

# WASHINGTON STATE BOARD OF HEALTH

## Answers to Frequently Asked Questions & Glossary of Terms

### FAQs

#### 1. What is Rulemaking?

Rulemaking is the process we use to propose and adopt rules to protect the public health of Washington. State agencies must follow a law known as the [Administrative Procedure Act](#) (APA), when adopting rules. A state agency may only adopt rules, when the legislature gives it the authority to do so.

#### 2. What is statutory authority?

Statutory authority is when the Washington State Legislature gives a state agency permission to write and adopt a rule on a specific subject. Each time a rule is adopted and amended, the statutory authority or RCW is listed in a paragraph below a specific section of the rule. [Here is a list of the Board's statutory authorities and duties.](#)

#### 3. What is a WAC?

The Washington Administrative Code (WAC) are the administrative rules that state agencies develop to carry out the laws enacted by the Legislature. A rule is an order, directive, or regulation that agencies use to interpret or enforce state laws, a rule may: 1) subject a person to a penalty or sanction if that person violates a regulation, 2) set qualifications for granting privileges to people or entities, 3) set procedures or practices for agency hearings, 4) set project or material standards for goods before they can be sold or distributed in Washington. Like legislation and the Constitution, rules are a source of primary law in Washington. The WAC codifies the rules and arranges them by subject or agency. The [online version of the WAC](#) is updated twice a month.

#### 4. What is a RCW?

The Revised Code of Washington (RCW) is the compilation of all permanent laws in effect in Washington. These laws are passed by the Legislature, and signed by the Governor, or enacted via the initiative process. RCWs are arranged by topic, with amendments added and repealed laws removed. The official version of the [RCW](#) is published by the [Statute Law Committee](#) and the [Office of the Code Reviser](#). The online version of the RCW is updated twice a year.

#### 5. What is the Washington State Register?

The Washington State Register is a biweekly publication that includes notices of all proposed and expedited rules, and emergency and permanently adopted rules. It also includes notices for public meetings, requests for public input, and notices of rules review.

#### 6. What is the Difference between a rule's adoption date and effective date?

The adoption date is the date that the Board voted to adopt the rule. The Board may only vote to adopt a rule at a public meeting. The date of anticipated adoption is listed on the proposed rulemaking form (CR-102). The Board may adopt a rule on the same date that it holds a public hearing on the proposed rule. The effective date is the date that the rule goes into effect. It is determined when the order of adoption (CR-103) is filed with the Code Reviser. A permanent rule is effective 31 days after the CR-103 is filed with the Code Reviser, unless the Board sets a different date.

## 7. What is a Concise Explanatory Statement?

This document is completed after the formal comment period on a rule, prior to the Board filing the CR-103 order of adoption with the Code Reviser. The document:

- Identifies the agency's reasons for adopting the rule
- Describes differences between the text of the proposed rule as published in the register and the text of the rule as adopted, other than editing changes, stating the reasons for differences
- Summarizes all comments received regarding the proposed rule, and responds to the comments by category or subject matter, indicating how the final rule reflects agency consideration of the comments, or why it fails to do so.

## 8. What does filing mean?

Filing is the process of depositing a rulemaking form with the Washington State Code Reviser for publication. The Code Reviser's office stamps the document with the date, time and a Washington State Register number.

# Glossary of Terms

1. **Petition:** The process that a person may use to request an agency adopt, amend or repeal rules. See [RCW 34.05.330](#)
2. **CR-101 Preproposal Statement of Inquiry:** A form created by the Washington State Code Reviser that state agencies must use to initiate rulemaking. By filing this form with the Code Reviser, a state agency is providing notice that that it is considering rulemaking on a particular subject.
3. **CR-102 Notice of Proposed Rulemaking:** A form created by the Washington State Code Reviser that state agencies must use to notify interested parties that it is creating new rules or proposing changes to existing rules. This notification includes information about the rule proposal including proposed text, authority to adopt the rule and information about how to comment on the rule.
4. **CR-103 Rulemaking Order:** A form created by the Washington State Code Reviser that state agencies use to notify interested parties of action taken to adopt the rule. The CR-103 includes the adopted text and indicates when the changes will go into effect.