

Multiple Agency Fiscal Note Summary

Bill Number: 1499 HB	Title: Sub. use disorder/health
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Estimated Cash Receipts

Agency Name	2021-23			2023-25			2025-27		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Washington State Patrol	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Total \$	0	0	0	0	0	0	0	0	0

Agency Name	2021-23		2023-25		2025-27	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts	Fiscal note not available					
Loc School dist-SPI						
Local Gov. Other	Fiscal note not available					
Local Gov. Total						

Estimated Operating Expenditures

Agency Name	2021-23				2023-25				2025-27			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	Fiscal note not available											
Caseload Forecast Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Health Care Authority	Fiscal note not available											
Washington State Patrol	7.0	1,666,935	1,666,935	1,710,259	7.0	1,591,100	1,591,100	1,634,424	7.0	1,591,100	1,591,100	1,634,424
Washington State Patrol	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Criminal Justice Training Commission	.0	63,000	63,000	63,000	.0	0	0	0	.0	0	0	0
Department of Health	.1	0	0	29,000	.0	0	0	2,000	.0	0	0	2,000
Department of Corrections	Fiscal note not available											
Total \$	7.1	1,729,935	1,729,935	1,802,259	7.0	1,591,100	1,591,100	1,636,424	7.0	1,591,100	1,591,100	1,636,424

Agency Name	2021-23			2023-25			2025-27		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Fiscal note not available								
Loc School dist-SPI									
Local Gov. Other	Fiscal note not available								
Local Gov. Total									

Estimated Capital Budget Expenditures

Agency Name	2021-23			2023-25			2025-27		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	Fiscal note not available								
Caseload Forecast Council	.0	0	0	.0	0	0	.0	0	0
Washington State Health Care Authority	Fiscal note not available								
Washington State Patrol	.0	0	0	.0	0	0	.0	0	0
Criminal Justice Training Commission	.0	0	0	.0	0	0	.0	0	0
Department of Health	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	Fiscal note not available								
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	2021-23			2023-25			2025-27		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Fiscal note not available								
Loc School dist-SPI									
Local Gov. Other	Fiscal note not available								
Local Gov. Total									

Estimated Capital Budget Breakout

Prepared by: Cynthia Hollimon, OFM	Phone: (360) 810-1979	Date Published: Preliminary 2/11/2021
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Individual State Agency Fiscal Note

Bill Number: 1499 HB	Title: Sub. use disorder/health	Agency: 101-Caseload Forecast Council
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

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: Omeara Harrington	Phone: 360-786-7136	Date: 02/04/2021
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 02/09/2021
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 02/09/2021
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/10/2021

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.

See attached.

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.

None.

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.

See attached.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

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

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods

NONE

IV. D - Capital FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part IVB*

NONE

Part V: New Rule Making Required

HB 1499

PROVIDING BEHAVIORAL HEALTH SYSTEM RESPONSES TO INDIVIDUALS WITH SUBSTANCE USE DISORDER

**101 – Caseload Forecast Council
February 8, 2021**

SUMMARY

A brief description of what the measure does that has fiscal impact.

- Section 1 Intent section.
- Section 2 Adds a new section to chapter 41.05 RCW that requires the Washington State Health Care Authority (Authority) to establish a substance use recovery services plan to implement measures to assist persons with substance use disorder.
- Section 2 Additionally establishes what the plan must consider and include. Additionally, requires the Authority to submit the plan to the Governor and Legislature by December 1, 2021; to adopt rules and enter into contracts with providers to implement the plan by December 1, 2022; and to submit implementation reports by December 1st of each year.
- Section 3 Adds a new section to chapter 41.05 RCW that requires the Authority to establish the Substance Use Recovery Services Advisory Committee. States the Advisory Committee must convene as necessary to accomplish requirements of the bill. Section expires December 31, 2026.
- Section 4 Adds a new section to chapter 41.05 RCW that establishes the funding mechanism for the Statewide Substance Use Recovery Services plan.
- Section 5 Adds a new section to chapter 71.24 RCW that requires the Director of the Authority, in consultation with the Department of Health and the Pharmacy Quality Assurance Commission, to adopt rules establishing maximum personal use amounts of certain controlled substances, counterfeit substances, and legend drugs. Additionally, requires the Director to convene and consult a work group by September 1, 2022.
- Section 5 Additionally establishes “Personal Use Amount” as the same definition for the term in RCW 69.50.101.
- Section 6 Amends RCW 69.50.101 by establishing a definition for “Personal Use Amount”.
- Section 7 Amends RCW 69.50.4011 by amending the offenses of Create, Deliver, or Possess a Counterfeit Controlled Substance (Class B or C depending upon the substance) to exclude possession of a counterfeit controlled substance in which the substance possessed was not in excess of the applicable personal use amount.
- Section 8 Amends RCW 69.50.4013 by amending the Class C offense of Unlawful Possession of a Controlled Substance to be limited to offenses in which the substance possessed was in excess of the applicable personal use amount.
- Section 9 Amends RCW 69.50.4014 by amending the misdemeanor offense Unlawful Possession of 40 grams or less of Marijuana to be limited to offenses in which the amount possessed was in excess of the applicable personal use amount (except as provided in 69.50.401(2)(c)).

