

**WSR 20-15-010**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Developmental Disabilities Administration)

[Filed July 2, 2020, 1:53 p.m.]

Subject of Possible Rule Making: WAC 388-845-2019; and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030, 71A.12.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The developmental disabilities administration (DDA) is considering writing a new rule, WAC 388-845-2019, to make modifications to DDA's home and community-based services waivers in order to control the spread of the COVID-19 virus and to meet immediate health and safety needs. An emergency rule is currently in effect on this topic and was filed under WSR 20-14-101.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The department of social and health services (DSHS) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Chantelle Diaz, DDA, P.O. Box 45310, Olympia, WA 98504-5310, phone 360-407-1589, fax 360-407-0955, TTY 1-800-833-6388, email chantelle.diaz@dshs.wa.gov.

July 2, 2020  
 Katherine I. Vasquez  
 Rules Coordinator

**WSR 20-15-034**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed July 7, 2020, 4:22 p.m.]

Subject of Possible Rule Making: WAC 182-530-2000 Covered—Outpatient drugs, devices, and drug-related supplies; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency intends to replace the list of covered generic products for the treatment of cough and cold. Instead, the agency will cover only those products with a preferred status on the medicaid preferred drug list on the date a prescription is dispensed. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: The agency welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, the agency will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Melinda Froud (Rulemaking Questions), P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1408, fax 360-586-9727, telecommunication[s] relay services (TRS) 711, email Melinda.froud@hca.wa.gov, website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Charles Agte (Program Questions), P.O. Box 45502, Olympia, WA 98504-5502, phone 360-725-1301, fax 360-725-2141, TRS 711, email Charles.agte@hca.wa.gov, website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

July 7, 2020  
 Wendy Barcus  
 Rules Coordinator

**WSR 20-15-035**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed July 7, 2020, 4:25 p.m.]

Subject of Possible Rule Making: WAC 182-530-3000 When the medicaid agency requires authorization, 182-530-3100 How the medicaid agency determines when a drug requires authorization, 182-530-3200 The medicaid agency's authorization process, 182-530-4000 Drug use review (DUR) board, 182-530-4100 Medicaid preferred drug list (medicaid PDL); and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending these rules to reflect necessary changes resulting from the implementation of the apple health preferred drug list. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: The agency welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, the agency will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Melinda Froud (Rulemaking Questions), P.O. Box 42716, Olympia, WA 98504-2716, phone

360-725-1408, fax 360-586-9727, telecommunication[s] relay services (TRS) 711, email Melinda.froud@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Charles Agte (Program Questions), P.O. Box 45502, Olympia, WA 98504-5502, phone 360-725-1301, fax 360-725-2141, TRS 711, email Charles.agte@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

July 7, 2020  
Wendy Barcus  
Rules Coordinator

### WSR 20-15-036

#### PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

[Filed July 7, 2020, 4:27 p.m.]

Subject of Possible Rule Making: WAC 182-530-5000 Billing requirements—Pharmacy claim payment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency intends to remove the requirement to obtain a signature from the medic-aid client or the client's designee upon receipt of pharmacy products dispensed and delivered directly to a client; other related rules as appropriate. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The agency welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, the agency will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Melinda Froud (Rulemaking Questions), P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1408, fax 360-586-9727, telecommunication[s] relay services (TRS) 711, email melinda.froud@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Charles Agte (Program Questions), P.O. Box 45502, Olympia, WA 98504-5502, phone 360-725-1301, fax 360-725-2141, TRS 711, email Charles.agte@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

July 7, 2020  
Wendy Barcus  
Rules Coordinator

### WSR 20-15-040

#### WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY LIQUOR AND CANNABIS BOARD

[Filed July 8, 2020, 2:39 p.m.]

The Washington state liquor and cannabis board is withdrawing its Preproposal statement of inquiry (CR-101) filed on April 18, 2018, as WSR 18-09-117, concerning the creation of cannabis retailer title certificates under chapter 314-55 WAC.

Jane Rushford  
Chair

### WSR 20-15-041

#### PREPROPOSAL STATEMENT OF INQUIRY LIQUOR AND CANNABIS BOARD

[Filed July 8, 2020, 2:50 p.m.]

Subject of Possible Rule Making: Chapter 314-55 WAC, Marijuana licenses, application process, requirements, and reporting, the Washington state liquor and cannabis board (board/WSLCB) is considering establishing new and amending existing sections of rule to implement the directives and requirements of HB 2826 (chapter 133, Laws of 2020) concerning marijuana vapor products.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.50.342, 69.50.345; HB 2826 (chapter 133, Laws of 2020).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: HB 2826 provides that the board may adopt rules prohibiting any type of marijuana vapor product device, or prohibit the use of any type of additive, solvent, ingredient, or compound in the production and processing of marijuana products, including marijuana vapor products.

