22	Any Elk	GMUs 334, 371	10
Skagit River	WA	Any	Aug. 26 - Sept. 14 and Jan. 1-7, 2020	Any bull	Elk Area 4941	8
Upper Smith Creek	WA	Any	Oct. 1-7	Any bull	Elk Area 5064	2
Mount Whittier	WA	Any	Oct. 1-7	Any bull	Elk Area 5065	1
Norway Pass	WA	Any	Oct. 1-7	Any bull	Elk Area 5066	3
Lewis River	WA	Any	Nov. 27 - Dec. 8	3 pt. min.	GMU 560	5
Siouxon	WA	Any	Nov. 27 - Dec. 8	3 pt. min.	GMU 572	5
Olympic	WA	Any	Sept. 1-22 and Dec. 1-15	3 pt. min.	GMU 621, EXCEPT Elk Area 6071	3
Skokomish	WA	Any	Sept. 1-22 and Dec. 1-15	3 pt. min.	GMU 636	2
Turnbull	EM	Any	Oct. 8-13	Spike bull only	Elk Area 1015	1
Ten Forty	EM	Any	Oct. 5-11	Spike bull only	Elk Area 1040	2

Bulls						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Grande Ronde	EM	Any	Sept. 30 - Oct. 11	Any bull	GMU 186	1
Alkali	EM	Any	Sept. 23 - Oct. 13	Any bull	GMUs 334, 371	15
Skagit River	WM	Any	Sept. 18-29 and Dec. 2-11 and Jan. 8-19, 2020	Any bull	Elk Area 4941	5
Upper Smith Creek	WM	Any	Oct. 9-15	Any bull	Elk Area 5064	2
Mount Whittier	WM	Any	Oct. 9-15	Any bull	Elk Area 5065	1
Norway Pass	WM	Any	Oct. 9-15	Any bull	Elk Area 5066	3
Yale	WM	Any	Nov. 27 - Dec. 15	3 pt. min.	GMU 554	15
Olympic	WM	Any	Sept. 28 - Oct. 11	3 pt. min.	GMU 621, EXCEPT for Elk Area 6071	2
Skokomish	WM	Any	Sept. 28 - Oct. 11	3 pt. min.	GMU 636	1
White River	WM	Any	Sept. 28 - Oct. 11	Any bull	GMU 653	7

Antlerless Elk						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
North Half	EF	Any	Oct. 26 - Nov. 3	Antlerless	GMUs 101, 105, 204	10
Douglas	EF	Any	Oct. 26 - Nov. 3	Antlerless	GMU 108	5
Aladdin	EF	Any	Oct. 26 - Nov. 3	Antlerless	GMU 111	10
Selkirk	EF	Any	Oct. 26 - Nov. 3	Antlerless	GMU 113	10
49 Degrees North	EF	Any	Oct. 26 - Nov. 3 and Dec. 16-31	Antlerless	GMU 117	10
Huckleberry	EF	Any	Oct. 26 - Nov. 3 and Dec. 16-31	Antlerless	GMU 121	10
Turnbull	EF	Any	Nov. 16-21	Antlerless	Elk Area 1015	5
Turnbull	EF	Any	Dec. 11-16	Antlerless	Elk Area 1015	5
Mayview-Peola	EF	Any	Oct. 12-22	Antlerless	GMUs 145, 178	10
Mayview-Peola	EF	Any	Oct. 26 - Nov. 3	Antlerless	GMUs 145, 178	20
Prescott	EF	Any	Oct. 26 - Nov. 3	Antlerless	GMU 149	20
Blue Creek	EF	Any	Oct. 12-22	Antlerless	GMU 154	5
Blue Creek	EF	Any	Oct. 26 - Nov. 3	Antlerless	GMU 154	5
Marengo-Dayton	EF	Any	Oct. 26 - Nov. 3	Antlerless	GMU 163	10
Mountain View	EF	Any	Oct. 26 - Nov. 3	Antlerless	Elk Area 1013	40
Ten Forty	EF	Any	Nov. 4-10	Antlerless	Elk Area 1040	5
Couse	EF	Any	Oct. 12-22	Antlerless	Elk Area 1081	15
Couse	EF	Any	Oct. 26 - Nov. 8	Antlerless	Elk Area 1081	40
George Creek	EF	Any	Oct. 12 - Nov. 19	Antlerless	Elk Area 1082	5
Malaga	EF	Any	Sept. 9-20	Antlerless	Elk Area 2032	20
Malaga	EF	Any	Nov. 4 - Dec. 31	Antlerless	Elk Area 2032	55
Colockum	EF	Any	Oct. 30 - Nov. 3	Antlerless	GMUs 328, 329	100
West Bar	EF	Any	Oct. 26-29	Antlerless	GMU 330	5
West Bar	EF	Any	Oct. 30 - Nov. 3	Antlerless	GMU 330	5
Teanaway	EF	Any	Oct. 30 - Nov. 3	Antlerless	GMU 335	30
Taneum	EF	Any	Oct. 30 - Nov. 3	Antlerless	GMU 336	35
Manastash	EF	Any	Oct. 30 - Nov. 3	Antlerless	GMU 340	30
Umtanum	EF	Any	Oct. 30 - Nov. 3	Antlerless	GMU 342	25
Little Naches	EF	Any	Oct. 30 - Nov. 3	Antlerless	GMU 346	35
Nile	EF	Any	Oct. 30 - Nov. 3	Antlerless	GMU 352	10
Bumping	EF	Any	Oct. 30 - Nov. 3	Antlerless	GMU 356	20
Bethel	EF	Any	Oct. 30 - Nov. 3	Antlerless	GMU 360	10
Rimrock	EF	Any	Oct. 30 - Nov. 3	Antlerless	GMU 364	15
Cowiche	EF	Any	Oct. 30 - Nov. 3	Antlerless	GMU 368	15

Antlerless Elk						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Alkali	EF	Any	Oct. 14 - Nov. 1	Antlerless	GMU 371	20
North Bend	WF	Any	Nov. 2-13	Antlerless	Elk Area 4601	5
Green River	WF, WA, WM	Any	Nov. 2-8	Antlerless	GMU 485	10
Mossyrock	WF	Any	Nov. 2-13	Antlerless	GMU 505	20
Willapa Hills	WF	Any	Nov. 2-13	Antlerless	GMU 506	25
Winston	WF	Any	Nov. 2-13	Antlerless	GMU 520	25
Margaret	WF	Any	Nov. 2-13	Antlerless	GMU 524 (except CLOSED in Elk Area 5066)	5
Ryderwood	WF	Any	Nov. 2-13	Antlerless	GMU 530	15
Coweeman	WF	Any	Nov. 2-13	Antlerless	GMU 550	15
Toutle	WF	Any	Nov. 20-30	Antlerless	GMU 556	15
Lewis River	WF	Any	Nov. 2-13	Antlerless	GMU 560	25
Washougal	WF	Any	Nov. 2-13	Antlerless	GMU 568	20
Siouxon	WF	Any	Nov. 2-13	Antlerless	GMU 572	15
Wind River	WF	Any	Nov. 2-13	Antlerless	GMU 574	25
West Klickitat	WF	Any	Nov. 2-13	Antlerless	GMU 578	45
Upper Smith Creek	WF	Any	Oct. 17-23	Antlerless	Elk Area 5064	2
Mount Whittier	WF	Any	Oct. 17-23	Antlerless	Elk Area 5065	1
Norway Pass	WF	Any	Oct. 17-23	Antlerless	Elk Area 5066	5
Mudflow	WF	Any	Nov. 2-13	Antlerless	Elk Area 5099	5
Mallis	WF	Any	Dec. 16-31	Antlerless	Elk Area 6010	10
Mallis	WF	Any	Jan. 1-20, 2020	Antlerless	Elk Area 6010	20
Puyallup	WF	Any	Dec. 28, 2019 - Jan. 15, 2020	Antlerless	Elk Area 6014	10
Puyallup	WF	Any	Jan. 16 - Feb. 5, 2020	Antlerless	Elk Area 6014	10
Puyallup	WF	Any	Feb. 6-23, 2020	Antlerless	Elk Area 6014	10
Hanaford	WF	Any	Nov. 2-13	Antlerless	Elk Area 6069	5
Williams Creek	WF	Any	Nov. 2-13	Antlerless	GMU 673	50
Long Beach	WF	Any	Nov. 2-13	Antlerless	GMU 684	6
Turnbull	EA	Any	Sept. 7-19	Antlerless	Elk Area 1015	12
Malaga	EA	Any	Sept. 1-7	Antlerless	Elk Area 2032	20
Margaret	WA	Any	Sept. 7-19 and Dec. 1-15	Antlerless	GMU 524 (except CLOSED in Elk Area 5066)	5
Toutle	WA	Any	Sept. 7-19 and Dec. 1-15	Antlerless	GMU 556	15
Upper Smith Creek	WA	Any	Oct. 1-7	Antlerless	Elk Area 5064	2
Norway Pass	WA	Any	Oct. 1-7	Antlerless	Elk Area 5066	3
Mudflow	WA	Any	Sept. 7-13 and Nov. 15- 20	Antlerless	Elk Area 5099	7
Lewis River	WA	Any	Nov. 27 - Dec. 8	Antlerless	GMU 560	5
Siouxon	WA	Any	Nov. 27 - Dec. 8	Antlerless	GMU 572	3
Wynoochee	WA	Any	Nov. 27 - Dec. 15	Antlerless	GMU 648	110
North Half	EM	Any	Oct. 5-11	Antlerless	GMUs 101, 105, 204	10
Douglas	EM	Any	Oct. 5-11	Antlerless	GMU 108	5
Aladdin	EM	Any	Oct. 5-11	Antlerless	GMU 111	10
Selkirk	EM	Any	Oct. 5-11	Antlerless	GMU 113	10
49 Degrees North	EM	Any	Oct. 5-11 and Dec. 16-31	Antlerless	GMU 117	20
Huckleberry	EM	Any	Oct. 5-11	Antlerless	GMU 121	10
Turnbull	EM	Any	Oct. 8-13	Antlerless	Elk Area 1015	8
Turnbull	EM	Any	Nov. 30 - Dec. 5	Antlerless	Elk Area 1015	8

