

WSR 21-05-010**PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY**

[Filed February 4, 2021, 2:09 p.m.]

Subject of Possible Rule Making: Chapter 182-535 WAC, Dental-related services; 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:

- Add and remove definitions.
- Remove "including periodontal charting" from the comprehensive oral evaluation definition.
- Remove diagnostic casts from covered diagnostic tests and examination.
- Add "and implants" to prophylaxis covered services.
- Remove tobacco cessation as a covered service under the dental program.
- Add "glass ionomer" to sealant covered preventative services.
- Change limitations for replacement of restorations by clarifying "replacement of a cracked or broken restoration within a six-month period by the same provider is considered part of the global payment of the initial restoration and will not pay separately."
- Change stainless steel crowns for permanent posterior teeth [to] no longer have age limitations or require prior authorization.
- Add clarification that all replacement dentures and replacement partial dentures require prior authorization and the need for the replacement must be medically necessary.
- Add language for coverage of alveoloplasty to include "only in conjunction with the preparation of dentures or partials" and remove "prior authorization is not required."
- Add limitation for full mouth scaling to a twelve-month period.
- Change nondental providers to medical providers and other housekeeping updates as necessary.

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: The Center[s] 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 Valerie Freudenstein, Rulemaking Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, telecommunica-

tion[s] relay service (TRS) 711, email valerie.freudenstein@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Pixie Needham, Program Questions, P.O. Box 45506, Olympia, WA 98504-5506, phone 360-725-9967, fax 360-586-9727, TRS 711, email pixie.needham@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

February 4, 2021

Wendy Barcus
Rules Coordinator**WSR 21-05-021****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

(Nursing Care Quality Assurance Commission)

[Filed February 8, 2021, 12:04 p.m.]

Subject of Possible Rule Making: Chapter 246-841 WAC, excluding WAC 246-841-520, 246-841-720, and 246-841-990; and chapter 246-842 WAC, Nursing assistants. The nursing care quality assurance commission (NCQAC) is considering amending nursing assistant standards to eliminate duplication, update competencies, and revise program requirements. NCQAC may also consider adopting new sections of rule as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.79.110, 18.79.260, 18.88A.030, 18.88A.060, and 18.88A.087.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: NCQAC identified that chapter 246-841 WAC, excluding WAC 246-841-520, 246-841-720, and 246-841-990; and chapter 246-842 WAC need to be updated to reflect best practices, eliminate redundancy, and make other necessary revisions. Legislated work by NCQAC with key interested parties in 2018-2020 confirms the identified need for updating the rules. The coronavirus disease 2019 (COVID-19) pandemic magnifies the need and urgency for changes to the rules which may eliminate barriers to career advancement for nursing assistants to help address the nursing assistant shortage in health care. Specifically NCQAC is considering: (1) Repealing chapter 246-842 WAC. Chapters 246-841 and 246-842 WAC are similar. Repealing chapter 246-842 WAC may eliminate unnecessary redundancy, which creates confusion about requirements. Any requirements that may need to be retained could be moved to chapter 246-841 WAC; (2) updating the rules overall to reflect the most current standards and practice, clarifying and updating curriculum and testing requirements for training programs, and eliminating barriers to career advancement for nursing assistants to help address the nursing assistant shortage in health care; and (3) standardizing the scope of practice for nursing assistance as allowed by law. The scope of practice for nursing assistants varies depending on the work setting. NCQAC believes standardizing the scope of practice across work settings could eliminate confusion.

WAC 246-841-520, 246-841-720, and 246-841-990 are excluded from this review because these sections are not under the exclusive rule-making authority of NCQAC. Also,

amendments to these sections are not currently needed to achieve the goals of this review.

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 Shad Bell, P.O. Box 47864, Olympia, WA 98504-7864, phone 360-236-4711, fax 360-236-4738, TTY 711, email Shad.Bell@doh.wa.gov, website <https://www.doh.wa.gov/licensespermitsandcertificates/nursingcommission>.

