

WSR 22-07-034

PROPOSED RULES

EASTERN WASHINGTON UNIVERSITY

[Filed March 11, 2022, 2:28 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-02-037.

Title of Rule and Other Identifying Information: Chapter 172-64 WAC, alcohol policy.

Hearing Location(s): On April 28, 2022, at 2:00 p.m., at Eastern Washington University (EWU), Tawanka 215A, Cheney, WA 99004.

Date of Intended Adoption: May 20, 2022.

Submit Written Comments to: Annika Scharosch, EWU, 211 Tawanka Hall, Cheney, WA 99004, email ascharosch@ewu.edu, fax 509-359-6724, by April 29, 2022.

Assistance for Persons with Disabilities: Contact Annika Scharosch, phone 509-359-6724, fax 509-359-2874, email ascharosch@ewu.edu, by April 25, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This updates the rules regarding alcohol on campus to permit the possession, tasting, brewing, and other use of alcoholic beverages in academic courses that have a class 15 permit through the Washington state liquor and cannabis board.

Reasons Supporting Proposal: To support academic courses.

Statutory Authority for Adoption: RCW 28B.35.120(12).

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: EWU, governmental.

Name of Agency Personnel Responsible for Drafting: Annika Scharosch, 211 Tawanka Hall, 509-359-6724; Implementation and Enforcement: Dr. David May, 214 Showalter Hall, 509-359-6362.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Pursuant to RCW 34.05.328 [34.05.328] (5)(a)(i), this agency is not an agency mandated to comply with RCW 34.05.328. Further, the agency does not voluntarily make that section applicable to the adoption of this [these] rules pursuant to subsection (5)(a)(ii), and to date, the joint administrative rules review committee has not made the section applicable to the adoption of this rule [these rules].

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

March 11, 2022

Annika Scharosch

Associate Vice President for Civil Rights
Compliance and Enterprise Risk Management

OTS-3644.1

NEW SECTION

WAC 172-64-035 Alcohol use in academic courses. This section establishes rules for academic courses that include possessing, tasting, serving, brewing, or otherwise using alcoholic beverages as part of the course curriculum. All such courses must:

- (1) Comply with all rules under RCW 66.20.010(12) and any additional provisions required by the Washington state liquor and cannabis board;
- (2) Maintain a current class 15 permit for the course;
- (3) All instructors must be at least 21 years old and have a current class 12 or 13 alcohol server permit;
- (4) Publish course fee descriptions which clearly indicate when part of the course fee will be used to purchase alcoholic beverages and/or ingredients for producing alcoholic beverages for use in the course;
- (5) Purchase, store, and dispose of alcoholic beverages and/or ingredients for producing alcoholic beverages per university procedures set forth by risk management and purchasing; and
- (6) Allow only course instructors with a current class 15 permit to transport alcoholic beverages in support of an academic course.

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AMENDATORY SECTION (Amending WSR 21-07-005, filed 3/4/21, effective 4/4/21)

WAC 172-64-040 Alcohol use at on-campus events and events off-campus that are sponsored by the university. (1) **On university property.** This section establishes rules for possessing, consuming, selling, and/or serving alcoholic beverages on university-owned or operated property, regardless of whether an event is sponsored by the university and regardless of whether event sponsors are affiliated with the university. This section does not apply to academic courses that are authorized by and subject to WAC 172-64-035.

(a) Sponsor requirements. Sponsors of an event where alcohol is to be possessed, sold, served and/or consumed, must comply with the following requirements:

(i) Obtain written permission from the appropriate official(s) in advance of the event:

(A) Student clubs and organizations must obtain permission from the student activities office;

(B) For all other requests, sponsors must obtain permission from the vice president for business and finance or designee;

(ii) Contact event planning to request a banquet permit or a special occasion license per WAC 172-64-070;

(iii) Comply with all Washington state laws, chapter 172-64 WAC, all other university rules and policies; and any additional instructions provided to the event/activity sponsor as a condition of approval;

(iv) Ensure Washington state alcohol serving requirements are enforced:

(A) Event sponsors must ensure that all persons designated to serve alcohol are at least (~~twenty-one~~) 21 years old and have received alcohol server training;

(B) Event sponsors must ensure that servers check ID and do not serve alcohol to any person who is under (~~(twenty-one)~~) 21 years old or who appears intoxicated;

(v) Prohibit serving alcohol during normal, university business hours unless an exception has been granted as part of the request under (a) (i) of this subsection;

(vi) Prohibit persons from bringing alcoholic beverages into the event unless specifically authorized by the banquet permit or special occasion license;

(vii) Prohibit persons from taking alcoholic beverages outside of the approved alcohol use area, except for beer/wine in the original unopened container that is sold or auctioned for off-premises consumption as specifically authorized by a special occasion license;

(viii) Provide food or snacks and nonalcoholic beverages at the same place as alcoholic beverages and feature nonalcoholic beverages at least as prominently as alcoholic beverages;

(ix) Inform university police of the event and consult with the university police about appropriate security measures.

The university police shall determine appropriate security measures to be taken for on-campus events where alcohol is to be possessed, consumed, sold, and/or served. University police shall coordinate with the event's sponsor and appropriate university personnel to assist in compliance with state laws and university rules; and

(x) Gifts, awards, and rewards. Alcoholic beverages may not be provided as gifts or awards to any person as part of any event conducted under a special occasion license.