However, before adopting either of these types of rules, the board must have determined, following a consultation with the department of health (DOH), or any other authority the board deems appropriate, the device, additive, solvent, ingredient, or compound may pose a risk to public health or youth access.

HB 2826 authorizes the board to require marijuana processors to submit, under oath, to DOH, a complete list of all constituent substances and the amount and sources of all constituent substances in each marijuana vapor product.

HB 2826 also provides that [the] board may adopt rules prohibiting the use of a characterizing flavor in marijuana vapor products.

Rules are needed to implement the provisions of HB 2826, and to establish definitions for terms including, but not limited to "characterizing flavor," "botanical terpenes," and others.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state board of health; DOH.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Casey Schaufler, Policy and Rules Coordinator, P.O. Box 43080, Olympia, WA 98504, phone 360-664-1760, fax 360-664-9689, email rules@lcb.wa.gov, website lcb.wa.gov.

Additional comments: Interested parties may participate in the WSLCB collaborative rule-making process.

July 8, 2019 [2020]

Jane Rushford

Chair

### WSR 20-15-043

#### PREPROPOSAL STATEMENT OF INQUIRY

#### LIQUOR AND CANNABIS

#### BOARD

[Filed July 8, 2020, 2:58 p.m.]

Subject of Possible Rule Making: WAC 314-55-020 Marijuana license qualifications and application process—Licensing change requests, the Washington state liquor and cannabis board (board) is considering a rule amendment to establish a certificate of compliance for marijuana business premises consistent with SSB 6206, (chapter 154, Laws of 2020).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.50.342, 69.50.345; SSB 6206 (chapter 154, Laws of 2020).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSB 6206 amended RCW 69.50.331 to create a certificate of compliance for marijuana business premises. The amendment requires the board to issue a certificate of compliance for a marijuana business applicant's premises, if the premises met the statutory buffer zone requirements at the time the application was filed. The certificate allows the licensee to operate the business at the proposed location notwithstanding a later occurring, otherwise disqualifying factor.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Casey Schaufler, P.O. Box 43100, Olympia, WA 98504, phone 360-664-1760, fax 360-664-9689, email rules@lcb.wa.gov, website lcb.wa.gov.

July 8, 2020

Jane Rushford

Chair

### WSR 20-15-061

#### PREPROPOSAL STATEMENT OF INQUIRY

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Office of the Secretary)

[Filed July 10, 2020, 12:45 p.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-02-0075 and other related rules as may be required. The planned rule amendment allows electronic filing and electronic distribution of notices and orders to the office of administrative hearings (OAH) via email by striking the email prohibition in the current rule, adding a provision for email filing with OAH, and adding clarifying language.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.17.060, 43.20A.550, 34.05.020, 34.05.350.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To protect public health, safety, and welfare there is an emergent need to allow electronic filing and electronic distribution of notices and orders to OAH supporting "social distancing" due to the public health crisis created by the COVID-19 virus (commonly referred to as the "coronavirus"), and associated state of emergency in all Washington counties as proclaimed by Governor Inslee's "Proclamation by the Governor 20-05." OAH has issued "temporary emergency policy and procedures" authorizing electronic filings for the department of social and health services (DSHS), health care authority, and department of children, youth, and families caseloads, effective March 25, 2020. Instructions for using secure email filing are available at [www.oah.wa.gov](http://www.oah.wa.gov).

Process for Developing New Rule: Analysis of new rules promulgated by OAH permitting electronic filing and electronic distribution of notices and orders. DSHS welcomes the public to take part in developing rules. Anyone interested should contact the staff person identified below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mike Williams, P.O. Box 45850, Olympia, WA 98504, phone 360-664-6093, fax 360-664-6185, email michael.williams3@dshs.wa.gov.

July 10, 2020

Katherine I. Vasquez

Rules Coordinator

### WSR 20-15-077

#### PREPROPOSAL STATEMENT OF INQUIRY

#### HEALTH CARE AUTHORITY

[Filed July 14, 2020, 3:48 p.m.]

Subject of Possible Rule Making: WAC 182-507-0115 Alien emergency medical program (AEM); other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending

WAC 182-507-0115 to change the alien emergency medical program's scope of covered services to include testing, assessment, and treatment of conditions that pose a potential threat to public health. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Health and Human Services, Centers for Medicare and Medicaid Services.

Process for Developing New Rule: The agency welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, the agency will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brian Jensen (Rulemaking Questions), P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-0815, fax 360-586-9727, telecommunication[s] relay services (TRS) 711, email brian.jensen@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Ariel Pyrttek (Program Questions), P.O. Box 45534, Olympia, WA 98504-5534, phone 360-725-1919, fax 360-586-9727, TRS 711, email ariel.pyrttek@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

July 14, 2020  
Wendy Barcus  
Rules Coordinator

**WSR 20-15-092**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**CHILDREN, YOUTH, AND FAMILIES**

[Filed July 15, 2020, 10:53 a.m.]

