

**WSR 23-13-007**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF ECOLOGY**

[Order 23-02—Filed June 8, 2023, 8:12 a.m.]

Subject of Possible Rule Making: Ecology is making two clarifications to the rules governing the cap-and-invest program under chapter 70A.65 RCW (chapter 173-446 WAC). These rule clarifications concern the operation of the allowance price containment reserve (APCR). Ecology will make two rule changes to clarify:

1. That the existing holding limits specified in WAC 173-446-150 (2)(a) that apply to allowances with a "vintage" also apply to the "vintage less" allowances that are acquired through APCR auctions. This means that one entity can hold only a certain number of allowances in its account at a time.

2. That it's adding language to WAC 173-446-370 to clarify that any allowances purchased in an APCR auction must be deposited directly into the entity's compliance account. This change would prevent those allowances from being sold or traded on the secondary market, thereby ensuring that the allowances will be used to meet compliance obligations and not for speculative purposes.

We have also adopted an emergency rule on this topic. Please visit the rule-making website for more information. We will operate under emergency rules until we adopt a permanent rule.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70A.65 RCW, Greenhouse gas emissions—Cap and invest program.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The cap-and-invest program under chapter 70A.65 RCW establishes an emissions trading market intended to help meet the state's emission limits specified in RCW 70A.45.020. The program relies on a well-functioning market to discover the appropriate price for allowances, thereby efficiently allocating greenhouse gas (GHG) emission reductions while minimizing overall costs to the economy and consumers. In order to ensure the program works as designed, ecology is required to adopt measures to maintain the integrity of the market and prevent market manipulation. This rule making clarifies that APCR allowances are subject to holding limits and can only be used for compliance. These changes limit the number of APCR allowances an entity may hold at any given time and ensure that APCR allowances cannot be further traded. Without this rule making, one entity would be able to hold an unlimited number of APCR allowances and would be able to trade those allowances, giving that entity sufficient market power to unfairly manipulate the market while undermining the purpose of the APCR, which is to assist in containing compliance costs for covered and opt-in entities. This rule making is therefore necessary to ensure market integrity and achieve GHG emissions reductions in an economically efficient manner. Without this rule making, allowances could be misallocated at distorted prices, which could affect not only program participants but consumers more generally.

Process for Developing New Rule: Ecology will follow the standard process for the adoption of rules under the Administrative Procedure Act (chapter 34.05 RCW).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nikki Harris, Department of Ecology, Air Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, phone 360-764-6018, Washington relay service or TTY call 711 or 877-833-6341, email nikki.har-

ris@ecy.wa.gov, website <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-446-Apr-26>.

Additional comments: Interested parties can stay informed about the rule making and public involvement opportunities as described above. Ecology will extend an offer for government-to-government consultation with tribal governments during each phase of rule development.

June 8, 2023

Kathy Taylor

Air Quality Program Manager

**WSR 23-13-010  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
RETIREMENT SYSTEMS**

[Filed June 8, 2023, 2:15 p.m.]

Pursuant to RCW 34.05.335 and WAC 1-21-060, the department of retirement systems withdraws preproposal statement of inquiry (CR-101) WSR 23-04-065, filed January 30, 2023, retiree return to work rules for some public employees' retirement system, teachers' retirement system, and school employees' retirement system retirees.

Comments, questions, or concerns may be directed to Bianca Stoner at 360-664-7291 or drs.rules@drs.wa.gov.

**WSR 23-13-011  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
RETIREMENT SYSTEMS**

[Filed June 8, 2023, 2:18 p.m.]

Pursuant to RCW 34.05.335 and WAC 1-21-060, the department of retirement systems withdraws preproposal statement of inquiry (CR-101) WSR 23-11-135, filed May 23, 2023, implementing retiree return to work bills from the 2023 legislative session.

Comments, questions, or concerns may be directed to Bianca Stoner at 360-664-7291 or drs.rules@drs.wa.gov.

**WSR 23-13-013**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF AGRICULTURE**  
[Filed June 8, 2023, 2:51 p.m.]

Subject of Possible Rule Making: Chapter 16-160 WAC, Registration of materials for organic food production. The Washington state department of agriculture (WSDA) is considering changes to the registration fee schedules and changes to the registered material logo. Minor updates to definitions, application process, or other sections may also be identified and considered, if necessary, to ensure consistency with current federal rules or to ensure the proper administration of services.

The registration of materials for organic food production is a voluntary service that businesses can opt in to in order to increase visibility of their products intended for use by organic producers and handlers. While registration is not required for a material to be used by an organic producer or handler, or sold in this state, registration is necessary for a material to be included on the brand name materials list.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.86.070, 15.86.130, 15.86.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Over the last decade, the United States Department of Agriculture's (USDA) organic regulations and input material evaluation criteria have changed in response to emerging issues and markets; WSDA must implement additional evaluation requirements to ensure market access for organically approved input materials.