- Section 10 Amends RCW 69.50.412 by amending the misdemeanor offense of Unlawful Use of Drug Paraphernalia to be limited to offenses in which the use involved controlled substances other than marijuana in excess of the applicable personal use amount.
- Section 11 Amends RCW 69.41.030 by amending the Class B offense of Sale, Delivery, or Possession with Intent to Sell Legend Drugs without a Prescription to exclude possession of legend drugs in which the legend drug possessed was not in excess of the applicable personal use amount.
- Section 12 Amends RCW 10.31.110 by amending requirements for arresting officers when there is reasonable cause to believe the individual committing acts constituting a crime is known by history or consultation to suffer from a mental disorder, including substance use disorder.
- Section 13 Adds a new section to chapter 43.101 RCW requiring all law enforcement personnel required to complete basic law enforcement training under RCW 43.101.200 to receive training on law enforcement interaction with persons with substance use disorders as part of the basic law enforcement training (as of July 1, 2022).
- Section 14 Adds a new section to chapter 9.94A RCW allowing any person convicted before December 1, 2022, of Possession of a Controlled Substance or Counterfeit Substance to apply to the sentencing court for a vacation of the applicant's record of conviction for the offense, regardless of whether the person completed any applicable sentencing conditions or received a certificate of discharge under RCW 9.94A.637.
- Section 15 Amends RCW 9.94A.640 by adding an exemption for Section 14.
- Section 16 Adds a new section to chapter 9.96 RCW, Restoration of Civil Rights, by stating any person convicted of possession of a controlled substance, counterfeit substance, or legend drug, or use of paraphernalia, before December 1, 2022, may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense, regardless of whether the person completed any applicable sentencing condition.
- Section 17 Amends RCW 9.96.060, Vacating Records of Conviction for Misdemeanors and Gross Misdemeanor Offenses, by including Section 13 as an exception for disallowing records of conviction for a misdemeanor or gross misdemeanor to be vacated.
- Section 18 Amends RCW 69.50.608, State Preemption, by including a reference to personal use amounts as provided under Section 5 of the act.
- Section 19 Establishes a null and void clause.
- Section 20 Sets effective dates for Sections 6-12 and 14-18 as December 1, 2022.

EXPENDITURES

Assumptions.

None.

Impact on the Caseload Forecast Council.

None.

Impacts on beds and supervision.

This bill:

- Removes criminal penalties associated with certain violations of chapter 69.50 and 69.41 RCW resulting from personal use amounts.

The Caseload Forecast Council (CFC) has no information concerning how many sentences for the felony offenses amended by the bill will be considered as personal use amounts under the provisions of the bill and not qualify for criminal sentencing. However, as felony offenses ranging from unranked to ranked at Seriousness Level II on the Drug Grid for adult convictions; and as Category E and C for juvenile adjudications, reductions in sentences for these offenses would result in reduced need for Juvenile Rehabilitation beds, local juvenile facility beds, jail beds, prison beds, and community custody. For misdemeanor or gross misdemeanor offenses, any violations determined to be of personal amount use would likely impact jail beds as currently such offenses are punishable by a term of jail confinement of 0-90, and 0-364, respectively.