Subject of Possible Rule Making: Relative guardianship subsidy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 13.36.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: New rules are needed to establish eligibility, application, and program standards consistent with 42 U.S.C. 673 and to ensure relative guardianship subsidy payments comply with guidelines for expenditure of federal grant monies. These rules will clarify the application process, program standards, and the process for adjudicating denied applications.

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting DCYF Rules Coordinator, P.O. Box 40975, phone 360-902-7956, fax 360-902-7903, email dcyf.rulescoordinator@dcyf.wa.gov, website www.dcyf.wa.gov, <https://www.dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate/online>.

July 15, 2020  
Brenda Villarreal  
Rules Coordinator

**WSR 20-15-094**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed July 15, 2020, 11:48 a.m.]

Subject of Possible Rule Making: WAC 246-10-501 and 246-10-502, application of and preliminary record in brief adjudicative proceedings (BAP). The department of health (department) is considering amending these rules to: (1) Add categories that qualify for the use of brief adjudicative proceedings; (2) implement legislation; and (3) update existing citations and make other housekeeping changes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.040, 34.05.410, 34.05.413, and 18.130.-050; ESSB 5332 (chapter 148, Laws of 2019) adopted as RCW 70.58A.550; and HB [SHB] 2246 (chapter 20, Laws of 2020) adopted as Title 70A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has existing rules that adopt procedures for a BAP in accordance with the standards in the Administrative Procedure Act, chapter 34.05 RCW. A BAP is intended to serve as an inexpensive and efficient alternative where the issues can be decided by reference to writings and other documents without a full, formal hearing.

WAC 246-10-501 identifies which specific types of cases a BAP may be requested for to be heard before the department and its boards and commissions. The department will consider adding new categories including but not limited to matters involving the coordinated quality improvement program and vital statistics.

HB [SHB] 2246 (chapter 20, Laws of 2020) reorganizes the environmental health laws to Title 70A RCW. Specific types of environmental health matters qualify to be heard as a BAP and therefore existing citations within the rules will need to be updated.

Upon further review of the rules, other updates to existing citations as well as other housekeeping changes may be necessary to ensure that WAC 246-10-501 and 246-10-502 are current.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None known.

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tami Thompson, P.O. Box 47890, Olympia, WA 98504-7890, phone 360-628-0096, TTY 711, email Tami.thompson@doh.wa.gov.

Additional comments: To be added to an interested parties distribution list specific to this rule making, send your email address to Tami Thompson at Tami.thompson@doh.wa.gov.

July 15, 2020

Jessica Todorovich  
Chief of Staff  
for John Wiesman, DrPH, MPH  
Secretary

Olympia, WA 98504-7853, phone 360-628-0096, TTY 711,  
email [Tami.thompson@doh.wa.gov](mailto:Tami.thompson@doh.wa.gov).

Additional comments: The department will use existing listservs and other known contact information to inform stakeholders of opportunities to provide input on proposed rule language. To be included on an interested parties list contact Tami Thompson.

**WSR 20-15-095**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed July 15, 2020, 11:53 a.m.]

Subject of Possible Rule Making: WAC 246-10-109 and 246-11-080, the department of health (department) is considering amending the procedural rules applicable to adjudicative proceedings conducted by the department and health professions boards and commissions in order to facilitate filing and serving documents. The department is considering adding the option of e-filing documents with the department's adjudicative clerk's office (ACO) and serving documents to a party or a party's designated representative. Documents would be e-filed at a particular email address at the department's ACO and parties could agree to serve documents electronically. The department will consider retaining the options of mailing hard copies to or faxing to the ACO or a party or their designated representative, but removing the requirement to mail copies at the same time as faxing them. The department is considering retaining the option to file by hand delivery.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.040 and 34.05.220 (1)(a).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules in chapter 246-10 WAC apply to all adjudicative proceedings before the department, including health professions cases where the secretary is the final decision-maker. The rules that apply to health professions regulated by a board or commission are found in chapter 246-11 WAC. The requirements in WAC 246-10-109 and 246-11-080 mirror each other and outline the process and avenues that may be used to file documents with the department's ACO and serve documents to a party or a party's designated representative. Current rules allow for documents to be filed by hand delivery to the ACO; first class, registered, or certified mail; or fax where copies are mailed simultaneously. Documents can be served by personal service or mailing or faxing in the same manner. The department has adopted an emergency rule in response to the coronavirus disease 2019 (COVID-19), taking action to help prevent the spread of COVID-19. The emergency rule, adopted under WSR 20-08-096, has demonstrated the effective and efficient use of e-filing documents.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Administrative Procedure Act (chapter 34.05 RCW) allows agencies to define certain filing and service requirements by rule.

