

WSR 23-15-012
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed July 6, 2023, 3:58 p.m.]

Subject of Possible Rule Making: The department of health (department) is considering amending chapter 246-08 WAC, Practice and procedure, rules regarding department public records requests. Amendments under consideration are a result of changes in statutes, changes in internal operations, staffing reorganization, and to provide clear, concise, and reasonable rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 42.56 RCW and RCW 43.70.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has statutory authority to adopt rules within chapter 246-08 WAC. The rules are of general applicability, adopted as authorized by law, and include statements of general policy or interpretations of general applicability formulated and adopted by the agency. These rules have not been reviewed for potential changes in over 15 years. Over the years, some state laws have been updated or changed, and internal department processes have been streamlined. Amendments may be necessary to update and clarify the existing rules. The department will consider amending the rules as a result of the review.

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: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Melanee Auldredge, Public Disclosure Manager, Center Facilities Risk Adjudication, P.O. Box 47890, Olympia, WA 98504-7825 [7890], phone 360-819-6768, TTY 733 [711], email melanee.auldredge@doh.wa.gov.

Additional comments: Anyone interested in this rule making who would like to be on the interested parties list, please contact Melanee Auldredge.

July 6, 2023
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 23-15-019
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed July 7, 2023, 1:25 p.m.]

Subject of Possible Rule Making: The department of health (department) is considering rule making to implement legislation to increase the home care aide workforce. Amending WAC 246-980-010, 246-980-025, 246-980-040, 246-980-100, 246-980-110, 246-980-115, and 246-980-140, and possibly creating new rule sections in chapter 246-980 WAC, Home care aide rules. The department is considering amending chapter 246-980 WAC to align with statutory changes and implement E2SHB 1694 (chapter 424, Laws of 2023) and E2SSB 5278 (chapter 323, Laws of 2023), both passed in the 2023 legislative session. These bills address date of hire, the home care aide workforce, certification examinations, and other aspects of the profession.

This rule making will also continue discussions with interested parties and rule-making work done under WSR 21-16-100 to implement ESHB 1120 (chapter 203, Laws of 2021) on how to implement multiple dates of hire.

The department may also consider changes to update, streamline, or clarify the rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.88B.060, 18.88B.021, 18.88B.031, and 18.88B.041.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: E2SHB 1694 amended RCW 18.88B.010 to define date of hire and RCW 18.88B.021 to define multiple dates of hire. E2SHB 1694 also created a new section in chapter 18.88B RCW on renewing and/or reinstating an expired credential, created a new section in chapter 18.88B RCW to allow a free renewal for those with a credential expired more than six months and less than two years effective from September 1, 2023, and expiring July 1, 2025, and made additional changes to department of social and health services (DSHS) statutes.

E2SSB 5278 amended RCW 18.88B.031 to remove the requirement that training be completed before taking the certification examination and expanded when the certification examination can be taken.

The department, in alignment with the intent of E2SHB 1694 and E2SSB 5278, is considering ways to reduce barriers to entering and remaining in the home care aide workforce, including streamlining the certification examination and the certification process.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department has statutory authority over home care aide certification, while DSHS has statutory authority over training. The department and DSHS coordinate closely with each other and other interested parties to ensure proposed rules align, meet the needs of both professions, and protect clients and their families.

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 Tracie Drake, P.O. Box 47850, Olympia, WA 98504-7850, phone 360-480-7479, TTY 711, email tracie.drake@doh.wa.gov, website www.doh.wa.gov.

Additional comments: Rule-making notices will be mailed via Gov-Delivery. To receive notices, interested persons may contact Tracie Drake or sign up by going to <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. After signing up, please click open the box la-

beled "Health Systems Quality Assurance." Next, click open the box labeled "Health Professions," then check the box next to "Home Care Aides."

July 7, 2023
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 23-15-035
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Behavioral Health Administration)
[Filed July 11, 2023, 9:38 a.m.]