Additional comments: NCQAC will notify interested parties of rule making by posting information on the department of health website, the NCQAC website, and by use of GovDelivery. NCQAC will hold virtual meetings at varying times to encourage participation.

February 4, 2021
Paula R. Meyer, MSN, RN, FRE
Executive Director

WSR 21-05-031
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed February 10, 2021, 11:17 a.m.]

The veterinary board of governors (board) is withdrawing the CR-101 for WAC 246-933-401 through 246-933-460; 246-935-270 through 246-935-310; and 246-933-285, 246-935-130, and 246-937-080, which was filed November 30, 2020, and published in WSR 20-24-095.

The board is withdrawing this CR-101 because a section of rule was inadvertently left out. Part of the rule making includes removing references to HIV/AIDS prevention training requirements in support of the passage of ESHB 1551 (chapter 76, Laws of 2020). WAC 246-933-250(4) is a duplicative reference in chapter 246-933 WAC and needs to be included in the rule making in order to remove this reference.

Individuals requiring information on this rule should contact Loralei Walker, program manager for the board, at 360-236-4947.

Tami M. Thompson
Regulatory Affairs Manager

WSR 21-05-045
PREPROPOSAL STATEMENT OF INQUIRY
ARTS COMMISSION

[Filed February 11, 2021, 4:46 p.m.]

Subject of Possible Rule Making: Amendment to existing rule, WAC 30-02-015 Grants.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.46.040.

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

increasing the amount the executive director can approve for individual grant awards.

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 Terry J. West, 711 Capitol Way South, Suite 600, Olympia, 98504, phone 360-252-9978, fax 360-586-5351, email terry.west@arts.wa.gov, website www.arts.wa.gov.

Additional comments: A public rules writing session is to be held March 31, 2021, at 1:30 - 2:00 p.m., by Teams video conference. Please contact staff by March 30, 2021, to receive the URL to log into the video conference session. Participants may attend by video conference or send in written comments to the address above. For telephone access only call +1 564-999-2000,,255134361#, United States, Olympia, phone conference ID 255 134 361#.

February 11, 2021
Karen Hanan
Executive Director

WSR 21-05-052
PREPROPOSAL STATEMENT OF INQUIRY
BELLEVUE COLLEGE

[Filed February 12, 2021, 4:26 p.m.]

Subject of Possible Rule Making: Chapter 132H-122 WAC, Withholding services for outstanding debts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 34.05 RCW; and RCW 28B.50.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: State law on this topic has changed.

Process for Developing New Rule: Changes to the existing policy and on this topic will be presented to the campus community for feedback and a virtual public meeting will be held.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nadescha Bunje, 3000 Landerholm Circle S.E., phone 425-564-5669, TTY 425-564-6189, email nadescha.bunje@bellevuecollege.edu, website www.bellevuecollege.edu.

February 12, 2021
Tracy Biga MacLean
Associate Director

WSR 21-05-055
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed February 16, 2021, 8:33 a.m.]

Subject of Possible Rule Making: Fee increase under consideration for the electrical rules under WAC 296-46B-906 Inspection fees, 296-46B-909 Electrical/telecommunications contractor's license, administrator certificate and examination, master electrician certificate and examination, electrician certificate and examination, copy, and miscellaneous fees, and 296-46B-911 Electrical testing laboratory and engineer accreditation fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 19.28 RCW, Electricians and electrical installations, including RCW 19.28.031 and 19.28.251.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to consider a fee increase of 5.79 percent for the electrical program to support operating expenses for inspections and other program services. This is the office of financial management's maximum allowable fiscal growth rate for fiscal year 2022. The department of labor and industries evaluated the budget and projected revenue of the program and determined a fee increase is needed to help cover the cost of ongoing services.