In addition, the provisions in this bill are both prospective and retrospective in nature. The Caseload Forecast Council is equipped to supply only prospective analyses and, as such, defers to the Department of Corrections for the retrospective provisions of the bill. Section 14 of the bill allows any person convicted of possession of a controlled or counterfeit substance of personal use amounts to apply to the sentencing court for vacation of the offense, regardless of whether the person completed any applicable sentencing conditions.

The provisions of the bill that allow convictions of Possession of a Controlled or Counterfeit Substance to be vacated may result in lower criminal history scores if the person has a subsequent felony offense. This may result in a reduced need for Juvenile Rehabilitation beds, local juvenile facility beds, jail beds, and prison beds.

Individual State Agency Fiscal Note

Bill Number: 1499 HB	Title: Sub. use disorder/health	Agency: 225-Washington State Patrol
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Estimated Operating Expenditures from:

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	7.0	7.0	7.0	7.0	7.0
Account					
General Fund-State 001-1	871,385	795,550	1,666,935	1,591,100	1,591,100
State Patrol Highway Account-State 081-1	21,662	21,662	43,324	43,324	43,324
Total \$	893,047	817,212	1,710,259	1,634,424	1,634,424

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

Estimated Capital Budget Impact:

NONE

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: Omeara Harrington	Phone: 360-786-7136	Date: 02/04/2021
Agency Preparation: Mario Buono	Phone: (360) 596-4072	Date: 02/11/2021
Agency Approval: Walter Hamilton	Phone: 360-596-4046	Date: 02/11/2021
OFM Review: Jenna Forty	Phone: (564) 999-1671	Date: 02/11/2021

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.

There will be a significant fiscal impact to the Washington State Patrol (WSP) as a result of this legislation.

Part 3 of this legislation eliminates criminal penalties for possession of personal use amounts of controlled substances, counterfeit substances, and legend drugs.

Section 13 - Beginning July 1, 2022 all law enforcement personnel required to complete basic law enforcement training must receive training on law enforcement interaction with persons with substance use disorders, including referral to treatment and recovery services, as part of the basic law enforcement training. In addition to incorporation into the basic law enforcement training, training must also be made available through electronic means for law enforcement agencies to use at their convenience and determined by internal training needs.

Section 14 - RCW 9.94A(1) states "Notwithstanding RCW 9.94A.640 or any other provision of this chapter, any person convicted of possession of a controlled substance or counterfeit substance before December 1, 2022, may apply to the sentencing court for vacation of the applicant's record of conviction for the offense, regardless of whether the person completed any applicable sentencing conditions or received a certificate of discharge under RCW 9.94A.637. This subsection applies to offenses under RCW 69.50.401, 69.50.4011, 69.50.4013, and their predecessor statutes."

Section 15 - RCW 9.94A.640 provides an exception to the restrictions against vacating a record listed in RCW 9.94A.640(2)(b) pursuant to section 14 of this act.

Section 16 - RCW 9.96 adds a section that states "Notwithstanding RCW 9.96.060 or any other provision of this chapter, any person convicted of possession of a controlled substance, counterfeit substance, or legend drug, or use of paraphernalia, before December 1, 2022, may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense, regardless of whether the person completed any applicable sentencing conditions. This subsection applies to offenses under RCW 69.50.4011, 69.50.4013, 69.50.4014, 69.50.412(1), 69.41.030, and their predecessor statutes, including but not limited to RCW 69.50.401, and any offense under an equivalent municipal ordinance."

Section 17 - RCW 9.96.060 is amended to allow convictions under section 16 to be vacated.

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.

There could be an indeterminate impact to the cash receipts of the WSP. It is possible that the elimination of criminal penalties for possession of personal use amounts of controlled substances could negatively impact federal funding options for drug tasks forces. At this time, it is unknown what this impact might be.

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.

There are currently 498,209 drug conviction charges in WASIS that would qualify to be vacated under this bill. We anticipate there would be great interest by individuals convicted of these offenses to have their convictions vacated. For the purposes of this fiscal note estimate, we assume 10% of the qualifying charges (or roughly 49,821 drug conviction charges) will be vacated per year for the next 10 years. This results in an additional workload impact of 8.6 FTEs for ten years to vacate all qualifying drug convictions.