Antlerless Elk						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Blue Creek	EM	Any	Dec. 9, 2019 - Jan. 20, 2020	Antlerless	GMU 154	15
Mountain View	EM	Any	Oct. 5-11	Antlerless	Elk Area 1013	20
Mayview-Peola	EM	Any	Oct. 5-11	Antlerless	GMUs 145, 178	20
Couse	EM	Any	Oct. 5-11	Antlerless	Elk Area 1081	20
Couse	EM	Any	Dec. 1, 2019 - Jan. 20, 2020	Antlerless	Elk Area 1081 and Elk Area 1075	35
George Creek	EM	Any	Sept. 28 - Oct. 11 and Nov. 20 - Dec. 31	Antlerless	Elk Area 1082	5
Malaga	EM	Any	Oct. 5-11	Antlerless	Elk Area 2032	45
Colockum	EM	Any	Oct. 5-11	Antlerless	GMUs 328, 329	50
West Bar	EM	Any	Oct. 5-11	Antlerless	GMU 330	5
Teanaway	EM	Any	Oct. 5-11	Antlerless	GMU 335	10
Taneum	EM	Any	Oct. 5-11	Antlerless	GMU 336	25
Manastash	EM	Any	Oct. 5-11	Antlerless	GMU 340	25
Umtanum	EM	Any	Oct. 5-11	Antlerless	GMU 342	20
Nile	EM	Any	Oct. 5-11	Antlerless	GMU 352	10
Bumping	EM	Any	Oct. 5-11	Antlerless	GMU 356	10
Bethel	EM	Any	Oct. 5-11	Antlerless	GMU 360	10
Cowiche	EM	Any	Oct. 5-11	Antlerless	GMU 368	10
Alkali	EM	Any	Sept. 23 - Oct. 13	Antlerless	GMU 371	10
Willapa Hills	WM	Any	Oct. 5-11	Antlerless	GMU 506	15
Mudflow	WM	Any	Oct. 5-15	Antlerless	Elk Area 5099	4
Winston	WM	Any	Oct. 5-11	Antlerless	GMU 520	15
Margaret	WM	Any	Oct. 5-11	Antlerless	GMU 524 (except CLOSED in Elk Area 5066)	5
Ryderwood	WM	Any	Oct. 5-11	Antlerless	GMU 530	10
Coweeman	WM	Any	Oct. 5-11	Antlerless	GMU 550	15
Yale	WM	Any	Oct. 5-11	Antlerless	GMU 554	20
Yale	WM	Any	Nov. 27 - Dec. 15	Antlerless	GMU 554	15
Toutle	WM	Any	Oct. 5-11	Antlerless	GMU 556	15
Lewis River	WM	Any	Oct. 5-11	Antlerless	GMU 560	10
Washougal	WM	Any	Nov. 27 - Dec. 8	Antlerless	GMU 568	20
Siouxon	WM	Any	Oct. 5-11	Antlerless	GMU 572	5
Wind River	WM	Any	Nov. 27 - Dec. 8	Antlerless	GMU 574	30
Upper Smith Creek	WM	Any	Oct. 9-15	Antlerless	Elk Area 5064	2
Mount Whittier	WM	Any	Oct. 9-15	Antlerless	Elk Area 5065	1
Norway Pass	WM	Any	Oct. 9-15	Antlerless	Elk Area 5066	2
Mallis	WM	Any	Oct. 5-11	Antlerless	Elk Area 6010	10
Mashel	WM	Any	Dec. 28, 2019 - Jan. 11, 2020	Antlerless	Elk Area 6054	20
North River	WM	Any	Nov. 17 - Dec. 15	Antlerless	GMU 658	20
Forks [¥]	WF, WM, WA	Any	Jan. 1-31, 2020	Antlerless	Elk Area 6612	20

Youth - Only youth hunters may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Turnbull	EF	Youth	Nov. 23-28	Antlerless	Elk Area 1015	5
Turnbull	EF	Youth	Nov. 23-28	Spike bull only	Elk Area 1015	1
Aladdin	EF	Youth	Oct. 26 - Nov. 3	Antlerless	GMU 111	5
Selkirk	EF	Youth	Oct. 26 - Nov. 3	Antlerless	GMU 113	5

Youth - Only youth hunters may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
49 Degrees North	EF	Youth	Oct. 26 - Nov. 3 and Dec. 16-31	Antlerless	GMU 117	5
Mayview-Peola	EF	Youth	Oct. 26 - Nov. 3	Antlerless	GMUs 145, 178	5
Blue Creek	EF	Youth	Oct. 26 - Nov. 3	Antlerless	GMU 154	3
Dayton	EF	Youth	Oct. 26 - Nov. 3	Antlerless	GMU 162	3
Ten Forty	EF	Youth	Oct. 12-20	Antlerless	Elk Area 1040	5
Couse	EF	Youth	Oct. 26 - Nov. 3	Antlerless	Elk Area 1081	10
Malaga	EF	Youth	Nov. 4-15	Antlerless	Elk Area 2032	10
Colockum	EF	Youth	Oct. 30 - Nov. 11	Antlerless	GMUs 328, 329, 335	25
Yakima North	EF	Youth	Oct. 30 - Nov. 11	Antlerless	GMUs 336, 340, 342, 346	15
Yakima Central	EF	Youth	Oct. 30 - Nov. 11	Antlerless	GMUs 352, 356, 360	5
Yakima South	EF	Youth	Oct. 30 - Nov. 11	Antlerless	GMUs 364, 368	5
Colockum	EM	Youth	Sept. 28 - Oct. 6	Antlerless	GMUs 328, 329, 335	10
Yakima North	EM	Youth	Sept. 28 - Oct. 6	Antlerless	GMUs 336, 340, 342, 346	10
Yakima Central	EM	Youth	Sept. 28 - Oct. 6	Antlerless	GMUs 352, 356, 360	10
Yakima South	EM	Youth	Sept. 28 - Oct. 6	Antlerless	GMUs 364, 368	10
North Bend	WF, WM, WA	Youth	Nov. 2-13	Antlerless	Elk Area 4601	5
Skagit River	WF, WM, WA	Youth	Nov. 9 - Dec. 1 and Dec. 16-31	Antlerless	Elk Area 4941	5
Mudflow	WF	Youth	Nov. 21-30	Any bull	Elk Area 5099	5
Mudflow	WF	Youth	Oct. 26 - Nov. 1 and Nov. 25-30	Antlerless	Elk Area 5099	5
Cowecman	WF	Youth	Nov. 2-13	Antlerless	GMU 550	15
Toutle	WF	Youth	Nov. 20-30	Antlerless	GMU 556	20
Lewis River	WF	Youth	Nov. 2-13	Antlerless	GMU 560	5
Wind River	WF	Youth	Nov. 2-13	Antlerless	GMU 574	5
West Klickitat	WF	Youth	Nov. 2-13	Antlerless	GMU 578	15
Region 5	WF, WM, WA	Youth with mentor	Aug. 1, 2019 - Mar. 31, 2020	Antlerless	Designated Areas in Region 5	10 ^{HC}
Peninsula	WF	Youth	Nov. 2-13	Antlerless	GMUs 602, 607, 612, 615	4
Clearwater	WF	Youth	Nov. 2-13	Antlerless	GMU 615	5
Matheny	WF	Youth	Nov. 2-13	Antlerless	GMU 618	5
Wynoochee	WF	Youth	Nov. 2-13	Antlerless	GMU 648	10
North River	WF	Youth	Nov. 2-13	Antlerless	GMU 658	5
Williams Creek	WF	Youth	Nov. 2-13	Antlerless	GMU 673	10
Mallis	WF	Youth	Dec. 16, 2019 - Jan. 20, 2020	Antlerless	Elk Area 6010	10
Peninsula	WA	Youth	Sept. 7-19	Antlerless	GMUs 602, 607, 612, 615	2
Peninsula	WM	Youth	Oct. 5-11	Antlerless	GMUs 602, 607, 612, 615	2
Forks ^Y	WF, WM, WA	Youth	Dec. 16-31	Antlerless	Elk Area 6612	10
Region 6	WF	Youth with mentor	Aug. 1, 2019 - Mar. 31, 2020	Antlerless	Designated Areas in Region 6	5 ^{HC}

65+ Senior - Only hunters 65 and older may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Northeast	EF	65+	Oct. 26 - Nov. 3 and Dec. 16-31	Antlerless	GMUs 113, 117	10
Prescott	EF	65+	Oct. 26 - Nov. 3	Antlerless	GMU 149	3
Blue Creek	EF	65+	Oct. 26 - Nov. 3	Antlerless	GMU 154	1
Dayton	EF	65+	Oct. 26 - Nov. 3	Antlerless	GMU 163	1
Peola	EF	65+	Oct. 26 - Nov. 3	Antlerless	GMU 178	3
Malaga	EF	65+	Nov. 4-15	Antlerless	Elk Area 2032	10