(2) **Publicity and advertising of events on campus and off campus.** The following rules apply to any events on university-owned or operated property as well as university-sponsored events off campus.

(a) Events conducted under a banquet permit are by invitation only and may not be advertised to the public.

(b) All announcements and advertisements concerning an event including, but not limited to, flyers, notices, posters, banners, tee-shirts and newspaper and radio announcements, must:

(i) Note the availability of nonalcoholic beverages at least as prominently as the availability of alcoholic beverages;

(ii) State that proper identification is required in order to be served or sold alcoholic beverages; and

(iii) Not make reference to the amount of alcoholic beverages available at the event.

(c) All announcements and advertisements, as well as any promotions of specific alcoholic beverage brands at the event:

(i) Must not make reference to any form of drinking contest.

Drinking contests and similar activities which encourage the rapid and/or excessive consumption of alcoholic beverages are prohibited;

(ii) Must not portray drinking as a solution to personal or academic problems or as necessary to social, sexual, or academic success; and

(iii) Must not encourage any form of alcohol abuse or place emphasis on quantity or frequency of consumption.

(3) **University-sponsored events off campus.**

(a) All university-sponsored events involving the consumption of alcohol must take place outside of normal university business hours unless permission is obtained in advance from the vice president for business and finance or designee.

(b) If a university sponsored event is hosted off campus at the site of a private vendor, individuals may purchase alcohol from the

private vendor. The private vendor is responsible for complying with all relevant state and local laws.

(c) If a university sponsored event is hosted off campus at an employee's private residence, university employees are prohibited from serving or providing alcohol to any university students.

[Statutory Authority: RCW 28B.35.120(12). WSR 21-07-005, § 172-64-040, filed 3/4/21, effective 4/4/21; WSR 15-14-077, § 172-64-040, filed 6/29/15, effective 7/30/15; WSR 14-24-037, § 172-64-040, filed 11/24/14, effective 12/25/14; WSR 03-18-070, § 172-64-040, filed 8/29/03, effective 9/29/03.]

AMENDATORY SECTION (Amending WSR 15-14-077, filed 6/29/15, effective 7/30/15)

WAC 172-64-050 Alcohol use during group trips. (1) This section applies to the possession and consumption of alcoholic beverages by university employees and/or students when participating in a university sponsored or supported group trip including, but not limited to, group attendance at conferences, conventions, seminars, training, field trips, etc., except that this section does not apply to academic courses that are authorized by and subject to WAC 172-64-035.

(2) Unless an exception has been granted per subsection (3) of this section, during supervised periods of a group trip (e.g., when work, instruction, or official business is being conducted) employees and students shall not possess or consume alcohol.

(3) Exceptions may be granted if the trip involves attending a function where the consumption of alcohol is a cultural or social expectation. Examples of such functions include, but are not limited to, receptions, cultural exchanges, and professional gatherings. Requests for exceptions must be made to the appropriate vice president. For approved requests, participants must:

(a) Comply with all applicable local laws; and

(b) Comply with all additional requirements and/or instructions provided as a condition of the approval.

(4) Notwithstanding any other rules or exceptions under this policy, university employees and students shall not:

(a) Consume alcohol during any period of time when they are responsible for the care and/or transportation of other group members;

(b) Transport alcoholic beverages in any vehicle, including personal and rental vehicles, used in support of a group trip.

[Statutory Authority: RCW 28B.35.120(12). WSR 15-14-077, § 172-64-050, filed 6/29/15, effective 7/30/15; WSR 14-24-037, § 172-64-050, filed 11/24/14, effective 12/25/14; WSR 03-18-070, § 172-64-050, filed 8/29/03, effective 9/29/03.]

AMENDATORY SECTION (Amending WSR 21-07-005, filed 3/4/21, effective 4/4/21)

WAC 172-64-070 Banquet permits and special occasion licenses. A banquet permit or a special occasion license must be obtained in order to permit alcoholic beverages to be possessed, sold, served, and/or

consumed on university owned or operated property and/or at university-sponsored events and activities. This section does not apply to academic courses that are authorized by and subject to WAC 172-64-035.

Banquet permits and special occasion licenses have specific rules concerning alcohol serving, sales (including raffles and gifts), event advertising, and related issues as contained in chapters 314-05 and 314-18 WAC.

Event organizers must contact EWU event planning to initiate the process for obtaining a banquet permit or special occasion license. Banquet permits and special occasion licenses are issued by the Washington state liquor and cannabis board.

[Statutory Authority: RCW 28B.35.120(12). WSR 21-07-005, § 172-64-070, filed 3/4/21, effective 4/4/21; WSR 14-24-037, § 172-64-070, filed 11/24/14, effective 12/25/14; WSR 03-18-070, § 172-64-070, filed 8/29/03, effective 9/29/03.]

AMENDATORY SECTION (Amending WSR 14-24-037, filed 11/24/14, effective 12/25/14)

WAC 172-64-090 Alcohol sales and delivery on university owned or operated property. Vendors may not sell and/or deliver alcohol on property owned or operated by the university except as is necessary to support a function that has obtained a banquet permit or a special occasion license, or for sales or deliveries to an on-campus entity or business holding a valid liquor license, or to an academic department holding a valid class 15 permit.

[Statutory Authority: RCW 28B.35.120(12). WSR 14-24-037, § 172-64-090, filed 11/24/14, effective 12/25/14; WSR 03-18-070, § 172-64-090, filed 8/29/03, effective 9/29/03.]