Due to the elimination of criminal penalties for possession of personal use amounts of controlled substances, we estimate we will no longer receive around 5,515 drug related arrests per year. This results in a reduced workload impact of 1.6 FTEs per year.

The combined result of vacating drug convictions and receiving less drug related arrests is a net workload impact of 7.0 FTEs.

We also assume roughly six additional hours of training will need to be provided to each cadet class to meet the requirements in Section 13. We estimate this cost at around \$17,000 per year.

It is possible that changes in possession laws may indirectly result in an increase in instances of impaired driving violations. This may result in an increased workload for traffic enforcement troopers, the Impaired Driving Section, and the State Toxicology Laboratory. However, we are unable to estimate the potential impact at this time.

We base estimated salary expenditures on current levels for the positions requested per published salary schedules, plus any applicable incentive or assignment pay. We compute estimated benefits expenditures based on federal or state mandated rates plus state provided amounts for health insurance and workers' compensation insurance. We assume that any increases in these rates or amounts will be covered by legislation establishing the increase. We compute estimated support expenditures such as supplies and materials, communications, computer costs (hardware and software), vehicle and vehicle operating costs, among others, using average costs to support agency FTEs. We adjust the estimated support costs to reflect the needs of individual divisions or positions within the WSP. We base our estimate for agency indirect costs on the approved federal indirect cost rate of 29.31 percent. We apply this indirect cost rate percentage to all categories of expenditure with only two exceptions: capital equipment and expenditures after \$25,000 of each projected contract. Indirect costs include, but are not limited to, computer and telecommunications support, payroll processing, vendor payments, general accounting, procurement administration, inventory control, and human resource management.

The funding allocation for this estimate is based on the results of the Joint Legislative Audit and Review Committee cost allocation model approved by both the Transportation and the Omnibus Budget Committees in the 2020 Supplemental Budget. The model analyzes costs and relevant activities (hours, transactions, type of enforcement, etc.) of WSP organizations funded by two or more sources to ensure a consistent and fair use of state resources.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2022	FY 2023	2021-23	2023-25	2025-27
001-1	General Fund	State	871,385	795,550	1,666,935	1,591,100	1,591,100
081-1	State Patrol Highway Account	State	21,662	21,662	43,324	43,324	43,324
Total \$			893,047	817,212	1,710,259	1,634,424	1,634,424

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

III. B - Expenditures by Object Or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	7.0	7.0	7.0	7.0	7.0
A-Salaries and Wages	402,451	402,451	804,902	804,902	804,902
B-Employee Benefits	170,676	170,676	341,352	341,352	341,352
C-Professional Service Contracts					
E-Goods and Other Services	46,564	38,669	85,233	77,338	77,338
G-Travel	8,400	8,400	16,800	16,800	16,800
J-Capital Outlays	78,400	12,775	91,175	25,550	25,550
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-Indirect Costs	186,556	184,241	370,797	368,482	368,482
Total \$	893,047	817,212	1,710,259	1,634,424	1,634,424

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

III. C - Operating FTE 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 2022	FY 2023	2021-23	2023-25	2025-27
Correctional Records Supervisor	65,928	1.0	1.0	1.0	1.0	1.0
Correctional Records Technician	54,108	6.0	6.0	6.0	6.0	6.0
Total FTEs		7.0	7.0	7.0	7.0	7.0

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods

NONE

IV. D - Capital FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part IVB*

NONE

Part V: New Rule Making Required

Individual State Agency Fiscal Note

Bill Number: 1499 HB	Title: Sub. use disorder/health	Agency: 227-Criminal Justice Training Commission
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2022	FY 2023	2021-23	2023-25	2025-27
Account					
General Fund-State 001-1	63,000	0	63,000	0	0
Total \$	63,000	0	63,000	0	0

Estimated Capital Budget Impact:

NONE

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: Omeara Harrington	Phone: 360-786-7136	Date: 02/04/2021
Agency Preparation: Brian Elliott	Phone: 206-835-7337	Date: 02/11/2021
Agency Approval: Brian Elliott	Phone: 206-835-7337	Date: 02/11/2021
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/11/2021

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 3(2) identifies the Criminal Justice Training Commission as having a representative on the substance use recovery services advisory committee.