Process for Developing New Rule: The department will use a collaborative process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tami Thompson, P.O. Box 47853,

July 15, 2020  
Jessica Todorovich  
Chief of Staff  
for John Wiesman, DrPH, MPH  
Secretary

**WSR 20-15-102**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SEATTLE COLLEGES**

[Filed July 15, 2020, 4:14 p.m.]

Subject of Possible Rule Making: Student activities, rights, and discipline.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140, 28B.50.090(3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update current rules to be in compliance with new Title IX federal regulations issued by the Department of Education.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Education.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jennie Chen, 1500 Harvard Avenue, Seattle, WA 98122, phone 206-934-3873, email [jennie.chen@seattlecolleges.edu](mailto:jennie.chen@seattlecolleges.edu).

July 10, 2020  
Jennie Chen, Director  
Legal Compliance

**WSR 20-15-112**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**STATE BOARD OF HEALTH**

[Filed July 16, 2020, 1:43 p.m.]

Subject of Possible Rule Making: Chapter 246-100 WAC, Communicable and certain other diseases; and chapter 246-101 WAC, Notifiable conditions. The state board of health (board) is considering amending these chapters to implement changes made by ESHB 1551 as it relates to HIV/AIDS. The board may also consider other technical or editorial changes as needed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.20.050 and 70.24.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: During the 2020 legislative session, the legislature passed ESHB 1551, modernizing the

control of certain communicable diseases (chapter 76, Laws of 2020). This bill modernizes the state's control of communicable disease laws by ending statutory HIV/AIDS exceptionalism, reducing HIV-related stigma, defelonizing HIV exposure, and removing barriers to HIV testing. The new law took effect June 11, 2020. The board is undertaking rule making to consider possible revisions to chapters 246-100 and 246-101 WAC to assure consistency with the bill's requirements and protect public health and safety. Revisions may include, but are not limited to, establishing reporting requirements and procedures for investigations for sexually transmitted diseases; specifying behavior that endangers the public health; defining specimens that can be obtained and tests that can be administered for sexually transmitted diseases, blood-borne pathogens, and other infections; determining categories of employment that are at risk of substantial exposure to a blood-borne pathogen; and defining what constitutes an exposure that presents a possible risk of transmission of a blood-borne pathogen.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state department of health, department of corrections, office of the superintendent of public instruction, administrative office of the courts, department of social and health services, health care authority, and department of children, youth, and families, will be invited to participate in rule making to assure coordination.

Process for Developing New Rule: The board will use a collaborative rule-making approach. The board will work with partner health agencies in drafting the rule and may convene a stakeholder group for additional input. The board will keep stakeholders and interested parties informed of the rule making through email, the board's listserv and rule-making website, and notices in the Washington State Register. Stakeholders and interested parties will have opportunities to provide comments through the rule-making process, including informal review of the draft rule, formal review and comment on the proposed rule, and at the board's public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kaitlyn Donahoe, P.O. Box 47990, Olympia, WA 98504-7790, phone 360-584-6737, fax 360-236-4088, TTY 711, email [kaitlyn.donahoe@sboh.wa.gov](mailto:kaitlyn.donahoe@sboh.wa.gov), website [sboh.wa.gov](http://sboh.wa.gov); or LinhPhung Huynh, P.O. Box 47811, Olympia, WA 98504-7811, phone 360-789-6860, TTY 711, email [linhphung.huynh@doh.wa.gov](mailto:linhphung.huynh@doh.wa.gov), website [doh.wa.gov](http://doh.wa.gov).

Additional comments: If you would like to be added to the listserv for this rule making, email [Kaitlyn.Donahoe@SBOH.WA.GOV](mailto:Kaitlyn.Donahoe@SBOH.WA.GOV) with the subject line "Communicable Disease, STD Modernization - Subscribe." For more information, please view the website at <https://sboh.wa.gov/Rule-making/CurrentRulesandActivity/CommunicableandCertainOtherDiseasesSTDModernization>.

July 15, 2020  
Michelle A. Davis  
Executive Director

## WSR 20-15-116

PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH

[Filed July 16, 2020, 5:19 p.m.]