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

Process for Developing New Rule: Interested parties can participate in the decision to adopt the new rules and formulation of the proposed rules before publication by contacting the individual listed below. The public can also participate, after amendments are proposed, by providing written comments and testimony during the public hearing and comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Alicia Curry, Department of Labor and Industries, Field Services and Public Safety Division, P.O. Box 44400, Olympia, WA 98504-4400, phone 360-902-6244, fax 360-902-5292, email Alicia.Curry@Lni.wa.gov, website <https://lni.wa.gov/licensing-permits/electrical/laws-rules-policies>.

February 16, 2021
 Joel Sacks
 Director

ity to access licensed space and the consequences for refusing access, emergency exits, and immunization requirements. Rule making may include technical corrections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.216.055, 43.216.065, and 43.216.250.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Uncertainty exists among licensed early learning providers about when and why the department may access licensed space and rules are needed to better clarify the department's statutory authority.

Rules to restore emergency exit requirements previously codified in chapter 170-296A WAC and erroneously repealed without adoption in chapter 170-300 WAC are needed to become compliant with federal safety requirements for child cares that entitle the state to receive subsidized child care appropriations.

Rules to align immunization requirements with the department of health's (DOH) latest immunization requirements for child cares and needed to maintain consistency between agencies and promote licensed programs' compliance with DOH requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Administration for Children and Families, Office of Child Care administers the federal Child Care Development Fund (CCDF) and ensures that Washington and all other states receiving CCDF appropriations comply with federal requirements. DCYF submits a CCDF plan every three years to the Office of Child Care that serves as a grant application and describes how DCYF will comply with federal CCDF participation requirements. DCYF engages in any necessary rule making to implement the plan once it is approved. DCYF also collaborates with and seeks approval from the state DOH on rules covering health and environmental standards.

Process for Developing New Rule: Negotiated rule making; and collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tyler Farmer, phone 360-628-2151, email tyler.farmer@dcyf.wa.gov, website www.dcyf.wa.gov, www.dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate/online; or DCYF rules coordinator, email dcyf.rulescoordinator@dcyf.wa.gov.

February 16, 2021
 Brenda Villarreal
 Rules Coordinator

WSR 21-05-060
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES

[Filed February 16, 2021, 10:54 a.m.]

Subject of Possible Rule Making: Updating foundational quality standards for early learning programs, including the department of children, youth, and families' (DCYF) author-

WSR 21-05-061
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

[Filed February 16, 2021, 11:21 a.m.]

Subject of Possible Rule Making: The department is planning to amend chapter 388-14A WAC and other related rules as may be required regarding abatement of child sup-

port for certain incarcerated individuals as well as notice and service mailing requirements by the office of administrative hearings (OAH) and division of child support (DCS).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 26.09.105, 26.09.320, 26.09.325, 26.09.330, 26.09.335, 26.09.340, 26.09.916, 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20A.055, 74.20A.056.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington state legislature enacted SHB 2302 during the 2020 legislative session. This act makes a series of changes to child support statutes, including policy around abatement of child support for certain incarcerated individuals as well as other technical and housekeeping changes related to notice and service by OAH and DCS. This rule making is necessary to effectuate these statutory changes.

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: DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact Brady Horenstein at the DSHS/DCS headquarters as soon as possible. DCS will post information regarding this rule development project and others on its website, which can be found at <https://www.dshs.wa.gov/esa/division-child-support> or on the DSHS economic services administration's policy review website, which can be found at <https://fortress.wa.gov/dshs/f2ws03esaapps/extpolicy/>.

Rule-making forms and draft rules may also be found on the DSHS filings and rules page at <https://www.dshs.wa.gov/office-of-the-secretary/filings-and-rulings>.

DSHS/DCS encourages the public to take part in developing rules. After the rules are drafted, DSHS will file a copy with the office of the code reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to anyone else 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 Brady Horenstein, Division of Child Support, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, phone 360-664-5291, fax 360-664-5342, TTY 1-800-833-6384, email Brady.Horenstein@dshs.wa.gov.

February 16, 2021
Katherine I. Vasquez
Rules Coordinator

WSR 21-05-065

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

[Filed February 16, 2021, 3:54 p.m.]