65+ Senior - Only hunters 65 and older may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Colockum	EF	65+	Oct. 30 - Nov. 11	Antlerless	GMUs 328, 329, 335	10
Yakima North	EF	65+	Oct. 30 - Nov. 11	Antlerless	GMUs 336, 340, 342, 346	10
Yakima Central	EF	65+	Oct. 30 - Nov. 11	Antlerless	GMUs 352, 356, 360	5
Yakima South	EF	65+	Oct. 30 - Nov. 11	Antlerless	GMUs 364, 368	5
Alkali	EF	65+	Oct. 14 - Nov. 1	Antlerless	GMU 371	10
North Bend	WF, WM, WA	65+	Nov. 2-13	Antlerless	Elk Area 4601	5
Colockum	EM	65+	Sept. 28 - Oct. 6	Antlerless	GMUs 328, 329, 335	5
Yakima North	EM	65+	Sept. 28 - Oct. 6	Antlerless	GMUs 336, 340, 342, 346	5
Yakima Central	EM	65+	Sept. 28 - Oct. 6	Antlerless	GMUs 352, 356, 360	5
Ryderwood	WF	65+	Nov. 2-13	Antlerless	GMU 530	10
Skagit River	WF, WM, WA	65+	Nov. 9 - Dec. 1 and Dec. 16-31	Antlerless	Elk Area 4941	5
Peninsula	WF	65+	Nov. 2-13	Antlerless	GMUs 602, 607, 612, 615	3
Centralia Mine	WF	65+	Sept. 7-8	Antlerless	Elk Area 6011	5
Hanaford	WF, WM, WA	65+	Dec. 28, 2019 - Jan. 11, 2020	Antlerless	Elk Area 6069	5
Hanaford	WF, WM, WA	65+	Jan. 12-26, 2020	Antlerless	Elk Area 6069	5
Peninsula	WA	65+	Sept. 7-19	Antlerless	GMUs 602, 607, 612, 615	1
Peninsula	WM	65+	Oct. 5-11	Antlerless	GMUs 602, 607, 612, 615	1
Forks [‡]	WF, WM, WA	65+	Dec. 16-31	Antlerless	Elk Area 6612	10

Hunters with Disabilities - Only hunters with disabilities may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Northeast	EF	Hunters w/ Disabilities	Oct. 26 - Nov. 3 and Dec. 16-31	Antlerless	GMUs 113, 117	4
Turnbull	EF, EM, EA	Hunters w/ Disabilities	Oct. 1-6	Antlerless	Elk Area 1015	5
Prescott	EF	Hunters w/ Disabilities	Oct. 26 - Nov. 3	Antlerless	GMU 149	3
Blue Creek	EF	Hunters w/ Disabilities	Oct. 26 - Nov. 3	Antlerless	GMU 154	1
Dayton	EF	Hunters w/ Disabilities	Oct. 26 - Nov. 3	Antlerless	GMU 163	1
Peola	EF	Hunters w/ Disabilities	Oct. 26 - Nov. 3	Antlerless	GMU 178	3
Observatory	EF, EM, EA	Hunters w/ Disabilities	Oct. 21 - Nov. 3	Any bull	GMUs 334, 340, 342	4
Little Naches	EF, EM, EA	Hunters w/ Disabilities	Sept. 28 - Oct. 6	Any bull	GMU 346	4
Malaga	EF, EM, EA	Hunters w/ Disabilities	Sept. 9-20	Antlerless	Elk Area 2032	10
Colockum	EF, EM, EA	Hunters w/ Disabilities	Oct. 30 - Nov. 11	Antlerless	GMUs 328, 329, 335	10
Yakima North	EF, EM, EA	Hunters w/ Disabilities	Oct. 30 - Nov. 11	Antlerless	GMUs 336, 340, 342, 346	10
Yakima Central	EF, EM, EA	Hunters w/ Disabilities	Oct. 30 - Nov. 11	Antlerless	GMUs 352, 356, 360	5
Yakima South	EF, EM, EA	Hunters w/ Disabilities	Oct. 30 - Nov. 11	Antlerless	GMUs 364, 368	5
Alkali	EF, EM, EA	Hunters w/ Disabilities	Oct. 14 - Nov. 1	Any bull	GMUs 334, 371	5
Corral Canyon	EF, EM, EA	Hunters w/ Disabilities	Sept. 22-29	Any elk	Elk Area 3721	2

Hunters with Disabilities - Only hunters with disabilities may apply. Weapon must be consistent with weapon/tag restriction noted for hunt.						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
North Bend	WF, WM, WA	Hunters w/ Disabilities	Nov. 2-13	Antlerless	Elk Area 4601	5
Skagit River	WF, WM, WA	Hunters w/ Disabilities	Nov. 9 - Dec. 1 and Dec. 16-31	Antlerless	Elk Area 4941	5
Mudflow	WF, WM, WA	Hunters w/ Disabilities	Oct. 18-24	Antlerless	Elk Area 5099	5
Mudflow	WF, WM, WA	Hunters w/ Disabilities	Sept. 24-30	Any bull	Elk Area 5099	5
Washougal	WF	Hunters w/ Disabilities	Nov. 2-13	Antlerless	GMU 568	10
Region 5	WF, WM, WA	Hunters w/ Disabilities	Aug. 1, 2019 - Mar. 31, 2020	Antlerless	Designated Areas in Region 5	10 ^{HC}
Centralia Mine	WF	Hunters w/ Disabilities	Oct. 5-6	Antlerless	Designated Areas in Elk Area 6011	5
Peninsula	WF	Hunters w/ Disabilities	Nov. 2-13	Antlerless	GMUs 602, 607, 612, 615	3
Peninsula	WM	Hunters w/ Disabilities	Oct. 5-11	Antlerless	GMUs 602, 607, 612, 615	1
Peninsula	WA	Hunters w/ Disabilities	Sept. 7-19	Antlerless	GMUs 602, 607, 612, 615	1

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

Hunt Name	Weapon/Tag	Requirements	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
Turnbull	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Dec. 19-31	Antlerless	Elk Area 1015	5
Region 1	EF, EA, EM/ 2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, 2019 - Mar. 31, 2020	Antlerless	Region 1	20 ^{HC}
Region 2	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, 2019 - Mar. 31, 2020	Antlerless	Designated Areas in Region 2	10 ^{HC}
Fairview	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Oct. 26, 2019 - Mar. 31, 2020	Antlerless	Designated Areas in GMUs 328-368	30 ^{HC}
Region 3	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, 2019 - Mar. 31, 2020	Antlerless	Designated Areas in Region 3	25 ^{HC}
Rattlesnake Hills	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, 2019 - Mar. 31, 2020	Antlerless	Designated Areas in GMU 372	20 ^{HC}
Region 4 North	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	July 1, 2019 - Mar. 31, 2020	Antlerless	Designated Areas in Whatcom and Skagit counties	13 ^{HC}
Region 4 South	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	July 1, 2019 - Mar. 31, 2020	Antlerless	Designated Areas in King and Snohomish counties	10 ^{HC}
Pumice Plains	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Oct. 9-15	Antlerless	Elk Area 5063	2
Pumice Plains	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Oct. 17-23	Antlerless	Elk Area 5063	5
Pumice Plains	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Nov. 2-13	Antlerless	Elk Area 5063	2
Trout Lake**	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Dec. 15-31	Antlerless	Elk Area 5062	5
Trout Lake**	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Jan. 1-15, 2020	Antlerless	Elk Area 5062	5
Trout Lake**	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Jan. 16-30, 2020	Antlerless	Elk Area 5062	5

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

Hunt Name	Weapon/Tag	Requirements	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
JBH*	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Nov. 1 - Dec. 31	Antlerless	Elk Area 5090	5 ^{HC}
Region 5	Any western elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	Aug. 1, 2019 - Mar. 31, 2020	Antlerless	Designated Areas in Region 5	30 ^{HC}
Long Beach	Any elk tag/2nd elk tag	Master Hunter elk tag required	Master Hunter	July 1, 2019 - Mar. 31, 2020	Antlerless	GMU 684	5
Region 6	WF, WA, WM/2nd elk tag	Master Hunter elk tag required	Master Hunter	July 1, 2019 - Mar. 31, 2020	Antlerless	Designated Areas in Region 6	30 ^{HC}

* Muzzleloader only, scopes allowed.

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

¥ Must use only archery, muzzleloader, or legal shotgun (10 or 12 gauge; slugs only).