Subject of Possible Rule Making: WAC 246-809-080, 246-809-615, 246-809-630, and 246-809-632, licensure for mental health counselors, marriage and family therapists, and social workers. The department of health (department) is considering amending rules to reflect legislation. ESHB 2411 (chapter 229, Laws of 2020) adds additional requirements for suicide prevention continuing education that impact mental health counselors, marriage and family therapists, and social workers. ESHB 1551 removes training requirements for AIDS training.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.225.040; ESHB 2411 (chapter 266, Laws of 2020), and ESHB 1551 (chapter 76, Laws of 2020).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making is necessary because recent legislation has resulted in conflicts between the statutes and the rules. Amending chapter 246-809 WAC will allow the department to bring rule language into compliance with statute by clarifying suicide prevention continuing education requirements, and removing AIDS training requirements for the mental health professions included in this rule making. The amendments being considered are intended to promote public health.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting U. James Chaney, P.O. Box 47850, Olympia, WA 98504-7850, phone 360-236-2831, fax 360-236-2901, TTY 711, email [ulysses.chaney@doh.wa.gov](mailto:ulysses.chaney@doh.wa.gov).

Additional comments: Rule development will take place in open public meetings prior to a formal rule proposal and comment period. All rule-making notices will be mailed via GovDelivery to various behavioral health professions lists. Notices for this rule making will be the same regardless of the GovDelivery list it will be sent to. To receive notices, interested persons may sign up for any or all of the lists mentioned here. Please go to <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. After signing in, please click open the box labeled "Health Systems Quality Assurance." Next click open the box labeled "Health Professions." From there you may check the box next to one or more of the follow[ing] professions: Agency Affiliated Counselor, Board of Psychology, Certified Counselors/Certified Advisers, Licensed Counselors.

July 16, 2020  
Jessica Todorovich  
Chief of Staff  
for John Wiesman, DrPH, MPH  
Secretary

**WSR 20-15-119**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)

[Filed July 17, 2020, 1:57 p.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-478-0055 How much do I get from my state supplemental payments (SSP)?; and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department may propose modifying rules in order to stay within available funds. Federal law (C.F.R. 20 § 416.2095 through § 416.2099) requires the department to maintain the total amount of supplemental security income state supplement benefits spending at the same level each calendar year, without an increase or decrease in total spending.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The department of social and health services (DSHS) welcomes the public to take part in developing rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Olga Walker, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-725-4641, fax 360-725-4904, email [olga.walker@dshs.wa.gov](mailto:olga.walker@dshs.wa.gov).

July 17, 2020  
 Katherine I. Vasquez  
 Rules Coordinator

**WSR 20-15-122**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)

[Filed July 17, 2020, 3:46 p.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-484-0006 TANF/SFA time limit extensions; and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 74.04.050, 74.04.055, 74.04.057, 74.08.025, 74.08.090, 74.09.035, 74.09.530, 74.62.030; chapters 74.08A and 74.12 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned amendments will

address temporary assistance for needy families time limit extensions as needed under the indefinite conditions of the coronavirus (COVID-19) pandemic.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The department of social and health services (DSHS) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sarah Mintzer, P.O. Box 45440, Olympia, WA 98504-5470, phone 360-725-4619, fax 360-725-4904, email [MackSB@dshs.wa.gov](mailto:MackSB@dshs.wa.gov).

July 17, 2020  
 Katherine I. Vasquez  
 Rules Coordinator

**WSR 20-15-124**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed July 20, 2020, 11:16 a.m.]

Subject of Possible Rule Making: WAC 182-450-0100 Tribal designated crisis responder; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 256, Laws of 2020, among other things, amended RCW 71.05.020(13) definition of "designated crisis responder" to include a mental health professional appointed by the health care authority (HCA) in consultation with a federally recognized Indian tribe or after meeting and conferring with an Indian health care provider. HCA is adopting a new rule to govern this appointment process. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: The agency welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, the agency will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brian Jensen (Rulemaking Questions), P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-0815, fax 360-586-9727, telecommunication[s] relay ser-

vices (TRS) 711, email [brian.jensen@hca.wa.gov](mailto:brian.jensen@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Lucilla Mendoza (Program Questions), P.O. Box 45564, Olympia, WA 98504-5564, phone 360-725-1834, fax 360-586-9727, TRS 711, email [Lucilla.mendoza@hca.wa.gov](mailto:Lucilla.mendoza@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

July 20, 2020  
Wendy Barcus  
Rules Coordinator

**WSR 20-15-127**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Docket TR-200536—Filed July 20, 2020, 3:27 p.m.]

**Subject of Possible Rule Making:** The purpose of this rule making is to implement HB 1841, chapter 170, Laws of 2020, which pertains to the establishment of minimum crew size on certain trains. This rule making is recorded as Docket TR-200536 at the utilities and transportation commission (UTC).

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 80.01.040, 81.01.010, 81.04.160; chapter 81.40 RCW. Section 5(1), chapter 170, Laws of 2020, states that UTC's "paramount obligation" is the furtherance of safety in railroad transportation. Section 4(3), chapter 170, Laws of 2020, states that UTC "may order railroad carriers to increase the number of railroad employees in areas of increased risk to the public, passengers, railroad employees, or the environment..."

