

# Individual State Agency Fiscal Note

|                             |  |  |
|-----------------------------|--|--|
| <b>Bill Number:</b> 5377 SB | <b>Title:</b> Cannabis license ownership | <b>Agency:</b> 195-Liquor and Cannabis Board |
|-----------------------------|--|--|

## 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 2024 | FY 2025 | 2023-25 | 2025-27 | 2027-29 |
|--|---------|---------|---------|---------|---------|
| FTE Staff Years                        | 2.9     | 2.5     | 2.7     | 2.5     | 2.5     |
| <b>Account</b>                         |         |         |         |         |         |
| Dedicated Cannabis Account-State 315-1 | 444,431 | 255,508 | 699,939 | 511,016 | 511,016 |
| <b>Total \$</b>                        | 444,431 | 255,508 | 699,939 | 511,016 | 511,016 |

### 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:              | Phone:                | Date: 01/17/2023 |
| Agency Preparation: Colin O Neill | Phone: (360) 664-4552 | Date: 01/20/2023 |
| Agency Approval: Aaron Hanson     | Phone: 360-664-1701   | Date: 01/20/2023 |
| OFM Review: Amy Hatfield          | Phone: (360) 280-7584 | Date: 01/22/2023 |

## Part II: Narrative Explanation

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

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

Section 1) Adds language that a cannabis producer's or retailers license shall be \$250 plus any additional application or licensing fee required under RCW 69.50.331(1). See section 3.

Section 2) The LCB must suspend a cannabis producer's license if no activity has been recorded on the license after July 1, 2021. A suspended license under this section must be reissued to the licensee when a) federal law allows for the interstate transfer of cannabis between authorized cannabis-related businesses, OR, the USDOJ issues an opinion or memorandum allowing or tolerating the interstate transfer of cannabis between authorized cannabis-related businesses.

Section 3) Strikes prohibitions on residency requirements for producer, processor, researcher, transporter, or delivery cannabis licenses.

Section 3) – RCW 69.50.331 - The LCB may impose additional licensing fees to recover additional costs incurred in investigating a nonresident required to be investigated under this section.

Sections 1 and 3 of this act take effect January 1, 2024.

Section 2 takes effect July 1, 2023.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

The Washington State Liquor and Cannabis Board ("Board") may impose additional licensing fees to recover additional costs incurred in investigating a nonresident required to be investigated under this legislation. However, it is unknown what, if any fees, that the Board may impose. Therefore, the estimate of receipts is indeterminate.

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

#### BOARD DIVISION:

The Washington State Liquor and Cannabis Board ("Board") is currently in the middle of a project to upgrade the agency's internal licensing and enforcement systems. The Licensing, Enforcement, Education, and Administrative Data Systems (LEEADS) is expected to go live July 1, 2024. There are change request costs associated with this legislation that will have to be submitted to the vendor. The estimated costs for these change requests is \$45,000 in FY24.

#### LICENSING DIVISION:

The Board can use existing resources for processing out of state ownership applications. For tracking producers that are "not active" and suspending their license, the agency would need 1 Customer Service Specialist 3 and 1 Program Specialist 4 to support the program.

1.0 FTE Customer Service Specialist 3 - \$76,457/yr (\$73,687 salary/benefits, \$2,770 in associated costs). Onetime costs in FY24 of \$6,105 for equipment purchases.

1.0 FTE Program Specialist 4 - \$107,704/yr (\$104,934 salary/benefits, \$2,770 in associated costs). Onetime costs in FY24

of \$6,105 for equipment purchases.

\*\*\*\*\*

**ENFORCEMENT DIVISION:**

The Board keeps detailed statistics on all of its enforcement activities and tracks this activity using a unit of measure called a Field Increment (FI). All direct enforcement activities such as premise checks, inspections and investigations are tracked to determine how many FI's are needed to accomplish each activity. Each FI is equivalent to 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. Using historical data to factor out indirect activities such as driving time, training, office time and leave, it has been determined that officers are available for an average of 4,220 FI's each year.

Please see the attached "5377 SB Cannabis license ownership - Enforcement Field Increment Calculator.pdf" for workload calculations on checks of inactive producers (section 2) and costs for background checks on out-of-state applicants (section 3).

**Premise checks and inventory audits of inactive producers:**

0.1 FTE LCB Enforcement Officer 2 - \$12,286/yr (\$10,700 salary/benefits, \$1,586 in associated costs).

0.1 FTE Administrative Regulations Analyst 3 - \$11,074/yr (\$9,488 salary/benefits, \$1,586 in associated costs).

**Background checks on out-of-state applicants:**

0.3 FTE Program Specialist 3 - \$30,359/yr (\$29,528 salary/benefits, \$831 in associated costs).

Background check costs charged by other agencies: \$17,628/yr (estimated 659 checks/yr with an average cost of \$26.75 per check).