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

Hunter Education Instructor Incentive Permits				
<ul style="list-style-type: none"> - Special elk permits will be allocated through a random drawing to those hunter education instructors who qualify. - Permit hunters must use archery equipment during archery seasons, muzzleloader equipment or archery equipment during muzzleloader seasons, and any legal weapon during modern firearm seasons. Hunter orange and/or hunter pink is required during modern firearm seasons. - Except for online class incentive permits and chief instructor incentive permits, qualifying hunter education instructors must be certified and have been in active status for a minimum of three consecutive years, inclusive of the year prior to the permit drawing. - Permittees may purchase a second license for use with the permit hunt only. - Qualified hunter education instructors may only receive one incentive permit each year. 				
Area	Dates	Restrictions	GMUs	Permits
Region 3	All general season and permit seasons established for GMUs included with the permit. Not eligible for seasons and permits for auction hunts; raffle hunts; and hunts for master hunters, youth hunters, hunters with disabilities, or hunters 65 years and older, unless the hunter education instructor legally qualifies for such hunts.	Any bull	GMUs 336-346	1
Region 3		Any bull	GMUs 352-360	1
Region 3		Any bull	GMUs 364-368	1
Region 5		Any elk	382, 388 and all 500 series GMUs EXCEPT GMU 522	2
Region 6		Any elk	GMUs 618, 638-648, 654, 658, 663, 672, 699	1

**WSR 19-20-102
PERMANENT RULES**

DEPARTMENT OF TRANSPORTATION

[Filed October 1, 2019, 11:21 a.m., effective January 25, 2020]

Effective Date of Rule: January 25, 2020.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: At the request of the transportation commission, the definition of the transportation commission has been edited in WAC 468-305-001 reflecting its statutory authority.

Purpose: Rules are needed to define customer requirements to use toll facilities and the Washington state department of transportation procedures for processing transactions and penalties. This rule making is required to update specific requirements and procedures that will change when a new toll back office system becomes operational.

Citation of Rules Affected by this Order: Amending WAC 468-305-001, 468-305-100, 468-305-105, 468-305-125, 468-305-131, 468-305-133, 468-305-150, 468-305-160,

468-305-210, 468-305-220, 468-305-300, 468-305-315, 468-305-316, 468-305-320, 468-305-330, 468-305-340, 468-305-400, 468-305-526, 468-305-527, 468-305-528, 468-305-529, 468-305-540, 468-305-570, and 468-305-580.

Statutory Authority for Adoption: RCW 46.63.160(5), 47.01.101(5), 47.56.030(1), and 47.56.795.

Adopted under notice filed as WSR 19-09-069 on April 16, 2019.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 24, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 24, 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: October 1, 2019.

Kara Larsen, Director
Risk Management
and Legal Services

AMENDATORY SECTION (Amending WSR 15-24-123, filed 12/2/15, effective 1/2/16)

WAC 468-305-001 Definitions. The following terms and acronyms shall have the meanings set forth as below.

~~("Active account" means an open Good To Go!™ toll account with a positive balance sufficient to cover tolls and fees to which may be recorded by the customer service center system.)~~

"Administrative fee" means ~~((the))~~ a fee imposed by WSDOT for toll collection processing and other activities as set forth in chapter 468-270 WAC.

~~("Administrative hearing" means ((an in-person or written)) a hearing ((before)) with an administrative law judge to contest WSDOT's written decision in response to a notice of dispute regarding a notice of civil penalty.~~

"Administrative law judge (ALJ)" means a judge provided by the office of administrative hearings authorized to conduct administrative hearings.

~~((Automatic replenishment))~~ "Auto Pay" means the addition of money to ~~((an active toll))~~ an account using a ~~((customers'))~~ customer's predesignated payment method ~~((according to the Good To Go!™ terms and conditions.~~

"Branded debit card" means a debit card that can be used as a credit card).

"Civil penalty" means the penalty assessed for any unpaid tolls.

~~("Closed account" means a toll account that has been closed.~~

"Commercial account" means a uniquely identifiable type of account for a toll customer who requests more than six Passes for their account.)

"Commission" means the transportation commission appointed by the governor of the state of Washington. The commission is responsible for setting toll rates, fees, schedules and ~~((schedules))~~ exemptions under RCW 47.46.100, 47.56.240, and 47.56.850 et seq.

"Customer service center (CSC)" means the place that customers can contact by phone, mail, in person, fax or ~~((the))~~ internet to open and manage a toll account, and receive services regarding their account and information about state toll facilities.

"Department" means the Washington state department of transportation (WSDOT).

"Department of licensing (DOL)" means the agency that maintains vehicle registration information.

"Dishonored check" means any check returned to WSDOT by a financial institution for any reason, including nonacceptance, nonpayment, nonsufficient funds ~~((or))~~, stop payment, or missing signature, unless a justifiable stop payment order exists.

"Dishonored credit card transaction" means a credit card transaction that is not approved by the entity that issued the credit card.

"Dispute" means a customer's contact with the department, online, by phone or in writing, to dispute a fee, toll bill and/or notice of civil penalty.

~~("Dynamic toll pricing" means ((varying the toll rate charged to toll customers based upon live traffic conditions to maintain specific performance standards of traffic management.~~

~~"Eligible toll facility (toll facility)" means any portion(s) of the state highway system upon which tolling has been specifically identified by the legislature including, but not limited to, transportation corridors; bridges; crossings; interchanges; on-ramps; off-ramps; approaches; bi-state facilities; and interconnections between highways)) toll rates that vary automatically based on the real-time volume and/or performance of traffic in order to maximize the performance of the highway facility being tolled.~~

"Express toll lanes" means one or more highway lanes that can be used by authorized high-occupancy vehicles, and by toll-paying vehicles, where ~~((toll rates are set))~~ dynamic toll pricing is used to maintain travel speed and reliability.

"Facility" means a toll transportation facility.

"Final order" means the decision provided by the administrative law judge (ALJ) in response to an administrative hearing.

~~((Flex pass" means the Good To Go!™ Pass used to declare status to qualify as a toll-free carpool as defined by the commission.))~~

"Good To Go!™" means the name of the ~~((department's))~~ state's toll collection system and is a registered trademark.

"Good To Go!™ account" means an account that is linked to a Pass and/or license plate in order to pay tolls.

"Good To Go!™ customer" means a toll customer who participates in the department's Good To Go!™ tolling program.

~~((Government agency transponder account" means a uniquely identifiable type of account for a public agency.))~~

"Good To Go!™ Pass (Pass)" means a branded device attached to a toll customer's vehicle that electronically identifies the toll customer's vehicle as it passes through the toll facility.

"Hearing request" ~~((Form" means the form provided with the initial order which outlines the process for an individual to request a hearing to dispute the initial order given by the department in response to a notice of dispute.~~

~~"High occupancy vehicle (HOV)" means a bus, vanpool or a carpool vehicle with minimum occupancy requirements depending upon the posted roadway HOV signage and as further described in WAC 468-510-010 and RCW 46.74-010.~~

~~"High occupancy toll lanes (HOT lanes)" means one or more lanes of a highway that charges tolls as a means of regulating access to or the use of the lanes in order to maintain travel speed and reliability. HOT lane supporting facilities include, but are not limited to, approaches, enforcement areas, improvements, buildings, and equipment as defined in RCW 47.56.401 and 47.56.403.~~

"Inactive account" means a toll account that has had no toll transaction activity during a predefined period of time as defined by the *Good To Go!*TM terms and conditions.

"Initial order" means the written decision provided by the department or its designee in response to a notice of dispute.

"Insufficient funds account" means a toll account with a balance less than the single toll rate or fee at the time the customer's transaction is processed)) means a request to dispute a Notice of Civil Penalty.

"Invoice account" means a restricted account available only to government agencies and other limited cases where the customer is invoiced monthly.

"Nonsufficient funds" means a dishonored check, for any reason, presented to WSDOT in payment of any toll transaction.

"Notice of civil penalty (NOCP)" means the notice that is sent to ~~((notify))~~ the account holder or registered vehicle owner ~~((of a toll violation))~~ for failure to pay a toll by the toll payment due date, and for which a civil penalty is assessed.

"Notice of dishonored credit card transaction" means that notice was sent to the account holder or registered vehicle owner that a transaction authorized by a toll customer ~~((that))~~ is not honored by the financial institution for any reason except for the existence of a stop payment order.

~~((("Notice of dispute" means a customer's contact with the department, by phone or in writing, to dispute a fee and/or notice of civil penalty.))~~

"Notice of nonsufficient funds (NSF)" means the notice sent to a toll customer who presented a ~~((nonsufficient funds))~~ dishonored check to WSDOT in payment of any toll transaction or fee. ~~((This notice will be mailed to the toll customer at the address noted on the check returned from the financial institution.~~

~~((("Pass (Good To Go!TM Pass)" means the transponder device used on WSDOT toll facilities.~~

"Pass toll transaction" means a toll transaction that has been posted in the customer service center system based on a pass number.)

"Office of administrative hearings (OAH)" means Washington state office of administrative hearings who provides independent adjudication services for the state's tolling program.

"Pay As You Go" means the account payment option where the account is charged at regular intervals based on use. This option requires the customer to provide a valid debit or credit card and no prepaid balance is necessary.

"Pay By Mail" means the method used to pay a ~~((photo))~~ toll when a toll bill is mailed to the vehicle's registered owner. Tolls charged using Pay By Mail are charged the designated Pay By Mail toll rate.

"Pay By Plate" means the optional method used to pay a ~~((photo))~~ toll by ~~((a customer who has a toll account through the use of a photo toll system))~~ an account holder whose vehicle does not have a Good To Go!TM Pass installed. Tolls charged using Pay By Plate are charged the designated Good To Go!TM toll rate and a Pay By Plate fee.

"Payment transaction" means a record of activity created by the customer service center as a result of a customer payment.

~~((("Photo toll" means a charge associated with a particular vehicle that is identified by its license plate and includes Pay By Mail, Pay By Plate and Short Term Account.~~

~~((("Photo toll system" means a camera-based imaging system that uses digital video or still image formats to record license plate images of vehicles using toll lanes for the purpose of collecting photo tolls.))~~

"RCW" means the Revised Code of Washington.