Section 13(1) states beginning July 1, 2022, all law enforcement personnel required to complete basic law enforcement training under RCW 43.101.200 must receive training on law enforcement interaction with persons with substance use disorders, including referral to treatment and recovery services, as part of the basic law enforcement academy.

Section 13(2) identifies topics core instruction must include.

Section 13(3) states the training must be made available to law enforcement agencies, through electronic means, for use at their convenience and determined by internal training needs and resources of each agency.

The Criminal Justice Training Commission will need to develop curriculum and integrate the required training into the Basic Law Enforcement Academy curriculum. In addition, an online course will need to be created and made available to all law enforcement officers from throughout the state.

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.

This bill has no cash receipt impact.

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.

The Criminal Justice Training Commission estimates the cost to create and integrate the required training into the Basic Law Enforcement Academy and create an online course to be made available to all law enforcement officers from throughout the state is \$50,000.

Administrative overhead at 25% for IT, HR, fiscal, and administrative support is \$12,500.

It is assumed the curricula will be developed in FY 2022 in order to meet the 7/1/2022 deadline.

FY 2022 total rounded to nearest thousand is \$63,000.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2022	FY 2023	2021-23	2023-25	2025-27
001-1	General Fund	State	63,000	0	63,000	0	0
Total \$			63,000	0	63,000	0	0

III. B - Expenditures by Object Or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts					
E-Goods and Other Services	50,000		50,000		
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-9 Administrative overhead	13,000		13,000		
Total \$	63,000	0	63,000	0	0

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

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods

NONE

IV. D - Capital FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part IVB*

NONE

This bill has no capital budget impact.

Part V: New Rule Making Required

Individual State Agency Fiscal Note

Bill Number: 1499 HB	Title: Sub. use disorder/health	Agency: 303-Department of Health
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	0.2	0.0	0.1	0.0	0.0
Account					
Health Professions Account-State 02G-1	26,000	3,000	29,000	2,000	2,000
Total \$	26,000	3,000	29,000	2,000	2,000

Estimated Capital Budget Impact:

NONE

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.

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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 5: Adds a new section to chapter 71.24 RCW (Community behavioral health services act) requiring the Health Care Authority (HCA), in consultation with the Department of Health (department) and the Pharmacy Quality Assurance Commission (commission), to adopt rules by September 1, 2022 establishing maximum personal use amounts of controlled substances, counterfeit substances, and legend drugs known to be used by people for recreational or nonmedical and nonprescribed purposes. When the committee learns of substances for which a maximum personal use amount has not been established, HCA must adopt a maximum personal use amount for that substance within one year. When adopting the rules under this section, HCA must convene and consult with a work group, to include experts relevant to setting threshold amounts of controlled substances.

Section 7: RCW 69.50.4011 (Prohibited acts: A—Penalties.) is amended to exclude possession of personal use amounts of a counterfeit substance as a criminal offense.

Section 8: RCW 69.50.4013 (Possession of controlled substance—Penalty—Possession of useable marijuana, marijuana concentrates, or marijuana-infused products—Delivery.) is amended to decriminalize possession of personal use amounts of a controlled substance.

Section 9: RCW 69.50.4014 (Possession of forty grams or less of marijuana—Penalty.) is amended to exclude possession of a personal use amount of marijuana as a misdemeanor criminal offense.

Section 10: RCW 69.50.412 (Prohibited acts: E—Penalties.) is amended to decriminalize possession of drug paraphernalia used with a personal use amount of a controlled substance.

Section 11: RCW 69.41.030 (Sale, delivery, or possession of legend drug without prescription or order prohibited—Exceptions—Penalty.) is amended to decriminalize possession of a personal use amount of a legend drug.

Section 14: A new section is added to chapter 9.94A RCW (Sentencing reform act of 1981) providing that any person convicted of possession of a controlled substance or counterfeit substance before December 1, 2022 may apply to the sentencing court for a vacation of the conviction. For all purposes, including responding to questions on employment applications, a person whose conviction has been vacated may state that the person has never been convicted of that crime, and a conviction vacated under this section may not be disseminated or disclosed by the state patrol or local law enforcement agency to any person, except other criminal justice enforcement agencies.