Subject of Possible Rule Making: Amending WAC 388-880-005 Special commitment of sexually violent predators—Legal basis, 388-880-007 Purpose, 388-880-020 Authorization for indefinite commitment to the sexual predator program, 388-880-030 Sexual predator program supplemental and post commitment evaluations, 388-880-031 Sexual predator program annual evaluation, 388-880-033 Evaluator—Qualifications, 388-880-034 Evaluator—Supplemental and post commitment evaluation responsibilities, 388-880-035 Refusal to participate in a supplemental or post commitment pretrial evaluation, 388-880-036 Supplemental evaluation—Reporting, 388-880-040 Individualized treatment, 388-880-050 Rights of a person court-detained or civilly committed to the special commitment center, and other related sections as may be necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71.09.010, 71.09.040, 71.09.060, 71.09.070, and 71.09.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of social and health services (DSHS) recognizes these WAC have not been updated since 2013 and since then, there have been policy and RCW changes that require an update. DSHS has decided to change the name of the treatment program from "sexual predator program" to "sex offense specific treatment program," which will help clarify the type of treatment provided by the special commitment center. DSHS is updating the WAC that relate to the forensic evaluations that are completed as well as the qualifications of the forensic evaluators.

Process for Developing New Rule: 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 Emma Palumbo, P.O. Box 45854, Olympia, WA 98504, phone 360-972-6214, email emma.palumbo@dshs.wa.gov.

July 7, 2023
Katherine I. Vasquez
Rules Coordinator

WSR 23-15-058
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF
PILOTAGE COMMISSIONERS

[Filed July 14, 2023, 10:26 a.m.]

Subject of Possible Rule Making: WAC 363-116-076 Examination for pilot applicants and 363-116-077 Simulator evaluation for pilot applicants.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 88.16 RCW, Pilotage Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In preparation for the 2024 Washington state marine pilot exam, the board will be reviewing and updating these two WAC as needed for continued psychometric validation, diversity, equity, and inclusion, and clarity for applicants, as well as other housekeeping items.

Process for Developing New Rule: Discussions regarding proposed amendments to these rules will occur at regular session board meetings as well as the pilot exam committee. Upon committee review, and recommendations from the board's exam consultants, the board's assistant attorney general will review the proposed language. Stakeholder comments are welcome. Upon review and consideration of recommended revisions, a public hearing will be scheduled pursuant to formal notice requirements.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jaimie C. Bever, Executive Director, 2901 3rd Avenue, Suite 500, phone 206-515-3887, fax 206-515-3906, email BeverJ@wsdot.wa.gov, website www.pilotage.wa.gov.

July 14, 2023
Jaimie C. Bever
Executive Director

**WSR 23-15-061
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed July 14, 2023, 12:23 p.m.]

The division of vocational rehabilitation requests the withdrawal of preproposal statement of inquiry notice filed as WSR 22-12-030 on May 24, 2022 (WAC 388-891A-0610 and 388-891A-0890), regarding post-employment services.

The withdrawal should be effective immediately upon filing.

Katherine I. Vasquez
Rules Coordinator

WSR 23-15-062
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed July 14, 2023, 1:11 p.m.]

Subject of Possible Rule Making: WAC 182-533-0390 Childbirth education (CBE) classes; 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 health care authority (HCA) is amending this rule to include criteria to allow agency-approved online classes with a one-on-one check-in with the client and qualified CBE provider during or after the online classes have been completed by the client. During the course of this review, HCA 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 Centers for Medicare and Medicaid Services.