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** In 2020, the legislature enacted chapter 170, Laws of 2020, which provided UTC with revised regulatory authority over train crew size. The legislation also adds new sections to and repeals specific sections of chapter 81.40 RCW, necessitating a rule making to define Class I railroads, develop a mechanism for reviewing automatic waivers, and establish a process for UTC-ordered crew size increases.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** The Federal Railroad Administration (FRA) declined to issue rules concerning minimum train crew size (81 F.R. 13918), which it argues may have the effect of preempting state regulation of minimum train crew sizes by states. Washington and other states are challenging that action in court, but these petitions are still pending. The commission's regulatory staff will coordinate enforcement of any rule resulting from this rule making with the FRA.

**Process for Developing New Rule:** The commission will ask for initial written comments on the CR-101 by September 4, 2020, will seek additional written comments, and will conduct at least one stakeholder workshop.

**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mark L. Johnson, Executive Director and Secretary, P.O. Box 47250, Olympia, WA 98504-7250,**

phone 360-664-1160, fax 360-586-1150, website [www.utc.wa.gov/200536](http://www.utc.wa.gov/200536).

July 20, 2020  
Mark L. Johnson  
Executive Director and Secretary

**WSR 20-15-129**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**OFFICE OF THE**  
**INSURANCE COMMISSIONER**

[Insurance Commissioner Matter R 2020-12—Filed July 21, 2020, 9:22 a.m.]

**Subject of Possible Rule Making:** Health coverage supplementing Medicare Part D provided through a federally authorized employer group waiver plan.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 48.02.060, 48.44.050, 48.46.200, 48.44.020 (2)(d), 48.44.022, 48.44.023, 48.46.060 (3)(d) and (5), 48.46.064, 48.46.066.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The legislature recently passed SSB 6051, which exempts employer and union-sponsored prescription drug plans that exclusively supplement medicare Part D coverage from regulations applicable to health insurance plans, which permits insurers to offer medicare Part D wrap-around coverage, which is a new type of plan in the market. The proposed rules will seek to define product requirements and filing [filing] submission requirements for these new plans. These rules will also seek to revise WAC 284-43-6560.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** Not applicable.

**Process for Developing New Rule:** Submit written comments by August 7, 2020.

**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bode Makinde, P.O. Box 40260, Olympia, WA 98504, phone 360-725-7041, fax 360-586-3109, TTY 360-586-0241, email [rulescoordinator@oic.wa.gov](mailto:rulescoordinator@oic.wa.gov), website [www.insurance.wa.gov](http://www.insurance.wa.gov).**

July 21, 2020  
Mike Kreidler  
Insurance Commissioner

**WSR 20-15-130**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**OFFICE OF THE**  
**INSURANCE COMMISSIONER**

[Insurance Commissioner Matter R 2020-11—Filed July 21, 2020, 9:24 a.m.]

**Subject of Possible Rule Making:** Prompt response requirement.



Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.44.050, 48.46.200, and 48.30-010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed rules will seek to clarify/amend WAC 284-30-650, in particular the last sentence that specifies that permitted electronic prompt responses. These rules will also seek to explicitly clarify that the changes apply to all other regulated entities that have to comply with chapter 48.30 RCW.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: Submit written comments by August 7, 2020.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bode Makinde, P.O. Box 40260, Olympia, WA 98504, phone 360-725-7041, fax 360-586-3109, TTY 360-586-0241, email [rulescoordinator@oic.wa.gov](mailto:rulescoordinator@oic.wa.gov), website [www.insurance.wa.gov](http://www.insurance.wa.gov).

July 21, 2020  
Mike Kreidler  
Insurance Commissioner

#### WSR 20-15-140

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed July 21, 2020, 1:24 p.m.]

Subject of Possible Rule Making: The department is planning to add a new definition to WAC 388-112A-0010; add new sections in chapter 388-112A WAC, Residential long-term care services training; and amend other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 70.128.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering adding new sections to chapter 388-112A WAC, in response to the passage of SB [SSB] 5630 passed in 2013, in which the department shall examine whether additional specialty training categories should be created for adult family homes serving residents with other special needs, such as traumatic brain injury, skilled nursing, or bariatric care.

While SB [SSB] 5630 named adult family homes specifically, the department makes specialty curricula available to all facilities and training programs. Stakeholder outreach conducted by the Coraggio Group resulted in a 2015 report recommending that the three highest priority areas for further specialty training be traumatic brain injury, diabetes care, and bariatric care. The department has now completed creating the first expanded specialty course around traumatic brain injury, and rules are now needed to specify qualifications for both facility and community instructors.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: The department of social and health services (DSHS) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Angel Sullivan, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-2495, fax 360-438-8633, TTY 1-800-833-6388, email [angel.sullivan@dshs.wa.gov](mailto:angel.sullivan@dshs.wa.gov).

