

WAC 314-35-020 Licensing requirements. (1) Vapor product license types are:

- (a) Vapor product retailer's license;
- (b) Vapor product distributor's license; and
- (c) Vapor product delivery sale license.

(2) All vapor product license types are required to perform the functions of the respective license type regardless of whether the vapor product contains nicotine.

(3) A vapor product manufacturer must hold a vapor product distributor license if the manufacturer is engaged in the business of selling vapor products in Washington state, and brings or causes to be brought into this state from outside the state any vapor products for sale consistent with RCW 70.345.010 (7) and (9).

(4) No vapor product license will be issued to a location that is a domicile or attached to a domicile, is not a fixed or stationary location, or both.

- (a) The board will not approve any vapor product license for a location where board access without notice or cause is limited.
- (b) The board may revoke any vapor product license that is issued to an attached structure or any other location inconsistent with this section.

(5) A person or entity must meet all qualifications described in this chapter and chapter 70.345 RCW to be issued a vapor product license, and must continue to meet those qualifications to maintain the license.

(6) One license of each vapor product license type may be issued at a single location.

(7) A licensed location must be separated from other vapor product businesses, and not accessible through neighboring businesses.

(8) For the purpose of initial or renewal application review for a vapor product license, the board may conduct an investigation of all licenses it has issued to an applicant including, but not limited to, administrative violation history. The board reserves its discretion to issue a vapor product license to a person or entity that has four or more violations within the two years prior to the date the application is received by the board.

(9) For the purpose of initial or renewal application review for a vapor product license, the board may consider the applicant's prior criminal conduct and criminal history record within the five years prior to the date the application is received by the board. The board uses the following point system to determine a person's qualification for a license:

- (a) Felony conviction within the five years immediately prior to application: Twelve points.
- (b) Gross misdemeanor conviction for violation of chapter 70.345, 82.24 or 82.26 RCW within the five years immediately prior to application: Twelve points.
- (c) Other gross misdemeanor conviction within three years immediately prior to application: Five points.
- (d) Misdemeanor conviction within three years immediately prior to application: Four points.
- (e) Nondisclosure of any of the above: Four points each in addition to underlying points.

(10) The board may, at its discretion, issue a vapor product license to a person or entity that has accumulated eight or more points as described in this subsection.

(11) If an applicant has a pending case for an alleged offense that totals eight or more points, the board will hold the application until the final disposition of the pending case. If the case does not reach final disposition within ninety days of application, the board may administratively close the application.

(12) The board may conduct a final inspection of the proposed licensed premises to determine if the applicant has met the requirements of the licensure requested.

[Statutory Authority: Chapter 70.345 RCW, RCW 82.24.250, 82.32.300, and 2019 c 15 and 2019 c 445). WSR 20-01-074, § 314-35-020, filed 12/11/19, effective 1/1/20. Statutory Authority: RCW 70.345.020 and 70.345.090. WSR 16-23-088, § 314-35-020, filed 11/16/16, effective 12/17/16.]