Process for Developing New Rule: HCA 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, HCA 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, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email valerie.freudenstein@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Heather Weiher, Program Questions, P.O. Box 45530, Olympia, WA 98504-5530, phone 360-725-1293, fax 360-586-9727, TRS 711, email heather.weiher@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

July 14, 2023
Wendy Barcus
Rules Coordinator

WSR 23-15-074
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed July 17, 2023, 10:27 a.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS) is considering amending sections of chapter 388-71 WAC, Home and community services and programs, chapter 388-112A WAC, Residential long-term care services training, and chapter 388-115 WAC, Consumer directed employer, in response and in compliance to E2SHB 1694 (chapter 424, Laws of 2023) passed during the 2023 legislative session. The changes included the definition of "date of hire," clarification on when the date of hire may be reset, additional family relationships related to long-term care worker training and continuing education requirements, and other related rules as needed. Additional changes related to numerical representation, consistency, and inclusive language are also being considered.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.88B.010, 18.88B.021, 18.88B.041, 74.08.090, 74.39A.076, and 74.39A.341.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The changes to the law related to training and continuing education affect all long-term care workers, but specifically those that fall into newly added familial relationships. The department is also taking this opportunity to make necessary changes related to numerical representation, consistency about the consumer direct employer relationship to individual providers, and inclusive language.

Process for Developing New Rule: Collaborative. 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 David Chappell, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-2516, TTY 1-800-833-6388, email david.chappell@dshs.wa.gov.

July 17, 2023
Katherine I. Vasquez
Rules Coordinator

WSR 23-15-082
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed July 18, 2023, 7:28 a.m.]

Subject of Possible Rule Making: Aligning hospital licensing regulations with the current national construction standards. The department of health (department) is considering amending WAC 246-320-010, 246-320-500, 246-320-505, 246-320-600, and other sections of chapter 246-320 WAC relevant to construction standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.41.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering aligning the construction requirements of chapter 246-320 WAC with current national construction standards, so as to comply with RCW 70.41.030. The current rules reference the 2014 edition of the Guidelines for Design and Construction of Health Care Facilities. In August 2018, the department filed a preproposal statement of inquiry under WSR 18-17-045 to consider updating the rules to reference the 2018 edition of these guidelines. This rule-making project was underway when the coronavirus disease 2019 (COVID-19) emerged and subsequent emergency response by department staff resulted in the cessation of activities for the project. Recently, the 2022 edition of the guidelines was published. Adopting current standards would allow facilities to take advantage of newer construction methods and provide the opportunity to be consistent with widely recognized standards that are vital to the health and safety of hospital patients and staff. The department is withdrawing the original CR-101, filed as WSR 18-17-045.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will closely coordinate with the Centers for Medicaid and Medicare Services, national code writing bodies, and the state building code council to avoid conflict and duplication with other built environment requirements. This will be accomplished through the department's ongoing involvement with construction code development.

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 John Williams, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-2950, fax 360-236-2901, TTY 711, email john.williams@doh.wa.gov; or Susan Upton, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-2948, fax 360-236-2901, TTY 711, email susan.upton@doh.wa.gov.

Additional comments: Interested parties may participate in the development of draft rules prior to a formal proposal by joining the department's interested parties list (GovDelivery), attending workshops, and providing input on draft and proposed materials. To find out more information about our rule making and to be included on the interested parties list, please follow these steps: (1) Go to www.doh.wa.gov; (2) click on the "Sign up for Updates From DOH" button on the bottom of the page; (3) enter your contact information; (4) click "Submit"; (5) under the subscription preferences, scroll to "Facilities" and check the box that says "Hospitals"; and (6) scroll to the bottom of the page and click "Submit."

July 18, 2023
Kristin Peterson, JD

Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 23-15-087
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 18, 2023, 9:16 a.m.]

Subject of Possible Rule Making: Paid sick leave, including provisions that apply to certain construction workers, under chapter 296-128 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESSB 5111; chapter 49.46 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington state legislature passed ESSB 5111 during the 2023 legislative session, which amends RCW 49.46.210 and 49.46.180 to require payment for accrued and unused sick leave for certain construction workers.

Rules are needed to clarify and enforce the new requirements. Additional rules are needed to address existing statutory requirements in RCW 49.46.180, as well as general cleanups of the paid sick leave rules.

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 labor and industries will develop the proposed rule language in conjunction with a group of stakeholders. The public may also participate after rules are proposed by providing written comments and/or testimony during the public hearing and comment period.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bridget Osborne, Department of Labor and Industries, Fraud Prevention and Labor Standards, Division of Employment Standards, P.O. Box 44510, Olympia, WA 98504-4510, phone 360-902-5552, email ESRules@Lni.wa.gov.