July 16, 2020  
Katherine I. Vasquez  
Rules Coordinator

#### WSR 20-15-141

#### PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

[Filed July 21, 2020, 1:40 p.m.]

Subject of Possible Rule Making: New chapter 182-521 WAC, Public health emergency rules with new WAC 182-521-0100 Disregarded income; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In response to the current public health emergency surrounding the outbreak of the coronavirus disease (COVID-19), along with the governor of Washington's emergency proclamations related to COVID-19, the health care authority (HCA) is creating these new rules to identify income that HCA does not count when determining apple health eligibility. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: The agency welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, the agency will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jason Crabbe (Rulemaking Questions), P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-9563, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email [jason.crabbe@hca.wa.gov](mailto:jason.crabbe@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Mark Westenhaver

(Program Questions), P.O. Box 45534, Olympia, WA 98504-5534, phone 360-725-1324, fax 360-586-9727, TRS 711, email mark.westenhaver@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

July 21, 2020  
Wendy Barcus  
Rules Coordinator

### WSR 20-15-150

#### PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed July 22, 2020, 8:44 a.m.]

Subject of Possible Rule Making: The state board of education (SBOE) has proposed amendments to chapter 180-16 WAC to make changes as necessary to align rule to current policy or practice, correct references to law, implement recently passed legislation, improve readability of the rule, and make other changes identified during the review of the WAC chapter. SBOE is responding to emergent COVID-19 issues in the education system with this rule making on instructional hours, the school day, and basic education compliance reporting. The purpose of this rule making on [in] chapter 180-16 WAC is to enable local education agencies to deliver instructional hours and school days during state and local public health response that could limit the ability to hold in-person instruction during the 2020-21 school year. The subject of rule making is to allow modalities other than in-person delivery of instruction to count as instructional hours for the 2019-20 school year.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.220(7).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 28A.150.220(7) states that SBOE shall adopt rules to implement and ensure compliance with program requirements of basic education. To ensure that basic education can be delivered during the emergency state and local public health response to COVID-19, SBOE is engaging in rule making so districts can count modalities of delivering instruction other than in-person delivery as instructional hours for the 2020-21 school year.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Office of superintendent of public instruction.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Parker Teed, 600 Washington Street S.E., Olympia, WA 98504, phone 360-725-6047, fax 360-753-6712, email parker.teed@k12.wa.us, website www.sbe.wa.gov.

July 21, 2020  
Randy Spaulding  
Executive Director

### WSR 20-15-154

#### PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed July 22, 2020, 8:50 a.m.]

Subject of Possible Rule Making: The gambling commission is considering adopting new rules and amending current rules to implement the new sports wagering law, HB [ESHB] 2638, passed by the legislature during the 2020 session. A new state regulatory structure will be created to cover all aspects of sports wagering consistent with any new tribal-state sports wagering compact amendment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070, 9.46.130, 9.46.210, 9.46.240; any uncodified provisions in chapter 127, Laws of 2020 (HB [ESHB] 2638).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: HB [ESHB] 2638 adds or amends several criminal, regulatory, and licensing statutes in the Gambling Act and a new regulatory sports wagering structure is needed before sports wagering can occur at Class III tribal facilities authorized to offer sports wagering consistent with terms of any new tribal-state sports wagering compact amendment(s).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ashlie Laydon, P.O. Box 42400, Olympia, WA 98504-2400, phone 360-486-3473, fax 360-486-3632, TTY 360-486-3637, email rules.coordinator@wsgc.wa.gov, website www.wsgc.wa.gov.

July 21, 2020  
Ashlie Laydon  
Rules Coordinator

### WSR 20-15-156

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed July 22, 2020, 9:25 a.m.]

Subject of Possible Rule Making: Chapter 16-228 WAC, General pesticide rules, the department is considering modifying provisions of this chapter and/or adding sections of rule to this chapter to allow for third-party entities to administer pesticide licensing examinations and collect examination fees. This may include raising and restructuring examination fees. The department is also considering revising the language to increase clarity and readability and conform with current industry practices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.58.040, 15.58.240, 17.21.030, 17.21.134; and chapter 180, Laws of 2020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department oversees a licensing and recertification program for more than twenty-

four thousand pesticide applicators, dealers, consultants, and structural pest inspectors. As part of the licensing process, the department administers licensing exams to ensure that individuals and businesses that apply, sell, or consult regarding pesticide products are sufficiently competent to do so in a safe and effective manner. Currently, exams are offered primarily in paper form at a few locations on limited dates and are required to be hand-graded with results distributed manually. Currently testers could wait up to ten days to find out the results of their test. The department is considering contracting with third-party vendors to administer computer-based and remote testing where applicants can take exams at testing facilities throughout the state and receive immediate results of their scores. Offering computer-based exams at more facilities at more convenient times and providing immediate results will make completing the exam step in the licensing process more efficient, convenient, and accessible for applicants. The department may need to revise current rule language to facilitate use of a third-party vendor, including but not limited to raising and restructuring exam fees and the collection of the fees. The department may also review other sections of language in this chapter to increase clarity and readability and ensure that it conforms with current industry practices.