Continued growth in the organic industry has caused a demand for services that are not outlined within the current fee schedules. In addition, program operating costs have changed significantly over the last 10 years. The increase in expenses, in addition to the inability to adequately charge for services provided, has caused operating expenses to exceed the registration program's annual revenue. RCW 15.86.070 (2)(b) states that rules adopted by WSDA shall include a fee schedule that will provide for the recovery of the full cost of the program. RCW 15.86.140 allows WSDA to increase by rule fees established in this section as necessary to cover costs of providing services. Registration fees have not been adjusted since 2010.

An update to the WSDA organic program logo is being considered to increase public awareness and assist businesses in the marketing of WSDA certified organic products.

WSDA may consider additional updates to the rule language to ensure consistency with current federal rules or to ensure the proper administration of quality services to all businesses who wish to register input materials for use in organic production and handling.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: USDA National Organic Program (NOP); WSDA will communicate any rule amendments with NOP.

Process for Developing New Rule: WSDA staff will collaborate with affected stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brenda Book, WSDA Organic Program Manager, 1111 Washington Street S.E., P.O. Box 42560, Olympia, WA 98504-2560, phone

360-902-1805, TTY 800-833-6388 or 711, email [organic@agr.wa.gov](mailto:organic@agr.wa.gov), website [agr.wa.gov/organic](http://agr.wa.gov/organic).

June 8, 2023  
Luisa F. Castro  
Assistant Director  
Food Safety and Consumer Services Division

**WSR 23-13-016**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed June 9, 2023, 9:14 a.m.]

Subject of Possible Rule Making: Twenty-three-hour crisis relief centers in Washington state. The department of health (department) is considering amending the acute care hospital regulations in chapter 246-320 WAC in order to implement 2SSB 5120 (chapter 433, Laws of 2023), an act concerning the establishment of 23-hour crisis relief centers in Washington state.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.41.030; 2SSB 5120 (chapter 433, Laws of 2023).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Section 2 of 2SSB 5120 directs the department to adopt rules to develop standards for licensure or certification of 23-hour crisis relief centers, a new type of facility that will provide mental health and substance use crisis response to adults for no more than 23 hours and 59 minutes at a time. As part of this requirement, the department must coordinate with the health care authority (HCA) to establish rules that prohibit a hospital that is licensed under chapter 70.41 RCW from discharging or transferring a patient to a 23-hour crisis relief center unless the hospital has a formal relationship with the 23-hour crisis relief center.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: HCA; the department is required to coordinate with HCA on the development of these rules.

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 Julie Tomaro, P.O. Box 47843, Olympia, WA 98504-7843, phone 360-236-2937, fax 360-236-2321, TTY 711, email julie.tomaro@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](http://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."

June 9, 2023  
Todd Mountin, PMP  
Deputy Chief of Policy  
for Umair A. Shah, MD, MPH  
Secretary

**WSR 23-13-017**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed June 9, 2023, 9:19 a.m.]

Subject of Possible Rule Making: Behavioral health agency regulations as they relate to 23-hour crisis relief centers in Washington state. The department of health (department) is considering amending the behavioral health agency regulations in chapter 246-341 WAC, including but not limited to WAC 246-341-0200 and 246-341-0901, as needed in order to implement 2SSB 5120 (chapter 433, Laws of 2023), an act concerning the establishment of 23-hour crisis relief centers in Washington state. The department may also amend these and other sections of chapter 246-341 WAC to address statutory changes as a result of the 2023 legislative session.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71.24.037; 2SSB 5120 (chapter 433, Laws of 2023).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Section 2 of 2SSB 5120 directs the department to adopt rules to develop standards for licensure or certification of 23-hour crisis relief centers, a new type of facility that will provide mental health and substance use crisis response to adults for no more than 23 hours and 59 minutes at a time. The rules must include standards for determining medical stability before an emergency medical services drop-off, the number of licensed or certified recliner chairs allowed in the facility, and specify physical environment standards for the construction review process. The department may also consider amendments to other behavioral health agency rules in chapter 246-341 WAC to align with statutory changes passed by the 2023 Washington state legislature, including 2SHB 1724 (chapter 425, Laws of 2023).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Health care authority (HCA); the department is required to consult with HCA on the development of these rules.

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 Dan Overton, P.O. Box 47843, Olympia, WA 98504-7843, phone 360-236-2953, fax 360-236-2321, TTY 711, email dan.overton@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](http://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, check the box that says "Behavioral Health Care Integration"; and (6) scroll to the bottom of the page and click "Submit."