Subject of Possible Rule Making: New behavioral health rules to be added under Title 182 WAC; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, 41.05.762; 42 U.S.C. § 300x-25(a).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As authorized by 42 U.S.C. § 300x-25(a) and RCW 41.05.762, the agency intends to develop rules to establish a revolving fund for loans to operators of group homes supporting individuals recovering from substance abuse. During the course of this review, the agency may identify additional related changes that are required 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, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1408, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email Melinda.froud@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Kira Schneider, P.O. Box 42730, Olympia, WA 98504-2730, phone 360-725-1634, fax 360-586-9727, TRS 711, email kira.schneider@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

February 16, 2021
Wendy Barcus
Rules Coordinator

WSR 21-05-068

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed February 17, 2021, 10:13 a.m.]

Subject of Possible Rule Making: Workforce education investment surcharge—Select advanced computing businesses, ESSB 6492 (2020).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.01.060(2) and 82.32.300.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing a new rule that provides information about the taxability of, and surcharge imposed on, select advanced computing businesses as described in RCW 82.04.299.

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

Process for Developing New Rule: Parties interested in this rule making may contact the individual listed below. The public may also participate by providing written comments throughout this rule making or giving oral testimony at the public meeting or public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Leslie Mullin, P.O. Box 47453, Olympia, WA 98504-7453, phone 360-534-1589, fax 360-534-

1606, TTY 800-833-6384, email LeslieMu@dor.wa.gov, website dor.wa.gov.

Additional comments: Written comments may be submitted by mail or email and should be directed to Leslie Mullin using one of the contact methods above. Written and oral comments will be accepted at the public meeting on March 10, 2021, at 10:00 a.m., telephonic/internet meeting only. Contact Keith Dacus at KeithD@dor.wa.gov for dial-in/login information.

February 17, 2021
Atif Aziz
Rules Coordinator

WSR 21-05-069

PREPROPOSAL STATEMENT OF INQUIRY LIQUOR AND CANNABIS BOARD

[Filed February 17, 2021, 10:20 a.m.]

Subject of Possible Rule Making: WAC 314-28-070 Monthly reporting and payment requirements for a distiller and craft distiller, 314-28-080 What if a distillery or craft distillery licensee fails to report or pay, or reports or pays late? The Washington state liquor and cannabis board (WSLCB) is considering revising WAC 314-28-070, 314-28-080, and other rules if necessary, consistent with the court of appeals decision in *Blue Spirits Distilling, LLC v. WSLCB*, No. 53341-3-II, slip op. (Wash. Ct. App. Dec. 22, 2020).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The court of appeals decision in *Blue Spirits Distilling, LLC v. WSLCB*, issued on December 22, 2020, held that the WSLCB rules requiring distillers to pay spirits retailer licensing fees when they acted as spirits retailers were invalidated by the decision in *Washington Restaurant Association v. WSLCB*, issued on August 8, 2017. *Washington Restaurant Association v. WSLCB*, 200 Wn. App. 119, 401 P.3d 428 (2017). Revisions to rules including, but not limited to, WAC 314-28-070 and 314-28-080 may be needed to take into account the court of appeals decision in *Blue Spirits*.

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 360-704-5027, email rules@lcb.wa.gov, website lcb.wa.gov.

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

February 17, 2021
Jane Rushford
Chair

WSR 21-05-070

PREPROPOSAL STATEMENT OF INQUIRY PIERCE COLLEGE

[Filed February 17, 2021, 10:21 a.m.]

Subject of Possible Rule Making: Pierce College is engaging in proposed rule making to add nonregistered individuals in the classroom policy as a new college WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Pierce College is engaging in the rule-making process due to its commitment to preserving a safe and academically-focused classroom environment, while complying with state regulations.