During the 2020 legislative session, the Washington state legislature passed HB 2624 (chapter 180, Laws of 2020). This bill authorized the department to contract with third-party entities to administer examinations and collect examination fees.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Environmental Protection Agency (EPA). The department will inform the EPA of the proposed rule amendments.

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholder groups. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Christina Zimmerman, Acting Program Manager, Licensing and Recertification Program, Washington State Department of Agriculture, 1111 Washington Street S.E., P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-2150, fax 360-902-2093, TTY 800-833-6388, email [czimmerman@agr.wa.gov](mailto:czimmerman@agr.wa.gov), website <https://agr.wa.gov/services/rulemaking/wac16-228-general-pesticide-rules-exam-fees-110718>.

July 22, 2020  
Robin Schoen-Nessa  
Assistant Director

**WSR 20-15-158**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**GAMBLING COMMISSION**

[Filed July 22, 2020, 9:35 a.m.]

Subject of Possible Rule Making: The gambling commission is considering amending current, and possibly adopting new, house-banked card game rules to address and clarify house-banked card room offering of jackpot prizes with approved house-banked card games and rules related to: Authorizing new and changes to existing card game rules; requirements for card games; wagering; adding merchandise and cash to card games; minimum cash on hand requirements; paying out prizes for card games; and maintaining funds to pay jackpot prizes and odds-based games.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current rules generally allow house-banked card rooms to offer and operate jackpot prizes; however, new and/or amended rules need to be updated for clarity on scope and procedures for house-banked jackpot prizes and card game procedures, including a definition of "jackpot" prizes and procedures/requirements for operation of these jackpots and current card games procedures.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ashlie Laydon, P.O. Box 42400, Olympia, WA 98504-2400, phone 360-486-3473, fax 360-486-3632, TTY 360-486-3637, email [rules.coordinator@wsgc.wa.gov](mailto:rules.coordinator@wsgc.wa.gov), website [www.wsgc.wa.gov](http://www.wsgc.wa.gov).

July 21, 2020  
Ashlie Laydon  
Rules Coordinator

**WSR 20-15-160**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR AND CANNABIS**  
**BOARD**

[Filed July 22, 2020, 10:23 a.m.]

Subject of Possible Rule Making: The Washington state liquor and cannabis board (board) (WSLCB) is considering establishing new rule sections and amending existing rule sections to implement the requirements of alcohol-related legislation enacted during the 2020 legislative session, including HB 2412 (chapter 230, Laws of 2020), ESSB 5006 (chapter 186, Laws of 2020), ESSB 6095 (chapter 200, Laws of 2020), and SSB 6392 (chapter 210, Laws of 2020).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.08.050, 66.28.220, and 66.28.320.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules may be needed to

implement the provisions of HB 2412 (chapter 230, Laws of 2020), ESSB 5006 (chapter 186, Laws of 2020), ESSB 6095 (chapter 200, Laws of 2020), and SSB 6392 (chapter 210, Laws of 2020).

HB 2412 increases the number of retail liquor licenses that a licensed domestic brewery or microbrewery may hold from two to four, and exempts licensed domestic breweries and microbreweries from certain keg registration and identification requirements. Existing rule sections may need to be amended in order to align existing rule language with the changes made to statute by HB 2412.

ESSB 5006 creates a new type of endorsement that allows a licensed domestic winery to sell beer by the single serving for on-premises consumption and allows a licensed domestic brewery or microbrewery to sell wine by the single serving for on-premises consumption, under certain circumstances. New rule sections may be needed to establish this endorsement.

ESSB 6095 makes changes to the interstate common carrier license and creates new exceptions to the money or moneys' worth restrictions under the three-tier system for alcohol regulation. Existing rule sections may need to be amended and a new rule section may need to be created in order to align the existing rule language with the changes made to statute by ESSB 6095.

SSB 6392 creates a new type of license for local wine associations, and a new rule section may be needed to establish this license.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None identified.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Audrey Vasek, Policy and Rules Coordinator, P.O. Box 43080, Olympia, WA 98504, phone 360-664-1758, fax 360-664-9689, email [rules@lcb.wa.gov](mailto:rules@lcb.wa.gov), website [lcb.wa.gov](http://lcb.wa.gov).

Additional comments: Interested parties may participate in the WSLCB collaborative rule-making process.

July 22, 2020  
Jane Rushford  
Chair