June 9, 2023  
Todd Mountin, PMP  
Deputy Chief of Policy  
for Umair A. Shah, MD, MPH  
Secretary



**WSR 23-13-022**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed June 9, 2023, 12:29 p.m.]

Subject of Possible Rule Making: WAC 182-535-1088 Dental-related services—Covered—Periodontic services; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESSB 5187 conference budget, section 211(60); 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 increase the allowable number of periodontal treatments to up to four per 12-month period for apple health eligible clients, ages 21 and over, with a current diagnosis of diabetes. Effective January 1, 2024, periodontal maintenance is allowed once every three months when criteria is met. 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, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email [valerie.freudenstein@hca.wa.gov](mailto:valerie.freudenstein@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Pixie Needham, Program Questions, P.O. Box 45506, Olympia, WA 98504-5506, fax 360-586-9727, TRS 711, email [pixie.needham@hca.wa.gov](mailto:pixie.needham@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

June 9, 2023  
Wendy Barcus  
Rules Coordinator

**WSR 23-13-023**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed June 9, 2023, 2:01 p.m.]

Subject of Possible Rule Making: WAC 182-531A-0200 Applied behavior analysis (ABA)—Definitions, 182-531A-0400 Applied behavior analysis (ABA)—Client eligibility, 182-531A-0500 Applied behavior analysis (ABA)—Stage one: COE evaluation and order, 182-531A-0600 Applied behavior analysis (ABA)—Stage two: Functional assessment and treatment plan development, and 182-531A-0800 Applied behavior analysis (ABA)—Provider requirements; 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 these rules to: (1) Remove language referencing a Center of Excellence (COE) as a facility rather than an individual provider; for the purposes of this chapter, COE means an individual provider. (2) Update the COE definition in WAC 182-531A-0200. (3) Add physician assistants and naturopaths to the list of eligible providers who can diagnose autism spectrum disorder. (4) Add additional clarification and requirement that ARNPs, physicians, physician assistants, and naturopaths must complete the required COE training authorized by HCA. Additionally, physician assistants and naturopaths, in order to be recognized as a COE by HCA, must submit a signed COE attestation form, HCA 13-0009, to HCA. (5) Remove subsection (12)(b); the attestation form regarding ABA qualifications, HCA 13-0008, is not required by the certified behavior technician. (6) Clarify in WAC 182-531A-0800(6) that all COEs must be enrolled with HCA and all COEs providing services to clients enrolled with a managed care organization (MCO) must also be contracted with the MCO per the MCO contract specifications in accordance with 42 C.F.R. 438.14 to be reimbursed for fee-for-service or MCO services. (7) Add housekeeping changes such as updating the term "clinician" to "provider" for language consistency and the term "order or ordered" to "prescribed or prescription" to align with standard of language that ABA therapy is a prescription. 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](mailto:valerie.freudenstein@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Alyssa Jennings, Program Questions, P.O. Box 45502, Olympia, WA 98504-5502, phone 360-725-1194, fax 360-586-9727, TRS 711, email [Alyssa.jennings@hca.wa.gov](mailto:Alyssa.jennings@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

June 9, 2023  
Wendy Barcus  
Rules Coordinator

**WSR 23-13-024**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed June 9, 2023, 2:02 p.m.]

Subject of Possible Rule Making: WAC 182-535A-0040 Orthodontic treatment and orthodontic-related services—Covered, noncovered, and limitations to coverage; 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 make language less restrictive in subsection (5)(c) from covering a "case study when done in conjunction with limited or comprehensive orthodontic treatment only" to a "case study when done in conjunction with orthodontic treatment." 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](mailto:valerie.freudenstein@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Janice Tadeo, Program Questions, P.O. Box 45506, Olympia, WA 98504-5506, phone 360-725-1583, fax 360-586-9727, TRS 711, email [Janice.tadeo@hca.wa.gov](mailto:Janice.tadeo@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

June 9, 2023  
Wendy Barcus  
Rules Coordinator

**WSR 23-13-025**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed June 9, 2023, 3:49 p.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS) is planning to amend WAC 388-310-1600 WorkFirst—Sanctions, and other related rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned amendments will support implementation of 2SHB 1447 (chapter 418, Laws of 2023), which adds a good cause reason for failure to participate in WorkFirst program activities if a recipient is experiencing a hardship as defined by DSHS in rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DSHS will notify its WorkFirst partner agencies who assist with providing these services to WorkFirst families to ensure they are informed of this policy change and any impacts it may have on cross-agency processes.