~~((("Registered toll account" means a toll account that contains customer contact information.~~

~~((("Short Term Account" means the method used to pay a photo toll when there is no regular toll account and the customer pays the photo toll no later than three days after the toll transaction.))~~

"State" means the state of Washington.

~~((("Statewide tolling program" means the single, integrated tolling operations used by all eligible state toll facilities and includes both toll collection and toll enforcement processes.))~~

"Tacoma Narrows Bridge" means the toll facility located on SR 16 in Pierce County, Washington.

"Toll" means the charge for the use of a state toll facility ~~((that may be paid by Good To Go!TM Pass, Pay By Plate (or a registered license plate account), Short Term Account, Pay By Mail, or cash (where available).~~

~~((("Toll account (Good To Go!TM toll account)" means an account that is linked to a Pass or license plate, or both, in order to pay a toll by automatic debit).))~~

"Toll bill (Pay By Mail toll bill)" means a bill that is sent to the account holder or registered owner of a vehicle ~~((which has incurred a photo toll. A toll bill will state the amount due including photo tolls at the Pay By Mail rate and all associated fees)).~~

"Toll collection system (TCS)" means any system that creates a toll transaction and includes both electronic and photo toll collection systems, and cash (where available).

"Toll customer" means anyone who passes through a Washington state toll transportation facility.

~~((("Toll enforcement office" means the division within WSDOT responsible for toll enforcement activities associated with the notices of civil penalty (NOCPs) as well as the written disputes and administrative hearings.))~~

"Toll enforcement officer" means any person authorized by WSDOT to review and certify notices of civil penalty (NOCP).

~~((("Toll facility" means a toll transportation facility.))~~

"Toll payment due date" means the date when a toll bill must be paid ~~((to avoid a civil penalty. The toll payment due date is eighty days from the date the vehicle uses the toll facility and incurs the toll charge)).~~

"Toll transaction" means a record of activity created by the toll collection system as a result of a vehicle traveling through a tolling point.

~~((("Toll violation" means the violation of statutes requiring that a toll be paid by the toll payment due date which is eighty days from the toll transaction date.~~

~~((("Transponder disabling device (shield)" means an authorized WSDOT device that is used to render inoperative the radio transmission of the vehicle identification code from a transponder to a roadside transponder reader.~~

"Transponder (Good To Go!™ Pass)" means a device attached to a toll customer's vehicle that automatically identifies the toll customer's vehicle as it passes through the toll facility.)

"Unregistered toll account" means a uniquely identifiable type of account that does not contain customer name, address, or vehicle information and requires the use of a pass and manual replenishment.

"Variable toll pricing" means ((a method of varying a) toll rate schedule that varies by time of day in order to maximize the performance of the highway facility being tolled.

"WSDOT" means Washington state department of transportation, any division, section, office, unit or other entity within Washington state department of transportation, and any of the officers or other officials lawfully representing Washington state department of transportation.

AMENDATORY SECTION (Amending WSR 15-24-123, filed 12/2/15, effective 1/2/16)

WAC 468-305-100 What toll payment methods are available on WSDOT toll facilities? The following toll payment methods are available on WSDOT toll facilities:

(1) **(Payment by pass:** This toll payment option uses a Good To Go!™ Pass (transponder device) to debit funds from an associated valid toll account.

(2) **Photo toll payments:** This payment method uses a photograph of a license plate to assess the toll. The photo toll may be paid by toll account; a Short Term Account; by individual payment online, mail, fax, over the phone or in person at a customer service center; or in response to a Pay By Mail toll bill.) **Good To Go!™ account:** This tolling option allows customers to open an account linked to their vehicles that gets charged when toll facilities are used. There are several payment methods available for accounts (as described in WAC 468-305-105).

(2) **Pay By Mail:** This tolling option allows the user to be billed by mail for toll transactions. Tolls paid using this tolling option are charged the Pay By Mail toll rate. This payment method is not yet available on the SR 167 HOT lanes.

(3) **Manual payment:** This ((payment method)) tolling option is available only on the Tacoma Narrows Bridge. It requires payment at a tollbooth using cash, ((a)) credit card, or ((branded)) a debit card that can be processed as a credit card (does not require a PIN). This option ((also)) requires ((you)) the vehicle to stop ((your vehicle)) at the tollbooth facility to pay. Tolls paid using this tolling option are charged the cash toll rate.

AMENDATORY SECTION (Amending WSR 15-24-123, filed 12/2/15, effective 1/2/16)

WAC 468-305-105 What can I do to arrange for toll payment before I use a toll facility? ((+)) Prior to using a toll facility, you can open a ((toll account either)) Good To Go!™ account online, in person ((at a customer service center)) or over the phone.

((2)) When you set up your account or anytime while the account is still open you can select from the following types of accounts:

(a) Good To Go!™ Pass account—One or more Good To Go!™ Passes can be connected to a toll account. When a pass is detected by sensors on a toll facility and there are sufficient funds in your account to cover the toll, the account will be debited. This type of account can be used on all toll facilities; is quick, simple and offers you the lowest rate.

(b) Pay By Plate account—One or more license plates can be connected to a toll account. When those plates are photographed using a toll facility and there are sufficient funds in your account to cover the toll, the account will be debited. There may be facilities where you cannot use this type of account. Charges associated with this type of account are lower than Pay By Mail charges but more than Good To Go!™ Pass account charges.

(c) Short Term Account—If you plan on using a toll facility a limited number of times, within a twenty-day time period, or up to seventy-two hours after use, you can set up a Short Term Account. Short Term Accounts only last twenty days and funds cannot be added after the initial amount is used. Short Term Accounts require you to identify the license plate(s) that you want tied to the account.

(3) All pass and Pay By Plate accounts can be set up to be replenished automatically or manually. The account will remain in place unless closed by the account holder or by WSDOT for lack of sufficient funds or lack of activity. Accounts set up online must be registered for automatic replenishment.

(4) A vehicle can only be connected to one account at any one time.) One or more vehicles can be on an account. Details on how to open a Good To Go!™ account and the options available are covered in WAC 468-305-300.

AMENDATORY SECTION (Amending WSR 15-24-123, filed 12/2/15, effective 1/2/16)

WAC 468-305-125 Is there a way for me to pay the toll after I drive on a toll facility before I get a ((toH)) Pay By Mail bill? ((If you use a toll facility and do not have an account, tolls may be paid by opening an account or, if you have insufficient funds in your account to cover the toll, tolls can be paid by calling the customer service center within seventy-two hours of using the toll facility. A Short Term Account can also be opened up to seventy-two hours after using a toll facility.)) Yes. If you use a toll facility without a Good To Go!™ account and want to pay before receiving a Pay By Mail bill, you can open an account online or by phone within seventy-two hours to pay that toll or walk into any customer service center to pay in person.

AMENDATORY SECTION (Amending WSR 15-24-123, filed 12/2/15, effective 1/2/16)

WAC 468-305-131 What happens when I use a toll facility but do not have an account or I have insufficient funds in my account? (1) If ((a vehicle)) you use((s)) a toll facility without an account, or ((there are insufficient funds in the account)) if your account cannot be charged for any reason, a Pay By Mail toll charge will be assessed and a toll bill issued.

(2) ((A toll bill may contain one or more toll charges.

~~(3) Toll~~) If an account address is not available, Pay By Mail bills will be sent to the address ~~((where))~~ of the ~~((vehicle is))~~ vehicle's registered owner. It is the registered owner's responsibility to update their registration address with the department of licensing.

AMENDATORY SECTION (Amending WSR 15-24-123, filed 12/2/15, effective 1/2/16)

WAC 468-305-133 What should I do once I receive a ~~((toll))~~ Pay By Mail bill in the mail? Toll charges must be paid or disputed within eighty days of using the toll facility. ~~((A first toll))~~ Pay By Mail bills will be mailed to the registered owner of the vehicle if no account holder address is available. If there are toll charges not paid by the due date of the ~~((toll))~~ bill ~~((will receive a second toll))~~, the subsequent bill ~~((and))~~ will be assessed a ~~((five dollar))~~ reprocessing fee ~~((one fee per toll bill))~~ at a rate set by the commission. If a reprocessing fee is assessed, this fee must also be paid within eighty days of using the toll facility. Toll charges can be paid online, by mail, in person ~~((at a customer service center,))~~ or by ~~((telephone))~~ phone.

AMENDATORY SECTION (Amending WSR 15-24-123, filed 12/2/15, effective 1/2/16)

WAC 468-305-150 What can I do once I received a notice of civil penalty? (1) You can pay the notice of civil penalty. ~~((2))~~ Payment can be made ~~((to the customer service center))~~ with cash, check, certified check, credit, debit card, or by money order. Payments can be made online, in person, by mail, or telephone.

~~((3))~~ (2) You may dispute the notice of civil penalty according to the dispute instructions available online, or using the form provided with the notice.

~~((4))~~ (3) Failure to timely pay the total amount due or dispute the notice shall automatically result in liability for the amount set out in the notice, and a hold may be placed on the vehicle registration renewal. Unpaid amounts may also be transferred to a collection agency.

AMENDATORY SECTION (Amending WSR 15-24-123, filed 12/2/15, effective 1/2/16)

WAC 468-305-160 What can I do if I want to pay the tolls but dispute a fee or civil penalty? ~~((1))~~ Registered owners wishing to dispute a fee or civil penalty ~~((must contact the customer service center or submit a dispute form.~~

(2) Dispute forms are included with the notice of civil penalty and are available online. Dispute forms must include a full written statement explaining the reasons for disputing the fee or civil penalty, including any verifiable documents supporting the dispute. The department may waive fees and civil penalties upon the first customer request to do so by applying an education program) may follow the dispute instructions available online, or use the form provided with the notice.