Section 16: A new section is added to chapter 9.96 RCW (Restoration of civil rights) providing that any person convicted of possession of a controlled substance, counterfeit substance, or legend drug, or use of paraphernalia, before December 1, 2022, may apply to the sentencing court for a vacation of the conviction. For all purposes, including responding to questions on employment applications, a person whose conviction has been vacated may state that the person has never been convicted of that crime, and a conviction vacated under this section may not be disseminated or disclosed by the state patrol or local law enforcement agency to any person, except other criminal justice enforcement agencies.

Section 20: Establishes an effective date of December 1, 2022 for sections 6 through 12 and 14 through 18.

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.

Current law RCW 43.70.250 (License fees for professions, occupations, and businesses.) requires the department to charge a fee to generate sufficient revenue to fully support the costs of administering its pharmacy licensing activities. The Department of Health (department) does not anticipate the need to increase licensing fees to support the changes proposed in this bill. The department will monitor the program fund balance and adjust fees over a six (6) year period to ensure that fees are sufficient to cover all program expenditures.

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.

Consult HCA

Section 5: The department and commission will provide consultation to HCA in the adoption of rules establishing maximum personal use amounts of controlled substances, counterfeit substances, and legend drugs known to be used by people for recreational or nonmedical and nonprescribed purposes. The department assumes this consultation will require six meetings with one commission member participating, along with staff support.

Ongoing, HCA must adopt a maximum personal use amount for any newly discovered substance within one year. The department assumes one commission member will be part of the work group HCA convenes and consults when adopting the rules under this section, requiring two meetings per year and staff support.

Costs for providing consultation to HCA include commission member, staff, and associated expenses (including goods and services, travel, intra-agency, and indirect charges). In fiscal year 2022, costs will be 0.10 FTE and \$9,000 (02G-1). In fiscal year 2023, costs will be \$3,000 (02G-1). Starting in FY 2024, ongoing costs will be \$1,000 each year (02G-1).

Rulemaking

Sections 7, 8, 9, 10, & 11: The department will adopt and/or amend rules to align with the statutory changes in chapter 69.41 RCW and 69.50 RCW. The department anticipates this will be a standard rulemaking process taking approximately 12 months to complete. Rulemaking will include two stakeholder meetings as well as one formal hearing which allows for stakeholder participation.

Costs for rulemaking include staff, associated expenses (including goods and services, travel, intra-agency, and indirect charges), and Office of Attorney General support in the amount of \$4,100. In fiscal year 2022, one-time costs for rulemaking will be 0.20 FTE and \$17,000 (02G-1).

Discipline

Sections 14 and 16: The department assumes applicants for health profession licenses who would have been denied, or granted a credential with conditions, due to substance related convictions may be granted a credential outright under this bill. This may reduce costs at the application review phase but could increase future enforcement costs if substance use issues arise while the licensee is practicing. The fiscal impact to discipline is indeterminate.

TOTAL COSTS TO IMPLEMENT THIS BILL:

FY 2022: 0.20 FTE and \$26,000 (02G-1)
 FY 2023: \$3,000 (02G-1)
 FY 2024 through FY 2027: \$1,000 (02G-1)

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2022	FY 2023	2021-23	2023-25	2025-27
02G-1	Health Professions Account	State	26,000	3,000	29,000	2,000	2,000
Total \$			26,000	3,000	29,000	2,000	2,000

III. B - Expenditures by Object Or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	0.2		0.1		
A-Salaries and Wages	15,000	2,000	17,000	2,000	2,000
B-Employee Benefits	5,000	1,000	6,000		
E-Goods and Other Services	5,000		5,000		
T-Intra-Agency Reimbursements	1,000		1,000		
Total \$	26,000	3,000	29,000	2,000	2,000

III. C - Operating FTE 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 2022	FY 2023	2021-23	2023-25	2025-27
HEALTH SERVICES CONSULTANT 4	80,292	0.1		0.1		
WMS03	125,268	0.1		0.1		
Total FTEs		0.2		0.1		0.0

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods

NONE

IV. D - Capital FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part IVB*

NONE

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.

Sections 5, 7, 8, 9, 10, and 11: The commission will adopt rules in chapter 246-945 WAC (Pharmacy Quality Assurance

Commission) as necessary to implement this bill.