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 Jake Deskins, P.O. Box 45440, Olympia, WA 98504-5440, phone 360-480-3411, email deskij@dshs.wa.gov.

June 9, 2023  
Katherine I. Vasquez  
Rules Coordinator

**WSR 23-13-026**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed June 9, 2023, 3:52 p.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS) is planning to amend WAC 388-447-0120 How does alcohol or drug dependence affect my eligibility for referral to the housing and essential needs (HEN) program?, 388-449-0220 How does alcohol or drug dependence affect my eligibility for the ABD cash and pregnant women assistance programs?, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.005, 74.04.050, 74.04.0052, 74.04.055, 74.04.057, 74.04.510, 74.04.655, 74.04.770, 74.08.025, 74.08.043, 74.08.090, 74.08.335, 74.08A.100, and 74.62.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Due to the passage of ESHB 1260 (chapter 289, Laws of 2023), planned amendments will expand good cause reasons for not participating in substance use disorder assessment or treatment as a condition of eligibility for the aged, blind, or disabled cash assistance, HEN Referral, and pregnant woman assistance programs, effective July 23, 2023.

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 Sarah Mintzer, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-764-0050, fax 360-725-4905, email Sarah.Mintzer@dshs.wa.gov.

June 9, 2023  
Katherine I. Vasquez  
Rules Coordinator

**WSR 23-13-032  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

[Filed June 12, 2023, 10:15 a.m.]

The aging and long-term care administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 23-10-037 on April 27, 2023, (WAC 388-71-0836 and 388-112A-0010) regarding the definition of mentorship. The withdrawal should be effective immediately upon filing.

Katherine I. Vasquez  
Rules Coordinator

**WSR 23-13-034  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

[Filed June 12, 2023, 11:40 a.m.]

This memo serves as notice that the department of health, pharmacy quality assurance commission (commission) is withdrawing the CR-101 for chapter 246-945 WAC, Prescription drug label accessibility standards, which was filed April 19, 2022, and published as WSR 22-09-065.

This CR-101 is being withdrawn because, following public feedback on proposed rule language, the commission determined that WAC 246-945-015 Minimum requirements for dispensing practitioners, needed to be included in the scope of rule making. Amending WAC 246-945-015 would provide clarity around questions as to which entities would be subject to the proposed rules. A new CR-101 to include amending WAC 246-945-015 alongside the other sections of rule already listed in WSR 22-09-065 is being filed.

Individuals seeking information on this rule may contact Joshua Munroe, rules and legislative consultant, at 360-502-5058 or PharmacyRules@doh.wa.gov.

Tami M. Thompson  
Regulatory Affairs Manager



## WSR 23-13-035

## PREPROPOSAL STATEMENT OF INQUIRY

## DEPARTMENT OF HEALTH

(Pharmacy Quality Assurance Commission)

[Filed June 12, 2023, 11:43 a.m.]

Subject of Possible Rule Making: Prescription drug label accessibility standards. The pharmacy quality assurance commission (commission) is considering amending WAC 246-945-015, 246-945-016, and 246-945-417 to establish prescription label accessibility standards, and is also considering new sections to chapter 246-945 WAC on the subject of prescription drug label accessibility.

This rule making is a continuation of discussions with interested parties and rule-making work done under WSR 22-09-065. The commission is withdrawing the original CR-101 and filing this new CR-101 to consider an amendment of WAC 246-945-015 to clarify that the minimum requirements established regarding accessibility standards for prescription information also apply to dispensing practitioners.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.64.005, 69.41.240.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On October 22, 2021, the commission approved a petition requesting pharmacies provide accessible medication label options for patients. Minimum requirements for outpatient prescription labeling are described in WAC 246-945-016, but do not reference accommodations for patients who are visually impaired, blind, or have other disabilities requiring additional prescription label options. Clear comprehension of prescription drug label information is a matter of public health and safety for all persons, regardless of ability, and opening chapter 246-945 WAC would help align state regulatory standards with patient needs.

The commission also received and approved a petition in January 2022 requesting that translations of prescription directions on prescription labels be made available in multiple languages for ambulatory (community based) patients. The petition included an additional request to amend WAC 246-945-417 in order to establish a deadline by which pharmacy outpatient dispensing systems must comply with a requirement to translate prescription medication directions. Improving prescription information comprehension for individuals for whom English is not their primary language is also a matter of public health.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Food and Drug Administration (FDA) Safety and Innovation Act of 2012 (FDASIA) expanded the FDA's authorities and strengthened the agency's ability to advance public health. Section 904 of the FDASIA established a working group to develop best practices regarding prescription drug label standards to better accommodate visually impaired or blind individuals. This led to a 2016 United States Government Accountability Office report recommending the provision of accessible prescription drug labels, including the use of large print, Braille, and audible labels. The commission does not require coordination with the federal agencies responsible for the implementation or enforcement of prescription drug label accessibility guidelines.