July 18, 2023
Joel Sacks
Director

WSR 23-15-090
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 18, 2023, 9:18 a.m.]

Subject of Possible Rule Making: Chapter 296-14 WAC, Industrial insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: 2SSB 5454, chapter 370, Laws of 2023; RCW 51.04.020, 51.04.030, 51.08.142.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2023, the Washington state legislature passed 2SSB 5454, chapter 370, Laws of 2023, 2SSB 5454, amending RCW 51.08.142, established posttraumatic stress disorder as a presumptive occupational disease for certain direct care registered nurses covered under workers' compensation laws.

2SSB 5454 expressly requires rule making to explain when the presumption exists for direct care registered nurses identified in 2SSB 5454 and when the presumption does not exist.

Process for Developing New Rule: Parties interested in these rules may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process. Public hearings will be held after the proposed language is filed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jordan Ely, Department of Labor and Industries, Insurance Services, Legal Services, P.O. Box 44270, Olympia, WA 98504-4270, phone 360-902-4616, fax 360-902-5029, TTY 360-902-4252, email Jordan.ely@Lni.wa.gov.

July 18, 2023
Joel Sacks
Director

WSR 23-15-094

PREPROPOSAL STATEMENT OF INQUIRY

HIGHLINE COLLEGE

[Filed July 18, 2023, 12:59 p.m.]

Subject of Possible Rule Making: Amending WAC 132I-126-010, 132I-126-050 and 132I-126-100; and new WAC 132I-126-130.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Washington HB [2SHB] 1751 (Sam's Law, hazing prevention) was passed into law March 3, 2022, and became effective June 9, 2022.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Highline College is required by the state of Washington to update its student conduct code to be in compliance with the implementation of HB [2SHB] 1751 (Sam's Law, hazing prevention). This includes amending the definition of hazing, adding student groups to our jurisdiction, adding the definition of a student group to our definition section, and adding a new section about our hazing specific sanctions.

Process for Developing New Rule: Pilot rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Isabelle Wroblewski, Mailstop 6-7, P.O. Box 98000, phone 206-592-3354, email iwroblewski@highline.edu.

July 18, 2023
Isabelle Wroblewski
Student Conduct Manager

WSR 23-15-108
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2023-02—Filed July 19, 2023, 8:16 a.m.]

Subject of Possible Rule Making: Prior authorization; implementation of E2SHB 1357 (2023).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.43.0161, 48.43.515, and 48.43.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2023, the legislature enacted E2SHB 1357 (chapter 382, Laws of 2023). Multiple provisions of the office of insurance commissioner (OIC) rules in chapters 284-43 and 284-170 WAC need amendments to be consistent with the new law, which relates to prior authorization requirements, including time frames for decisions, electronic authorization standards, communication, and reporting. This proposed rule making will ensure that necessary rules are adopted by OIC in a timely manner. These proposed rules will facilitate implementation of the law by ensuring that all affected health care entities understand their rights and obligations under the new law.

Other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: OIC is promulgating administrative regulations related to the commercial plans that it regulates. However, the state department of health (DOH) and health care authority (HCA) are also affected by this new legislation for prior authorizations. Therefore, OIC will coordinate on this rule making with DOH and HCA by offering notices and opportunities for written comment or feedback with multiple participation forums.

This legislation also requires coordination in relation to proposed rules by the federal Centers for Medicare and Medicaid, so OIC will continue to regularly monitor the status of those rules.

Process for Developing New Rule: Submit comments by August 7, 2023.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joyce Brake, 302 Sid Snyder Avenue S.W., Olympia, WA 98504, phone 360-725-7041, fax 360-586-3109, TTY 360-586-0241, email rulescoordinator@oic.wa.gov, website www.insurance.wa.gov.

July 19, 2023
Mike Kreidler
Insurance Commissioner

WSR 23-15-110
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2023-01—Filed July 19, 2023, 8:18 a.m.]