AMENDATORY SECTION (Amending WSR 15-24-123, filed 12/2/15, effective 1/2/16)

WAC 468-305-210 What is required for a qualified vehicle to claim an exemption? (1) In order to establish a vehicle's exemption approved by the commission, you may be required to meet the following procedures:

(a) Establish that the vehicle(s) is eligible for exemption by submitting a ~~((certification of exemption eligibility; and review and monitor toll usage as requested by WSDOT,))~~ toll exemption application with related documentation as specified on the application; and

(b) Establish and maintain a *Good To Go!*TM ~~((toll))~~ non-revenue account in good standing and equip the qualified vehicle with a pass ~~((and~~

~~((equip the vehicle with identification signage)).~~

(2) In rare cases specific exempt toll transactions may have charges reversed. To claim exemptions for specific exempt toll transactions debited from a toll account, the registered owner or its authorized representative must submit a written request which:

(a) Includes the *Good To Go!*TM toll account number or the toll bill number;

(b) Identifies the date and time of the transaction(s) for which a credit is being sought;

(c) Includes a signed statement that the qualified vehicle's use of the road met the exemption requirements; and

(d) Submit the written request within eighty days of the toll transaction date. The department may then issue a credit to the toll account.

(3) ~~((To claim exemption from specific toll transactions where the registered owner receives a Pay By Mail toll bill, the registered owner or its authorized representative must submit a written request which:~~

~~((a) Includes the toll bill number;~~

~~((b) Identifies the date and time of the toll transaction(s) for which a credit or waiver is being sought;~~

~~((c) Includes a signed statement that the qualified vehicle's use of the road met the exemption requirements; and~~

~~((d) Submit the written request within eighty days of the toll transaction date. The department may then waive the toll.~~

(4)) Failure to submit a certification of vehicle(s) exemption eligibility or timely submit a written request for toll transaction credit will result in a waiver of the ability to claim a toll exemption.

AMENDATORY SECTION (Amending WSR 11-07-039, filed 3/14/11, effective 12/3/11)

WAC 468-305-220 How are rental car transactions processed? ~~((When a vehicle registered to a rental agency uses a toll facility without making the proper payment, the rental agency will receive notification of the))~~ Rental agencies should establish rental accounts through the customer service center. Rental agencies will receive a monthly statement of toll charges detailing the tolling activities of their rental vehicles. The statement will include toll charge, time, date, location and amount due. The rental agency may elect to pay WSDOT directly for the tolls and seek reimbursement from the renter or they may provide WSDOT with the information regarding the ~~((rentee))~~ renter and rental vehicle as

required under RCW 46.63.160(10) within thirty days of the notice mailing. WSDOT may then issue a toll bill to the ~~((rentee)) renter~~. If the rental agency fails to timely provide the requested information it may be held liable for the toll charges. To facilitate toll operations and collections, the department may use and allow various processes for toll transactions associated with rental agency vehicles.

AMENDATORY SECTION (Amending WSR 15-24-123, filed 12/2/15, effective 1/2/16)

WAC 468-305-300 How can I open a *Good To Go!*TM toll account? ~~((1) To open a toll account, you must choose an account type and complete the account application.~~

~~(2) Prepay at least the minimum fund balance into the account. If you have any outstanding balances, they must be resolved prior to opening an account.~~

~~(3) Purchase and install a *Good To Go!*TM Pass (transponder device) for pass transactions; and~~

~~(4) Register your vehicle license plate(s) for Pay By Plate transactions.~~

~~(5))~~ (1) A customer can open a *Good To Go!*TM account online, in person, or over the phone. One or more vehicles can be connected or associated with an account. The ~~((*Good To Go!*TM customer contract contains a full explanation of the))~~ *Good To Go!*TM terms and conditions ~~((associated with the WSDOT))~~ contains a full explanation of the *Good To Go!*TM toll collection program.

(2) With a *Good To Go!*TM account, a customer can select from the following payment options:

(a) **Pay As You Go.** This account option allows the customer to be automatically charged at regular intervals after toll facilities are used. This option requires a valid debit or credit card to open.

(b) **Prepaid.** This account option allows the customer to prepay an amount to their account which will be charged as toll facilities are used. This option does not require a valid debit or credit card but requires a minimum prepaid amount to open. A valid debit or credit card or automated clearing house (ACH) can be used to automatically add funds to the account when the balance reaches a customer set minimum. Alternatively, a prepaid account can be replenished manually in person, online, or by phone.

(c) **Unregistered account.** This option allows a customer to open an account without any personal or vehicle information. The customer must use a *Good To Go!*TM Pass to be identified. Unregistered accounts must manually replenish and cannot use Auto Pay features.

(d) **Invoiced.** This account option is for restricted cases such as government agencies and other limited circumstances.

(e) **Rental vehicle.** This account option is for rental vehicle companies. Rental agencies can use these accounts to transfer liability to their customers within thirty days of billing, consistent with RCW 46.63.160(10).

(f) **Nonrevenue.** This account option is for entities such as public and private transit, law enforcement, fire departments, and other emergency vehicles that are exempt from tolls according to enacted law. It is the account owner's

responsibility to maintain a registry with WSDOT of current fleet vehicles for exemption.

(3) With a *Good To Go!*TM account, a customer can select from the following options for vehicle identification:

(a) ***Good To Go!*TM Pass.** This vehicle identification option requires a *Good To Go!*TM Pass that is installed in a vehicle and is readable by the toll facility's electronic toll system. This vehicle identification method is the lowest cost option for the customer and WSDOT.

(b) **Pay By Plate.** This vehicle identification option allows a vehicle to be identified by its license plate registration through the photo toll system. A Pay By Plate fee is added to each toll. This option is not available on facilities without photo tolling such as the SR 167 HOT lanes. Each license plate can only be associated with one account, although one account can have multiple license plates or vehicles.

AMENDATORY SECTION (Amending WSR 11-07-039, filed 3/14/11, effective 12/3/11)

WAC 468-305-315 How do I ~~((replenish))~~ add funds to my prepaid account? ~~((You may replenish your account either manually or have it replenished automatically.))~~ Prepaid accounts require periodic addition of funds, which can be done either automatically or manually.

(1) ~~((Automatic account replenishment))~~ **Auto Pay.** A customer who has a ~~((registered toll))~~ prepaid account may choose to ~~((have that account replenished))~~ add funds automatically ~~((by using an electronic check (ACH) from your bank account, credit card, or branded debit card and according to the following requirements:~~

(a) **Electronic check (ACH).** You must designate a bank account (electronic check) to be used for replenishment as well as the replenishment range to be used. The replenishment amount will remain within your authorized range, but will never go below the WSDOT established minimum replenishment amount. You must also complete the electronic check ACH Authorization Form.

(b) **Credit card or branded debit card.** You must designate a credit card or branded debit card to be used for replenishment, and designate the payment amount to be used.

The automatic replenishment amount can be raised by the customer but cannot be lowered online. The customer can call a customer service representative to lower the replenishment amount but it cannot be lowered below the WSDOT established minimum replenishment amount. The automatic replenishment). The customer must provide a valid debit or credit card or provide ACH (automated clearing house) information. Auto Pay is not available on unregistered accounts.

(2) **Manual account replenishment.** ~~((If you choose to manually replenish your account, you are responsible for monitoring your account balance and making deposits as needed to maintain a positive balance sufficient to cover toll charges.))~~ A customer can opt to manually replenish a prepaid account. Manual replenishment can be done online, in person, or by phone. The customer is responsible to monitor the account and make necessary replenishments in order to avoid additional fees or penalties that may incur for insufficient funds.

AMENDATORY SECTION (Amending WSR 11-07-039, filed 3/14/11, effective 12/3/11)

WAC 468-305-316 ~~What happens if ((my payment does not go through when opening or replenishing an account)) the transaction is unsuccessful during automatic payment? ((1) Opening an account. If your payment cannot be processed (if the initial payment failed during account establishment), the account will not be opened unless another form of payment is tendered and cleared. If the payment was not submitted in person (the ACH or bank card payments received by mail or fax), the CSC will attempt to notify the customer within three days to provide another form of payment.~~

~~(2) Replenishing an account. If your payment cannot be processed to automatically replenish your account, the CSC shall attempt to resubmit the payment request a second time. If your payment does not go through and your account goes negative, you may receive a toll bill(s) for any toll transactions that occur while your account was negative.)) If a customer transaction cannot be processed during automatic payment, the CSC will attempt to resubmit the payment request a second time. If a failure of payment results in unpaid tolls, the customer may receive a Pay By Mail bill(s) for current tolls and any continued use of toll facilities, with tolls charged at the higher Pay By Mail rate.~~

AMENDATORY SECTION (Amending WSR 15-24-123, filed 12/2/15, effective 1/2/16)

WAC 468-305-320 What are the various statuses that my account could be in? (1) A ~~((toH))~~ Good To Go!™ account may be designated with one of the following statuses:

(a) ~~((Proposed.~~ An account is in this status prior to becoming active.

~~((b))~~ Active. An account is considered active if it is ~~((funded and))~~ eligible to receive toll transactions.