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 Joshua Munroe, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-502-5058, TTY 711, email PharmacyRules@doh.wa.gov.

Additional comments: Rule development takes place in open public meetings prior to a formal rule proposal and comment period. All rule-making notices are sent via GovDelivery. To receive notices, interested persons may sign up by going to <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. After signing up, please click open the box labeled "Health Systems Quality Assurance." Next, click open the box labeled "Health Professions," then check the boxes next to either "Pharmacy Commission Meeting and Agenda" and/or "Pharmacy Commission Newsletter."

June 12, 2023

Teri Ferreira, RPh, Chair  
Pharmacy Quality Assurance Commission

WSR 23-13-036

PREPROPOSAL STATEMENT OF INQUIRY  
BOARD OF ACCOUNTANCY

[Filed June 12, 2023, 12:22 p.m.]

Subject of Possible Rule Making: WAC 4-30-056 Form of organization and name.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.04.055.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The intent of this rule change is to establish licensee name use parameters.

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 Kirsten Donovan, Rules Coordinator, Washington State Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, phone 360-664-9191, fax 360-664-9190, TTY 1-800-833-6388, email [Kirsten.donovan@acb.wa.gov](mailto:Kirsten.donovan@acb.wa.gov), website <https://acb.wa.gov/>.

June 12, 2023  
Michael J. Paquette, CPA  
Executive Director

**WSR 23-13-042**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Support Administration)  
[Filed June 13, 2023, 9:12 a.m.]

Subject of Possible Rule Making: The department of social and health services (department) is considering amending WAC 388-101-3020 Compliance and adding a new section to chapter 388-101 WAC as necessary to make clear compliance and reporting requirements in the event of an outbreak of a communicable disease or suspected food poisoning, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030 and 71A.26.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule making is necessary to clarify compliance standards and reporting requirements in the event of an outbreak of suspected food poisoning or communicable disease.

Process for Developing New Rule: The department will use a collaborative rule-making process and notify stakeholders of the opportunity to participate in development, review, and comment on the amended draft rule prior to proposing the amendment for adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Debbie Hoeman, P.O. Box 45600, Olympia, WA 98504, phone 360-725-3210, email [debra.hoeman@dshs.wa.gov](mailto:debra.hoeman@dshs.wa.gov).

June 13, 2023  
Katherine I. Vasquez  
Rules Coordinator

WSR 23-13-043

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF TRANSPORTATION

[Filed June 13, 2023, 10:14 a.m.]

Subject of Possible Rule Making: Implementing minority, small, veteran, and women business enterprise compliance on state-funded contracts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 39.19 RCW; RCW 47.01.101 and 47.28.030(3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington state department of transportation (WSDOT) needs to adopt these rules to comply with the rules adopted by the office of minority and women business enterprises (OMWBE) under chapter 39.19 RCW. These rules are intended to ensure that minority, veteran, and women business enterprises can compete fairly for transportation-related projects. These rules apply to WSDOT's contracting process to reduce and discourage discrimination in WSDOT's contracting.

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

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 Jackie Bayne, 310 Maple Park Avenue S.E., Olympia, WA 98501, phone 360-705-7084, fax 360-705-6801, TTY 711, email BayneJ@wsdot.wa.gov, website [www.wsdot.wa.gov/business-wsdot/equal-opportunity-contracting](http://www.wsdot.wa.gov/business-wsdot/equal-opportunity-contracting) [[www.wsdot.wa.gov/business-wsdot/equal-opportunity-contracting](http://www.wsdot.wa.gov/business-wsdot/equal-opportunity-contracting)].

June 9, 2023

Sam Wilson, Director  
Business Support Services

**WSR 23-13-092**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF COMMERCE**  
[Filed June 20, 2023, 9:18 a.m.]

Subject of Possible Rule Making: Recommendations and requirements for housing, urban growth areas, and the rural element in chapter 365-196 WAC, Procedural criteria for adopting comprehensive plans and development regulations. The department of commerce (commerce) may create a new chapter to address recent housing legislation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 36.70A.190; and E2SHB 1110, section 14.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Updates are necessary to address new legislation on housing, urban growth areas, and rural planning. This includes changes in how local governments plan for affordable housing, increases in residential density, accessory dwelling units, tiny houses, design review, local project review, urban growth area swaps, and infill development in limited areas of more intensive rural development.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of ecology, housing and urban development, department of health, department of social and health services, department of veterans affairs, department of archaeology and historic preservation, Washington state department of transportation, office of financial management, and department of labor and industries. Due to the nature of the legislative changes, commerce does not anticipate significant coordination issues; however, commerce will use the interagency working group to coordinate with state agencies and contact individual agencies directly when appropriate.

