

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2334 2S HB	<b>Title:</b> Cannabinoid additives	<b>Agency:</b> 195-Liquor and Cannabis Board
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## Part I: Estimates

No Fiscal Impact

### Estimated Cash Receipts to:

ACCOUNT	FY 2018	FY 2019	2017-19	2019-21	2021-23
Dedicated Marijuana Account-State 315-1		238,707	238,707	477,414	477,414
<b>Total \$</b>		238,707	238,707	477,414	477,414

### Estimated Expenditures from:

	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE Staff Years	0.0	1.0	0.5	1.0	1.0
<b>Account</b>					
Dedicated Marijuana Account-State 315-1	0	174,812	174,812	238,754	238,754
<b>Total \$</b>	0	174,812	174,812	238,754	238,754

### Estimated Capital Budget Impact:

NONE

This bill was identified as a proposal governed by the requirements of RCW 43.135.031 (Initiative 960). A fiscal analysis was prepared to show the projected ten-year cost to tax or fee payers of the proposed taxes or fees. The ten-year projection can be viewed at

<http://www.ofm.wa.gov/tax/default.asp>

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Linda Merelle	Phone: 360-786-7092	Date: 02/08/2018
Agency Preparation: Colin O'Neill	Phone: (360) 664-1675	Date: 02/09/2018
Agency Approval: Aaron Hanson	Phone: 360-664-1701	Date: 02/09/2018
OFM Review: Ramona Nabors	Phone: (360) 902-0547	Date: 02/19/2018

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.*

Section 1 would allow licensed marijuana producers and processors to use a CBD product as an additive for the purposes of enhancing the cannabidiol concentration of any product authorized for production, processing, and sale by a marijuana licensee. CBD products must be produced by or purchased from a licensed marijuana producer or processor. Licensed marijuana producers and processors may purchase a CBD product from a source not licensed as a marijuana producer or processor, provided the CBD product has a THC level of 0.3% or less, and meets testing standards.

Section 1(3) states that the LCB may enact rules to implement the requirements of this section.

Section 2(vv) defines "CBD product" as any product containing or consisting of cannabidiol.

#### NEW TO THIS VERSION OF THE BILL:

Section 3 - raises the license fee for marijuana producer, processor, and retailer licenses from \$1,300/year to \$1,381

Section 4 - the effective date of the bill (and license fee increase) is July 1, 2018.

### II. B - Cash receipts Impact

*Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.*

Section 3 raises the license fee for marijuana producer, processor, and retailer licenses from \$1,300/year to \$1,381, effective July 1, 2018.

There are currently 2,947 marijuana producers, processors, and retailers. Assuming the same number of licensees in future years, the annual cash receipt impact is \$238,707 (2,947 x \$81).

### II. C - Expenditures

*Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.*

#### ENFORCEMENT:

The LCB Enforcement Division utilizes a methodology called "Field Increments" (also known as "FI") when determining the workload impact of an enforcement activity. Enforcement officers spend portions of their time driving, training, being in the office, and taking leave. Time spent in these activities is time that an officer is unavailable for field work directly engaging in activities such as premise checks, inspections, and investigations. Field increments are the amount of time that it takes to do an activity in the field. Each FI is 1/10th of an hour (6 minutes). For example, if a tavern premise check takes 2 FI's and two officers, it is anticipated that one check will consume 4 FI's (24 minutes of field work time - 2 FI's x 2 officers x 6 minutes). Using historical data, the Enforcement Division has determined that an officer is available for 4,220 FI's each year.

Regulating CBD products will be new work for the Enforcement Division. The workload impact will require an

additional LCB Enforcement Officer 2 (LEO2). Ongoing costs of \$116,777 per year (\$100,227 in salaries/benefits, \$16,550 in associated costs). One-time costs in FY19 of \$27,695 for training and set-up. Please see the attached "2334 2SHB Cannabinoid additives Field Increment calculator" for a breakdown of the workload impact.

The Enforcement Division anticipates performing 13 marijuana audits per year, each of which will require a lab test of CBD products to determine compliance. The current contract with the Department of Agriculture sets the cost at \$200/test, so testing costs will be \$2,600 per year.

**INFORMATION TECHNOLOGY:**

There will be costs to modify the agency's licensing system (iSeries - estimated at 44 hrs @\$150/hr = \$6,600 in contracted costs) and traceability system (Leaf - estimated at 85 hrs @\$150/hr = \$12,750 in contracted costs). There will also be one-time divisional staff cost of \$8,390.

**LICENSING:**

This version of the bill adds a nonrefundable \$81 fee on all marijuana producer, processor, and retailer applications and renewals. There will be some minimal impact to the Licensing Division to change forms and communicate to licensees.

**Part III: Expenditure Detail**

**III. A - Expenditures by Object Or Purpose**

	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE Staff Years		1.0	0.5	1.0	1.0
A-Salaries and Wages		76,527	76,527	140,640	140,640
B-Employee Benefits		32,015	32,015	59,814	59,814
C-Professional Service Contracts		19,350	19,350		
E-Goods and Other Services		20,860	20,860	15,740	15,740
G-Travel		15,160	15,160	22,320	22,320
J-Capital Outlays		10,900	10,900	240	240
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total:</b>	\$0	\$174,812	\$174,812	\$238,754	\$238,754

**III. B - Detail:** List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA

Job Classification	Salary	FY 2018	FY 2019	2017-19	2019-21	2021-23
LCB Enforcement Officer 2	70,320		1.0	0.5	1.0	1.0
<b>Total FTE's</b>	70,320		1.0	0.5	1.0	1.0

**III. C - Expenditures By Program (optional)**

Program	FY 2018	FY 2019	2017-19	2019-21	2021-23
Enforcement Division (060)		147,072	147,072	238,754	238,754
Information Technology Division (070)		27,740	27,740		
<b>Total \$</b>		174,812	174,812	238,754	238,754

## **Part IV: Capital Budget Impact**

## **Part V: New Rule Making Required**

*Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.*

Section 1(3) states that the LCB may enact rules to implement the requirements related to using CBD products as additives.

**2334 2SHB "Cannabinoid additives"- Enforcement Field Increment (FI) Calculator**

CBD				
<u>1,220 Processors</u>	Number of events	Time Factor	Staffing Factor	FI Total
Complaint Investigations Marijuana	37	20	1.3	962
Marijuana Audits	13	60	2.5	1950
Non RVP Member Support and Education	61	7	1	427
				0
				0
				0
				0
				0
<b>Total FI's</b>				<b>3,339</b>
<b>Total Field Increments per FTE</b>				4,220
<b>FTE's required</b>				0.79
<b>Round</b>				<b>1.0 FTE</b>

Notes	Frequency
<u>1,220 Processors</u>	
Complaint Investigations Marijuana	3%
Marijuana Audits (% of Complaint Investigations)	35%
Non RVP Member Support and Education	5%