~~((c))~~ Closed. An account may be closed upon a customer's ~~((written))~~ request ~~((or by the customer service center if there is a lack of sufficient funds or after twenty-four months of inactivity. Any remaining balance will be refunded to the customer.~~

~~((d) Suspended.~~ An account may be suspended for up to twenty-four months at the request of the customer. Transactions and payments cannot post to a suspended toll account), or by Good To Go!™ for lack of activity extending beyond two years.

(2) ~~((The CSC will not allow a customer to close an account with a negative balance and reopen a new account. The CSC will notify the customer of the amount due, in writing, when an attempt is made to close an account with a negative balance. Unpaid balances on a toll account may be forwarded to a collections agency.~~

~~((3))~~ If an account is ~~((suspended,))~~ closed or has insufficient funds to cover a toll transaction, the customer will receive a Pay By Mail toll bill for any transactions that do not post to the account.

~~((4))~~ (3) If funds are available on ~~((the))~~ a prepaid account at the time of closure, the customer will be refunded the balance, minus any outstanding tolls and fees.

AMENDATORY SECTION (Amending WSR 15-24-123, filed 12/2/15, effective 1/2/16)

WAC 468-305-330 How can I get a refund if I close my Good To Go!™ account? When you close your toll account, you may request a refund by mail, online, by phone or in person if you have a registered toll account. ~~((Account closure forms may be obtained online, in person or by calling the customer service center.))~~ Any outstanding fees or tolls will be deducted from the account balance prior to issuing an account refund. Refunds shall be issued within fifteen days from receipt of ~~((the completed))~~ account closure ~~((form)).~~ Refunds shall be made in the form of the original payment, when possible. For example, if deposit was made by credit card, the refund would be credited to the same credit card.

For accounts that cannot be refunded electronically, the customer will be issued a check by WSDOT to the account's last recorded mailing address. Refunds will not be issued to unregistered pass accounts.

AMENDATORY SECTION (Amending WSR 15-24-123, filed 12/2/15, effective 1/2/16)

WAC 468-305-340 In what order will my payment be applied to what I owe in toll charges? ~~((The CSC will apply each customer payment in the following order:~~

~~((1) Any outstanding nonsufficient funds fees or dishonored check fees;~~

~~((2) Payment shall be applied to the oldest outstanding unpaid toll transaction based on transaction posting date and time, unless otherwise directed by customer;~~

~~((3) For each toll transaction, payment will be applied first to the administrative fees then to the toll transaction amount.))~~ Unless specified by the customer, the system will automatically apply each customer payment in the following order:

(1) Tolls, oldest to newest, regardless of any associated fees or penalties;

(2) Any pass purchase for which the purchase was invalidated due to returned payment;

(3) Any outstanding returned check fees;

(4) Any outstanding civil penalty;

(5) Any outstanding late fees;

(6) Any outstanding Pay By Plate fees; and

(7) Any outstanding administrative fees.

AMENDATORY SECTION (Amending WSR 11-07-039, filed 3/14/11, effective 12/3/11)

WAC 468-305-400 What forms of payment will be accepted by the customer service center? (1) Credit card. The CSC will accept and process the following types of credit cards as a customer's method of payment:

(a) MasterCard;

(b) VISA;

(c) American Express;

(d) Discover;

(e) Branded debit cards.

(2) Debit card. The CSC will accept and process debit cards. Debit cards that require a pin for processing will be accepted only for in-person transactions.

(3) Check. The CSC will accept the following forms of checks (in U.S. currency) as a customer's method of payment:

(a) Personal first-party check (no third-party checks will be accepted);

(b) Business check;

(c) Electronic check (automatic clearing house - ACH);

(d) Money order;

(e) Cashier's check;

(f) Traveler's check;

(g) Bank or teller's check;

(h) Government check (warrant);

(i) Voucher or similar draft guaranteed by a U.S. bank.

(4) Cash. The CSC will accept cash in the form of U.S. coin or currency.

(5) Electronic benefits transfer. The CSC will accept and process electronic benefits transfer (EBT) at walk-in CSC locations.

(6) Inter agency payment. The CSC will accept and process inter/intra agency payment (IAP) for accounts flagged as a state agency.

(7) Electronic check (ACH).

(a) The CSC will accept direct payment from your bank account via electronic check (also known as automatic clearing house - ACH) at the walk-in centers, mobile units, online, via phone, mail and fax. Foreign banks will not be accepted.

(b) ACH payments will require either a signed authorization or electronic signature authorization from the customer. The authorization can also be verbal for payments by phone.

AMENDATORY SECTION (Amending WSR 15-24-123, filed 12/2/15, effective 1/2/16)

WAC 468-305-526 What happens once my dispute is received? Timely submitted disputes will be reviewed consistent with the Administrative Procedure Act. Brief adjudicative proceedings described in RCW 34.05.482 through 34.05.494 and a written decision will be provided.

AMENDATORY SECTION (Amending WSR 15-24-123, filed 12/2/15, effective 1/2/16)

WAC 468-305-527 What happens if I disagree with the outcome of my ~~((dispute))~~ hearing? You can appeal the ~~((initial order by submitting a request for an in person or written hearing. Information on how to appeal the initial order and a Hearing Request Form will be included with the decision.~~

~~If you are requesting a written hearing, you must include all documents and evidence you want to be considered with your request))~~ final order made by the administrative law judge through superior court as specified in chapter 34.05 RCW.

AMENDATORY SECTION (Amending WSR 15-24-123, filed 12/2/15, effective 1/2/16)

WAC 468-305-528 What happens if I request ~~((an in-person))~~ a hearing? Once you request a hearing, you will receive a notice of hearing which will contain the date and time of your ~~((hearing))~~ tele-hearing and phone number to call. The registered owner of the vehicle, or designated agent,

must attend the hearing. If you cannot ~~((appear))~~ attend on the date scheduled, you must notify the ~~((customer service center in writing at least twenty-four hours))~~ office of administrative hearings (OAH) by phone anytime up until fifteen minutes before the scheduled hearing date and time to request a new date. ~~((Only one such rescheduling is permitted.))~~ If you do not appear at a scheduled hearing without notification, you will be liable to pay the tolls, fees, and penalties.

AMENDATORY SECTION (Amending WSR 15-24-123, filed 12/2/15, effective 1/2/16)

WAC 468-305-529 How will I be notified of the hearing decision? An administrative law judge will issue a final order stating whether the registered owner is liable for tolls, fees, and/or civil penalties. Orders issued as the result of a ~~((written))~~ hearing will be sent to the address provided in the request for ~~((written))~~ a hearing. ~~((Orders issued as the result of an in-person hearing will be issued following the conclusion of the hearing. For customers with verifiable mitigating circumstances, the final order is sent to the address provided in the hearing request. For all other in-person hearings, the final order is provided to the customer in writing immediately following the hearing.))~~

AMENDATORY SECTION (Amending WSR 11-07-039, filed 3/14/11, effective 12/3/11)

WAC 468-305-540 What information about my toll charges is available prior to the administrative hearing or submission of a written dispute? The registered owner may request a copy of the evidence package ~~((which will include the NOCPs, toll bills and other customer information at issue in))~~ for the administrative hearing or written dispute. ~~((Discovery, as described in superior court civil rules 26 through 36, is not available.))~~

AMENDATORY SECTION (Amending WSR 11-07-039, filed 3/14/11, effective 12/3/11)

WAC 468-305-570 When is payment due if I am found ~~((to have committed the toll violation))~~ liable for the NOCP? If you ~~((have been issued a final order finding the toll violation was committed))~~ are found liable, your payment ~~((of the NOCP))~~ is due within ten days of ~~((issuance))~~ the order. If you do not pay the ~~((violation))~~ amount due a hold will be placed on your vehicle registration and the unpaid penalty ~~((will))~~ may be transferred to a collections agency ~~((to collect payment)).~~

AMENDATORY SECTION (Amending WSR 15-24-123, filed 12/2/15, effective 1/2/16)

WAC 468-305-580 How do I ~~((find out if))~~ release a hold ~~((has been placed))~~ on my vehicle registration renewal? You can check with the department of licensing to find out if there is a hold on your vehicle registration renewal. To release the hold, you must pay your civil penalty ~~((to either the WSDOT toll enforcement office or,))~~ Payments may be made to the customer service center via phone, mail

or internet. If the matter has been referred to a collection agency, payment should be directed to the collection agency.

WSR 19-20-115
PERMANENT RULES
SECRETARY OF STATE

[Filed October 2, 2019, 10:16 a.m., effective November 2, 2019]

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

Purpose: Permanent adoption of WAC changes for the presidential primary. These updates and changes to rules for other election processes are necessary to conform with statutory changes from the 2019 legislative session and ESB 5273.

Citation of Rules Affected by this Order: Repealing WAC 434-219-060, 434-219-080, 434-219-090, 434-219-100, 434-219-110 and 434-219-115; and amending WAC 434-219-050, 434-219-120, 434-219-140, 434-219-155, 434-219-190, 434-219-230, 434-219-235, 434-219-290, and 434-219-310.

Statutory Authority for Adoption: RCW 29A.04.611.

Adopted under notice filed as WSR 19-17-077 on August 20, 2019.

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 0, Repealed 6.

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

Number of Sections Adopted on the Agency's own Initiative: New 9, Amended 0, Repealed 6.

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 9, Amended 0, Repealed 6; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 2, 2019.