Process for Developing New Rule: Commerce will utilize guidance developed to address new housing legislation and will solicit feedback from local governments throughout the rule-making process. The public is encouraged to provide comments and recommendations on draft rules posted on the commerce website at <https://www.commerce.wa.gov/about-us/rulemaking/> and distributed to our mailing list. Commerce may facilitate focus groups for additional discussion on particular topics with state agencies, local governments, and other stakeholders. Commerce will release a preliminary draft of proposed changes and will encourage feedback from tribes, local governments, and other stakeholders. Commerce will consider this feedback before releasing the draft with the proposed rule-making notice (CR-102). The public will have additional opportunities to comment on draft rules through written comments and/or 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 Anne Fritzel, 1011 Plum Street S.E., Olympia, WA 98504, phone 360-259-5216, email [anne.fritzel@commerce.wa.gov](mailto:anne.fritzel@commerce.wa.gov), website <https://www.commerce.wa.gov/about-us/rulemaking/>; or Mary Reinbold, 1011 Plum Street S.E., Olympia, WA 98504, phone 509-638-5449, email [mary.reinbold@commerce.wa.gov](mailto:mary.reinbold@commerce.wa.gov), website <https://www.commerce.wa.gov/about-us/rulemaking/>.

June 20, 2023  
Amanda Hathaway  
Rules Coordinator

**WSR 23-13-093**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed June 20, 2023, 9:19 a.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS) is planning to amend WAC 388-484-0005 There is a five-year (sixty-month) time limit for TANF, SFA, and GA-S cash assistance and 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 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.08A.010, and 74.08A.015.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned amendments will remove the 60-month time limit for child-only TANF and SFA households with an ineligible parent, per 2SHB 1447 (chapter 418, Laws of 2023).

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 Sarah Mintzer, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-764-0050, fax 360-725-4905, email Sarah.Mintzer@dshs.wa.gov.

June 20, 2023  
Katherine I. Vasquez  
Rules Coordinator

**WSR 23-13-095**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed June 20, 2023, 10:24 a.m.]

Subject of Possible Rule Making: 2024 Industrial insurance premium rates. Chapter 296-17 WAC, General reporting rules, audit and recordkeeping, rates and rating system for Washington workers' compensation insurance; and chapter 296-17B WAC, Retrospective rating for workers' compensation insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.16.035, 51.04.020(1), and 51.18.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of labor and industries (L&I) is required by law to establish and maintain a workers' compensation classification plan and to set premium rates that are: (1) The lowest necessary to maintain actuarial solvency of the accident and medical aid funds; and (2) designed to attempt to limit fluctuations in premium rates. The plan must be consistent with recognized principles of insurance. L&I is also required by law to offer retrospective rating plans to employers as a further incentive to encourage workplace safety and prevent employee injury.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state, local, or federal agency regulates this subject.

Process for Developing New Rule: Premium rates for each classification are developed in part from the past loss experience of employers subject to the classification, changes in benefit levels mandated by law or court decisions, medical inflation, economic and business trends, and financial markets. L&I works with the workers' compensation advisory committee (WCAC) and retrospective rating advisory committee (RAC) as changes are developed. The public can participate in these discussions by attending the WCAC or RAC meetings.

A schedule of the WCAC meetings is available at [www.lni.wa.gov/insurance/insurance-requirements/workers-compensation-advisory-committee#meeting-schedule](http://www.lni.wa.gov/insurance/insurance-requirements/workers-compensation-advisory-committee#meeting-schedule).

A schedule of the RAC meetings is available at [www.lni.wa.gov/insurance/rates-risk-classes/reducing-rates/retro-advisory-committee#schedule-of-meetings](http://www.lni.wa.gov/insurance/rates-risk-classes/reducing-rates/retro-advisory-committee#schedule-of-meetings).

Employers covered by L&I will receive notice of the proposed changes and public hearings.

L&I is planning to hold formal public hearings in October 2023 via Zoom.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jo Anne Attwood, L&I, Insurance Services, Employer Services, P.O. Box 44148, Olympia, WA 98504-4148, phone 360-902-4777, fax 360-902-4988, TTY 360-902-5797, email [JoAnne.Attwood@Lni.wa.gov](mailto:JoAnne.Attwood@Lni.wa.gov), website [www.lni.wa.gov/rulemaking-activity/?query=premium](http://www.lni.wa.gov/rulemaking-activity/?query=premium).