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: Nonregistered individuals in the classroom reviewed by the following entities for comment: Student governance bodies, learning council, student advancement council, assistant attorney general, cabinet, and board of trustees.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tami Jacobs, 9401 Farwest Drive S.W., Lakewood, WA 98498, phone 253-964-6581, email tjacobs@pierce.ctc.edu; or Marie Harris, 9401 Farwest Drive S.W., Lakewood, WA 98498, phone 253-864-3104, email mharris@pierce.ctc.edu.

February 16, 2021
Michele Johnson
Chancellor

WSR 21-05-071

PREPROPOSAL STATEMENT OF INQUIRY PIERCE COLLEGE

[Filed February 17, 2021, 10:22 a.m.]

Subject of Possible Rule Making: Pierce College is engaging in proposed rule making to add children and minors on campus policy as a new college WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Pierce College is engaging in the rule-making process to be clear and transparent regarding the allowance of children and minors on campus in support of health and safety for the college community.

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: Children and minors on campus reviewed by the following entities for comment: Student governance bodies, learning council, student advancement council, assistant attorney general, cabinet, and board of trustees.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before pub-

lication by contacting Tami Jacobs, 9401 Farwest Drive S.W., Lakewood, WA 98498, phone 253-964-6581, email tjacobs@pierce.ctc.edu; or Marie Harris, 9401 Farwest Drive S.W., Lakewood, WA 98498, phone 253-864-3104, email mharris@pierce.ctc.edu.

February 16, 2021
Michele Johnson
Chancellor

WSR 21-05-073
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed February 17, 2021, 10:40 a.m.]

Subject of Possible Rule Making: Add new section to chapter 392-415 WAC, Secondary education—Standardized high school transcript.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.320.192.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The office of superintendent of public instruction (OSPI) is considering rule making concerning on-time grade level progression and graduation of students who are homeless, dependent, or at-risk youth or children. The rules would clarify the substantive and procedural obligations of school districts to fully implement RCW 28A.320.192.

Process for Developing New Rule: Early solicitation of feedback and recommendations respecting new or amended rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Matt Smith, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-725-6251, TTY 360-664-3631, email matt.smith@k12.wa.us, website k12.wa.us; or Aubry Schlottmann, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-725-6505, email aubry.schlottmann@k12.wa.us, website k12.wa.us.

February 17, 2021
Chris P. S. Reykdal
State Superintendent
of Public Instruction

WSR 21-05-074
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR AND CANNABIS
BOARD

[Filed February 17, 2021, 10:41 a.m.]

Subject of Possible Rule Making: WAC 314-55-040 What criminal history might prevent a marijuana (cannabis) license applicant from receiving or keeping a marijuana (cannabis) license?, the Washington state liquor and cannabis board (board) is considering changes to current rules that

frame the standards and thresholds for criminal history checks for marijuana (cannabis) licensees. Additional rules specifically related to this topic may be amended or created as necessary to accomplish the overarching goal of this project.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.50.331, 69.50.342.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Initiative 502 (I-502) established a legal framework for the board to review the criminal history of marijuana (cannabis) license applicants, along with broad rule-making authority to create rules related to criminal history background check standards. The initial rules concerning this subject were initially established in late 2013, and the most recent revision occurred in early 2016.

The board seeks to reevaluate current criminal history background check standards in an effort to remove unnecessary barriers to entry in the legal marijuana (cannabis) market by those individuals disproportionately [disproportionately] impacted by marijuana (cannabis) criminalization. Revisions considered will be designed to support socially equitable conditions by deconstructing current rules in a way that creates fair and meaningful access to the economic opportunities afforded by marijuana (cannabis) legalization.

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 development.

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.

Additional comments: Interested persons can participate in the rule process through open public meetings and by submitting written comments, and are encouraged to sign up for the interested parties list (GovDelivery) at <https://public.govdelivery.com/accounts/WALCB/subscriber/new>. Rule-making notices and stakeholder engagement opportunities will be emailed via GovDelivery and posted to the board website at lcb.wa.gov.

February 17, 2021
Jane Rushford
Chair