Subject of Possible Rule Making: Implementation of SHB 1266 (chapter 27, Laws of 2023).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060 and 48.17.005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SHB 1266 (chapter 27, Laws of 2023) clarified how the commissioner may communicate with licensees. The commissioner is considering rules to update what address of record the commissioner may use when communicating with licensees.

Process for Developing New Rule: Written comments due August 9, 2023.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting David Forte, 302 Sid Snyder Avenue S.W., Olympia, WA 98504, phone 360-725-7268, fax 360-586-3109, TTY 360-586-0241, email rulescoordinator@oic.wa.gov, website www.insurance.wa.gov.

July 19, 2023
Mike Kreidler
Insurance Commissioner

WSR 23-15-111
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2023-05—Filed July 19, 2023, 8:18 a.m.]

Subject of Possible Rule Making: Implementation of chapter 64, Laws of 2023, an act relating to the best interest standard for annuities in Washington.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060(3) and 48.23.015(8).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: HB 1120, concerning the best interest standard for annuities, passed during the 68th legislative session. The new law will update Washington's "suitability standard" for annuity transactions to a "best interest" threshold and aligns with updates the National Association of Insurance Commissioners (NAIC) made to Model Regulation # 275 on annuity transactions. The new law requires producers, and insurers where no producer is involved, to act in the best interests of their consumers when recommending annuities, complete annuity specific training, and establish and maintain recommendation supervision systems that ensure the insurance needs and financial objectives of consumers are effectively addressed.

The commissioner is considering rule making to fully align the regulations in the insurance code with the new law and updates to NAIC Model Regulation # 275. The office of the insurance commissioner rule making will be needed to update training requirements, revise the prior "suitability standard" with the new "best interest" threshold (including consumer profile information), and generally achieve alignment between the applicable authorities.

Process for Developing New Rule: Submit written comments by August 2, 2023.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michael Walker, 302 Sid Snyder Avenue S.W., Olympia, WA 98504, phone 360-725-7036, fax 360-586-3109, TTY 360-586-0241, email rulescoordinator@oic.wa.gov, website www.insurance.wa.gov.

July 19, 2023
Mike Kreidler
Insurance Commissioner

WSR 23-15-112
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2023-04—Filed July 19, 2023, 8:19 a.m.]

Subject of Possible Rule Making: Implementation of HB 1061 (chapter 21, Laws of 2023) insurance producers prelicensing education.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.17.005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: HB 1061 amends RCW 48.17.090 to eliminate the requirement that an applicant for a resident insurance producer license complete a prelicensure course of study for the lines of authority for which the person applied. Existing rules contain language which reference the requirement for producer applicants to complete prelicensure education.

Rule making will be required to remove language referencing prelicensing education from existing rules to align with newly amended RCW 48.17.090.

Process for Developing New Rule: Written comments due August 9, 2023.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Andrew Davis, 302 Sid Snyder Avenue S.W., Olympia, WA 98504, phone 360-725-7170, fax 360-586-3109, TTY 360-586-0241, email rulescoordinator@oic.wa.gov, website www.insurance.wa.gov.

July 19, 2023
Mike Kreidler
Insurance Commissioner

**WSR 23-15-115
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR AND CANNABIS
BOARD**

[Filed July 19, 2023, 10:15 a.m.]

Consistent with RCW 34.05.335 and WAC 1-21-060, the Washington state liquor and cannabis board is withdrawing its preproposal statement of inquiry (CR-101) filed as WSR 23-07-084 on March 15, 2023, regarding amending WAC 314-17-015 and other provisions of Title 314 WAC to allow MAST 13 permit holders, in areas not restricted to minors, to open and pour beer and wine from cans and bottles away from the table.

This rule making is being withdrawn so that it can be refiled later today in conjunction with rule making associated with SSB 5448 regarding an extension of alcohol delivery and takeout, chapter 279, Laws of 2023.

David Postman
Chair

WSR 23-15-116
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR AND CANNABIS
BOARD

[Filed July 19, 2023, 10:18 a.m.]