June 20, 2023  
Joel Sacks  
Director



**WSR 23-13-096**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed June 20, 2023, 10:25 a.m.]

Subject of Possible Rule Making: Independent medical examinations (IME)—Notification process—Accompanying person under chapter 296-23 WAC, Radiology, radiation therapy, nuclear medicine, pathology, hospital, chiropractic, physical therapy, drugless therapeutics and nursing—Drugless therapeutics, etc.; and chapter 296-15 WAC, Workers' compensation self-insurance rules and regulations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020, 51.04.030, and 51.36.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SHB 1068 from the 2023 legislative session allows a worker to audio and video record an independent medical examination (IME), and included [that] an observer may be present for all examinations with the worker. The updated statute, RCW 51.36.070, requires the department to create rules defining the notification process the worker must follow when they want to record an IME. One existing rule, WAC 296-23-362, states an observer may not attend a psychiatric examination. This rule needs to be updated as the amended statute includes [that] an observer may be present for all examinations.

A separate rule making was initiated on June 6, 2023, under WSR 23-12-072 to address the repeal of the requirement under WAC 296-23-367 that prohibits workers from videotaping or audiotaping an IME.

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 proposal is filed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Suzy Campbell, Department of Labor and Industries, Insurance Services, Legal Services, P.O. Box 44270, Olympia, WA 98504-4270, phone 360-902-5003, fax 360-902-5029, TTY 360-902-4252, email [suzanne.campbell@lni.wa.gov](mailto:suzanne.campbell@lni.wa.gov).

June 20, 2023  
Joel Sacks  
Director

**WSR 23-13-099**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**

[Filed June 20, 2023, 10:46 a.m.]

Subject of Possible Rule Making: Retirees returning to work.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 110, Laws of 2022, and chapters 99 and 410, Laws of 2023.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To make changes and clarifications as necessary and appropriate to implement bills including:

HB 1699 permitting individuals retired from the public employees' retirement system, the teachers' retirement system, and the school employees' retirement system additional opportunities to work for a school district.

SHB 1056 repealing some postretirement employment restrictions.

SSB 5538 postretirement employment in nursing positions for a state agency.

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 Bianca Stoner, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, phone 360-664-7291, TTY 711, email [drs.rules@drs.wa.gov](mailto:drs.rules@drs.wa.gov), website [www.drs.wa.gov/rules](http://www.drs.wa.gov/rules).

June 20, 2023  
Bianca Stoner  
Rules Coordinator

**WSR 23-13-104**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed June 20, 2023, 11:46 a.m.]

Subject of Possible Rule Making: WAC 182-550-2750 Hospital discharge planning services, 182-550-2900 Payment limits—Inpatient hospital services, 182-550-3800 Rebasing, 182-550-3830 Adjustments to inpatient rates, 182-550-4500 Payment method—Ratio of costs-to-charges (RCC), 182-550-4700 Payment—Non-SCA participating hospitals, 182-550-5425 Upper payment limit (UPL) payments for inpatient hospital services, 182-550-7200 OPPS—Billing requirements and payment method, 182-550-7550 OPPS payment enhancements, 182-550-8000 Hospital safety net assessment (HSNA) program—Purpose, and 182-550-8100 Assessment notices—Process and timelines; 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 these rules to update terminology, revise rates approved by the legislature, remove outdated information, and to make other general policy changes. During this review, HCA 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: 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 Melinda Froud, Rule-Making Questions, 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](mailto:melinda.froud@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Abby Cole, Program Questions, P.O. Box 45510, Olympia, WA 98504-5510, phone 360-725-1835, fax 360-586-9727, TRS 711, email [abby.cole@hca.wa.gov](mailto:abby.cole@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

June 20, 2023  
Wendy Barcus  
Rules Coordinator

**WSR 23-13-105**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed June 20, 2023, 11:48 a.m.]

Subject of Possible Rule Making: WAC 182-550-4400 Services—Exempt from DRG (diagnosis-related group) payment, 182-550-4550 Administrative day rate and swing bed day rate, 182-550-4800 Hospital payment methods—State-administered programs, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160; 2SSB 5103, 68th legislature, 2023 regular session.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is revising these rules to align with 2SSB 5103, 68th legislature, 2023 regular session. This legislation requires the agency to provide a hospital payment for apple health clients who meet the criteria for discharge from a hospital stay to one of several types of facilities but who cannot be discharged because placement is unavailable. This rule making will address the services to be included in the payment for the client's hospital stay, as well as the services to be billed by and paid to the hospital separately. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.