Mark Neary
Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 07-24-044, filed 11/30/07, effective 12/31/07)

WAC 434-219-050 Procedures to be followed when changing primary date. If the date of the presidential primary is changed pursuant to RCW 29A.56.020 from the ~~((fourth))~~ second Tuesday in ~~((May))~~ March to another date, the secretary of state shall promptly notify the county auditors and the chairperson of the national committee of each major political party, in writing, of that date.

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

WAC 434-219-120 Certification of candidates. (1) Per chapter 29A.56 RCW (section 2, chapter 7, Laws of

2019), the party chair for each major party must provide that party's official list of candidates to the secretary of state no later than sixty-three days prior to the primary. This list must include the full name of each candidate, the form of the candidate's name as it will appear on the ballot and a signature of the party chair certifying the list as the official party candidates.

(2) Per RCW 29A.56.040(4) each major party may request that the ballot for that party include a response position allowing the voter to indicate the voter's preference for having delegates to the party's national convention remain uncommitted.

(3) Immediately following the ~~((last day for candidates to withdraw))~~ receipt of each major party's official list of candidates, the secretary of state shall certify to the county auditors ~~((and state and national chairpersons of the major political parties))~~ the final list of candidates who will appear on the presidential primary ballot and a response position for uncommitted if requested by either party.

(4) Per chapter 29A.56 RCW (section 2, chapter 7, Laws of 2019), if a major party chooses to accept votes for write-in candidates in the primary, the party chair for that major party must provide that party's official list of write-in candidates no later than the seventh day prior to the primary. This list must include the full name of each write-in candidate, and a signature of the party chair certifying the list as the official party write-in candidates.

(5) Immediately following the last day for major political parties to submit write-in candidates, the secretary of state shall certify to the county auditors the final list of official write-in candidates to be counted for each party for the presidential primary.

AMENDATORY SECTION (Amending WSR 07-24-044, filed 11/30/07, effective 12/31/07)

WAC 434-219-140 Party declarations. (1) No later than August 15th in the calendar year preceding the year in which the presidential preference primary is to be held, the state chair of each major party shall submit in writing to the secretary of state the exact wording of any party declaration required by rules of the state or national party.

(2) The secretary of state shall certify the language of each major party's declaration to the county auditors no later than August 30th in the calendar year preceding the year in which the presidential preference primary is to be held.

~~((3) Each registered voter desiring to participate in the presidential primary of a major party that requires a declaration shall subscribe to the declaration.))~~

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

WAC 434-219-155 Ballot materials. (1) Each county shall print declarations on the return envelopes in the same format and color as prescribed by the secretary of state which must include:

(a) The standard declaration per WAC 434-230-015 printed on the return envelope along with each political party declaration.

(b) Each political party declaration printed with a checkbox for voters to indicate the party declaration to which they subscribe.

(c) One signature line to serve as both the voter's standard ballot declaration and the signature for the voter's political party declaration.

(2) In addition to ballot requirements listed in WAC 434-230-015:

(a) County auditors must issue consolidated ballots that include the political party ballots printed on one side of a single sheet of paper.

(b) Each ballot must specify the election as "Presidential Primary."

(c) A political party checkbox must not be printed on the ballot.

(d) A "Democratic Party" heading within or under a blue shaded bar and a "Republican Party" heading within or under a red shaded bar printed immediately above the associated list of candidates. Other major political parties included in the primary must have similar headings and color.

(e) The ballot lists of candidates for president for each political party shall be printed in the following order:

The major political party that received the highest number of votes from the electors of this state for the office of president of the United States at the last presidential election must appear first. Other major political parties must follow according to the votes cast for their nominees for president at the last presidential election.

(f) Candidates shall be listed in alphabetical order within each political party as certified by the secretary of state.

(g) Following each list of candidates shall be a response position ((and a space for writing in the name of a candidate)) for a voter to indicate a preference for delegates to the party's national convention to remain uncommitted, if inclusion of the response position is requested by that political party.

(h) Following each list of candidates and any response position for uncommitted, shall be a space for writing in the name of a candidate.

(i) Candidate names shall be printed in a type style and point size that can be read easily. If a candidate's name exceeds the space provided, the election official shall take whatever steps necessary to place the name on the ballot in a manner which is readable. These steps may include, but are not limited to, printing a smaller point size or different type style.

(3) In addition to other instructions normally provided to voters, the county auditor shall include an insert. The insert must provide specific instructions on how to mark the ballot so the ballot will be counted in accordance with the political party declaration signed on the return envelope in substantially the same format as provided by the secretary of state.

(4) Provisional, service, overseas, special absentee and electronically delivered ballots must include political party declarations. If the political party declarations are not printed on the return envelopes, both the ballot and political party declaration must be printed on ~~((#))~~ separate sheets of paper. The voter must be instructed to sign and place the declaration sheet into the ballot return envelope, outside the security envelope. Signatures on both the ballot declaration and the political party declaration are required to count a ballot.

(5) The following WAC sections do not apply to presidential primaries: WAC 434-230-025, 434-230-035, 434-230-045, 434-230-055, ~~((434-230-085,))~~ 434-230-090, and 434-230-110.

AMENDATORY SECTION (Amending WSR 11-24-064, filed 12/6/11, effective 1/6/12)

WAC 434-219-190 Special election held in conjunction with the presidential primary. If a presidential primary occurs ~~((at the same election as a special election))~~ on an election date described in RCW 29A.04.330, all measures or candidates for office for which the voters are eligible to vote at that special election shall be listed on the ballot in such a manner that each voter can identify and vote on those candidates or measures separately from the presidential primary candidates.

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

WAC 434-219-230 Processing of ballots. (1) Each registered voter desiring to participate in the presidential primary of a major party that requires a declaration shall subscribe to the declaration in order for their vote to be counted.

(2) If the voter selected a political party declaration, a notation of the party selected must be made in the voter's registration file.

~~((2))~~ (3) If the voter fails to submit a marked and signed political party declaration on the return ballot envelope, the auditor shall send at least one notice by either mail or email and advise the voter of the correct procedures for completing the declaration. If a voter submits a marked and signed political party declaration by the day before the primary is certified, the voter's ballot may be counted if all other requirements are met.

Exception: A political party selection on a federal write-in absentee ballot form substitutes for the political party declaration.

~~((3))~~ (4) Ballots must be sorted according to major party declaration choice before ~~((it is removed))~~ removal from the return envelope. Once ~~((the))~~ a ballot is removed from the return envelope and secrecy envelope, it must be inspected and processed consistent with the party declaration. Ballots that have been removed from the return and secrecy envelopes must be processed and stored by party.

(5) If the voter writes in a candidate name, the ballot should be processed in the same manner as WAC 434-262-160, however only votes for candidates contained on an official party list of write-in candidates may be counted.

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

WAC 434-219-235 Statewide standards on what is a vote—Presidential primary. The following standards determine the validity of political party declarations on a presidential primary return envelope and ballot. All standards listed in WAC 434-261-086 apply to ballots.

(1) ~~((The first returned marked and signed political party declaration is the determining factor.))~~ In order for a ballot to

be valid and included in the ballot count, the ballot must contain one marked political party declaration, if a declaration has been provided by the party, a valid voter signature, and meet other requirements in law and rule. Only a vote on the ballot within the party the voter selected shall be ((counted)) included in the ballot count. Ballots must be rejected by the county canvassing board for the following reasons:

- (a) Political party declarations.
 - (i) The voter selects both political party declarations.
 - (ii) The voter fails to provide a marked and signed political party declaration by the day before certification of the primary.
- (b) Ballots.
 - (i) The voter votes for a candidate on the ballot not matching the political party declaration.
 - (ii) The voter votes for candidates in more than one party.
- (2) When the voter modifies a party name or wording of a selected political party declaration, the party checkbox is considered unmarked and the voter must be contacted per WAC 434-219-230. Such alterations may include:
 - (a) Modification of a party name or wording of a selected political party declaration.
 - (b) A strike through a party name or wording of a selected party declaration without also making another party choice.
- (3) When a voter makes a correction to a political party selection, the canvassing board shall consider the voter's intent.
 - (a) If the voter strikes through a party name or wording of a party declaration, it is considered a correction only when the voter clearly selects another party declaration. Corrections may be resolved in the same manner as marks made on a ballot according to WAC 434-261-086 (1)(c), (d), and (e).
 - (b) If the voter does not mark inside a party checkbox, a mark or written instruction made outside the party checkbox may still indicate a choice when one declaration is clearly selected. Voter intent issues for marks made outside the party checkbox may be resolved in the same manner as marks made on a ballot according to WAC 434-261-086 (1)(b) and (e).

Exception: One mark that strikes through a party name or wording of the party declaration does not indicate a selection.

AMENDATORY SECTION (Amending WSR 16-11-038, filed 5/11/16, effective 5/11/16)

WAC 434-219-290 Certification of presidential primary by secretary of state. County canvassing boards shall certify the results of the presidential primary (~~fourteen~~) ten 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.

AMENDATORY SECTION (Amending WSR 07-24-044, filed 11/30/07, effective 12/31/07)

WAC 434-219-310 Mandatory statutory recount provisions do not apply. The provisions of (~~chapter 29A.64~~) RCW 29A.64.021 regarding mandatory statutory recounts do not apply to a presidential primary.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 434-219-060 Designation of candidates by secretary of state.
- WAC 434-219-080 Petition process for ballot access.
- WAC 434-219-090 Form of the nominating petition.
- WAC 434-219-100 Verification of signatures by secretary of state.
- WAC 434-219-110 Determination of sufficiency.
- WAC 434-219-115 Withdrawal.