Subject of Possible Rule Making: Title 314 WAC; the Washington state liquor and cannabis board (LCB) is considering amending WAC 314-17-015 and repealing, amending, and creating rule sections in Title 314 WAC, or both, as necessary to allow Class 13 MAST permit holders, in areas not restricted to minors, to open and pour beer and wine from bottles or cans away from the table.

LCB is also considering repealing, amending, and creating rule sections in Title 314 WAC as necessary to implement the provisions of SSB 5448 (chapter 279, Laws of 2023), enacted during the 2023 legislative session regarding an extension of alcohol delivery and takeout privileges that expired on July 1, 2023.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030 (liquor) and 66.20.330 (alcohol servers).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On January 4, 2023, LCB accepted a rule petition related to Class 13 permit holders and where they may open and pour beer and wine away from the customer's table. Consistent with RCW 34.05.330 (1)(b), LCB is initiating the rule-making process to begin collaboratively engaging with stakeholders and any interested members of the public to explore the possibility of allowing, in areas that are not minor restricted, Class 13 permit holders to open and pour beer and wine from bottles or cans.

During the 2023 legislative session, the Washington state legislature passed SSB 5448 (chapter 279, Laws of 2023), signed into law by the governor on May 4, 2023, scheduled to become effective July 1, 2023, on the topic of alcohol delivery and takeout privileges and extending those privileges beyond July 1, 2023, when they expired. While using the exception process described in RCW 34.05.310(4) to align regulations with the language of SSB 5448 is already completed, rule making that cannot be completed under the exception process may be necessary to address issues that may arise from SSB 5448. Examples of such are including, but not limited to, aligning existing sections of Title 314 WAC with the new definition of delivery in RCW 66.04.010, such as WAC 314-03-035, 314-20-260, and 314-28-100.

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 Daniel Jacobs, Policy and Rules Coordinator, P.O. Box 43080, Olympia, WA 98504, phone 360-480-1238, fax 360-704-5027, 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 LCB website at lcb.wa.gov.

July 19, 2023
David Postman
Chair

WSR 23-15-117

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed July 19, 2023, 10:23 a.m.]

Subject of Possible Rule Making: WAC 308-04-030 Retail sales and use tax exemption criteria for clean alternative fuel vehicles.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.08.809 Exemptions—Vehicles using clean alternative fuels and electric vehicles, exceptions—Quarterly transfers, 82.12.809 Exemptions—Vehicles using clean alternative fuels and electric vehicles, exceptions—Quarterly transfers, and 46.01.110 Rule-making authority.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules for this subject currently exist. The department is proposing to move the rules found in WAC 308-04-030 to chapter 308-56A WAC to better align the section's subject with the subject of the chapter.

Other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: Department of revenue (DOR). The department of licensing will advise DOR of the proposed locational change. No substantive changes are intended or planned.

Process for Developing New Rule: This is a technical cleanup.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kelsey Stone, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902-0131, email rulescoordinator@dol.wa.gov, website dol.wa.gov/about/rules.

July 19, 2023

Ellis Starrett

Rules and Policy Manager

WSR 23-15-118

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed July 19, 2023, 10:27 a.m.]

Subject of Possible Rule Making: Chapter 308-09 WAC, Military service members or spouses—Professional license.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.340.020 Expedition of professional license, certification, registration, or permit, 43.24.130 License moratorium for persons in service—Rules, and 46.01.110 Rule-making authority.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of licensing intends to create a definition for military spouse coordinator within chapter 308-09 WAC to align with requirements per 2SHB 1009 passed during the 2023 legislative session.

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: 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 Kelsey Stone, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902-0132, email rulescoordinator@dol.wa.gov, website dol.wa.gov/about/rules; or Deb Allen-Ba, P.O. Box 9021, Olympia, WA 98507-9021, phone 360-664-1399, email dallenba@dol.wa.gov, DOLBoards@dol.wa.gov.

July 19, 2023

Ellis Starrett

Rules and Policy Manager