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, Rule-Making Questions, 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](mailto:melinda.froud@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Abby Cole, Program Questions, P.O. Box 45510, Olympia, WA 98504-5510, phone 360-725-1835, fax 360-586-9727, TRS 711, email [abby.cole@hca.wa.gov](mailto:abby.cole@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

June 20, 2023  
Wendy Barcus  
Rules Coordinator

**WSR 23-13-116**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF ECOLOGY**  
[Order 23-03—Filed June 21, 2023, 8:56 a.m.]

Subject of Possible Rule Making: The department of ecology (ecology) is developing new chapter 173-55 WAC, Accreditation of cannabis laboratories, to create a cannabis laboratory accreditation program.

This new rule will define the cannabis laboratory accreditation program's standards, scope, and fee structure. Our goal is to set accreditation standards for cannabis laboratories to build a robust and sustainable accreditation system. The fee structure will be designed to fund a cost-neutral accreditation program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.21A.736 Cannabis product testing—Fees—Rules and 69.50.348 Representative samples of cannabis, useable cannabis, or cannabis-infused products.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2019, RCW 43.21A.736 and 69.50.348 directed the transfer of accreditation authority for cannabis laboratories from the Washington state liquor and cannabis board (WSLCB) to ecology on July 1, 2024. We are working with WSLCB on this rule to facilitate the transfer. This will establish ecology's rules to implement a cannabis laboratory accreditation program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state department of agriculture, Washington state department of health, and WSLCB.

Process for Developing New Rule: Ecology will follow the standard process for the adoption of rules under the Administrative Procedure Act (chapter 34.05 RCW).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ryan Zboralski, Department of Ecology, Environmental Assessment Program, P.O. Box 47600, Olympia, WA 98504-7600, phone 360-764-9364, Washington relay service or TTY call 711 or 877-833-6341, email [eaprulemaking@ecy.wa.gov](mailto:eaprulemaking@ecy.wa.gov), website <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-55> or <https://ecology.wa.gov/WAC-173-55>. Join our cannabis laboratory accreditation email list at [https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic\\_id=WAECY\\_27](https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic_id=WAECY_27).

Additional comments: Interested parties can stay informed about the rule making and public involvement opportunities as described above. Ecology will extend an offer for government-to-government consultation with tribal governments during each phase of rule development.

June 21, 2023  
Annette Hoffmann  
Environmental Assessment Program Manager

**WSR 23-13-123  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
LIQUOR AND CANNABIS  
BOARD**

[Filed June 21, 2023, 10:09 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 23-04-027 on January 25, 2023, regarding the use of cloud storage by cannabis, tobacco, vapor, and liquor licensees for storing records that are required to be kept on-premises. The agency is issuing informal guidance instead of proceeding with rule making.

David Postman  
Chair

WSR 23-13-129  
PREPROPOSAL STATEMENT OF INQUIRY  
LIQUOR AND CANNABIS  
BOARD

[Filed June 21, 2023, 11:16 a.m.]

Subject of Possible Rule Making: Chapter 314-55 WAC; the Washington state liquor and cannabis board (board) is considering rule making to implement E2SSB 5367 (chapter 365, Laws of 2023) enacted during the 2023 legislative session concerning the regulation of products containing tetrahydrocannabinol (THC). As part of this rule making, the board is considering creating new, and amending or repealing existing rule throughout chapter 314-55 WAC as necessary to implement E2SSB 5367.

Statutes Authorizing the Agency to Adopt Rules on this Subject: E2SSB 5367 (chapter 365, Laws of 2023); RCW 69.50.342 and 69.50.345.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules may be needed to implement the following provisions of E2SSB 5367:

- Amending the definition of "cannabis," "cannabis products," and "THC concentration" in the Uniform Controlled Substances Act (UCSA);
- Adding new definitions of "package" and "unit" to the UCSA and amending other definitions;
- Modifying the permitted activities regarding the enhancement of cannabidiol concentration in certain cannabis products;
- Amending the product labeling requirements to reference cannabis product "package" instead of "container";
- Prohibiting any person from manufacturing, selling, or distributing cannabis products without a valid state-issued license;
- Prohibiting the production, processing, manufacturing, or sale of any synthetically derived, or completely synthetic cannabinoid, with limited exceptions; and
- Other relevant provisions as necessary to align the current rules within the scope of E2SSB 5367.

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 Cassidy West, Policy and Rules Coordinator, P.O. Box 43080, Olympia, WA 98504, phone 360-878-4235, fax 360-704-5027, email [rules@lcb.wa.gov](mailto:rules@lcb.wa.gov), website [lcb.wa.gov](http://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's website at [lcb.wa.gov](http://lcb.wa.gov).

June 21, 2023  
David Postman  
Chair