\*\*\*\*\*

**INFORMATION TECHNOLOGY DIVISION:**

The agency would have one-time costs in FY24 to implement this legislation:

-iSeries changes by contractor (\$150/hr x 400 hours) = \$60,000

-OCIO quality assurance oversight (\$160/hr x 60 hours) = \$9,600

0.4 FTE IT App Development - Senior/Specialist - \$62,113/yr (\$61,685 salary/benefits, \$428 in associated costs).

**Part III: Expenditure Detail**

**III. A - Operating Budget Expenditures**

| Account         | Account Title              | Type  | FY 2024 | FY 2025 | 2023-25 | 2025-27 | 2027-29 |
|-----------------|----------------------------|-------|---------|---------|---------|---------|---------|
| 315-1           | Dedicated Cannabis Account | State | 444,431 | 255,508 | 699,939 | 511,016 | 511,016 |
| <b>Total \$</b> |                            |       | 444,431 | 255,508 | 699,939 | 511,016 | 511,016 |

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

|                                      | FY 2024 | FY 2025 | 2023-25 | 2025-27 | 2027-29 |
|--------------------------------------|---------|---------|---------|---------|---------|
| FTE Staff Years                      | 2.9     | 2.5     | 2.7     | 2.5     | 2.5     |
| A-Salaries and Wages                 | 211,778 | 164,291 | 376,069 | 328,582 | 328,582 |
| B-Employee Benefits                  | 78,244  | 64,046  | 142,290 | 128,092 | 128,092 |
| C-Professional Service Contracts     | 114,600 |         | 114,600 |         |         |
| E-Goods and Other Services           | 25,187  | 24,549  | 49,736  | 49,098  | 49,098  |
| G-Travel                             | 2,232   | 2,232   | 4,464   | 4,464   | 4,464   |
| J-Capital Outlays                    | 12,390  | 390     | 12,780  | 780     | 780     |
| M-Inter Agency/Fund Transfers        |         |         |         |         |         |
| N-Grants, Benefits & Client Services |         |         |         |         |         |
| P-Debt Service                       |         |         |         |         |         |
| S-Interagency Reimbursements         |         |         |         |         |         |
| T-Intra-Agency Reimbursements        |         |         |         |         |         |
| 9-                                   |         |         |         |         |         |
| <b>Total \$</b>                      | 444,431 | 255,508 | 699,939 | 511,016 | 511,016 |

**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 2024 | FY 2025 | 2023-25 | 2025-27 | 2027-29 |
|--|---------|---------|---------|---------|---------|---------|
| Administrative Regulations Analyst 3   | 75,120  | 0.1     | 0.1     | 0.1     | 0.1     | 0.1     |
| Customer Service Specialist 3          | 50,592  | 1.0     | 1.0     | 1.0     | 1.0     | 1.0     |
| IT App Development - Senior/Specialist | 118,716 | 0.4     |         | 0.2     |         |         |
| LCB Enforcement Officer 2              | 77,028  | 0.1     | 0.1     | 0.1     | 0.1     | 0.1     |
| Program Specialist 3                   | 71,520  | 0.3     | 0.3     | 0.3     | 0.3     | 0.3     |
| Program Specialist 4                   | 77,028  | 1.0     | 1.0     | 1.0     | 1.0     | 1.0     |
| <b>Total FTEs</b>                      |         | 2.9     | 2.5     | 2.7     | 2.5     | 2.5     |

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

| Program                               | FY 2024 | FY 2025 | 2023-25 | 2025-27 | 2027-29 |
|---------------------------------------|---------|---------|---------|---------|---------|
| Board Division (010)                  | 45,000  |         | 45,000  |         |         |
| Licensing Division (050)              | 196,371 | 184,161 | 380,532 | 368,322 | 368,322 |
| Enforcement Division (060)            | 71,347  | 71,347  | 142,694 | 142,694 | 142,694 |
| Information Technology Division (070) | 131,713 |         | 131,713 |         |         |
| <b>Total \$</b>                       | 444,431 | 255,508 | 699,939 | 511,016 | 511,016 |

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

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

NONE

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

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

New rules will be needed under section 2 (suspension of inactive producers) and section 3 (out-of-state ownership).

**Enforcement Field Increment (FI) Calculator**

**5377 SB: "Cannabis license ownership"**

|                                      | Number of events | Time Factor | Staffing Factor | FI Total | Officer | Consultant |
|--------------------------------------|------------------|-------------|-----------------|----------|---------|------------|
| Cannabis Premises Check (Non-Retail) | 25               | 10          | 1               | 325      | 107     | 215        |
| Cannabis Inventory Audits            | 1                | 60          | 3               | 188      | 188     |            |

|  |  |  |  |                                       |             |             |             |
|--|--|--|--|---------------------------------------|-------------|-------------|-------------|
|  |  |  |  | <b>Total FI's</b>                     | <b>513</b>  | <b>295</b>  | <b>215</b>  |
|  |  |  |  | <b>Total Field Increments per FTE</b> | 4,220       | 4,220       | 4,220       |
|  |  |  |  | <b>FTE's required</b>                 | 0.12        | 0.07        | 0.05        |
|  |  |  |  | <b>Round</b>                          | <b>0.20</b> | <b>0.10</b> | <b>0.10</b> |

**Field activity assumptions**

|                                      |      |
|--------------------------------------|------|
| Number of inactive locations         | 25   |
| Cannabis Premises Check (Non-Retail) | 100% |
| Cannabis Inventory Audits            | 5%   |

**Background check assumptions**

|  |             |
|--|-------------|
| Out of state background checks (per year)  | 659         |
| Average fee charged by other agencies      | \$26.75     |
| Total cost per year, background check fees | \$17,628.25 |
| Increased work load for staff              | 0.3 FTE PS3 |



# Ten-Year Analysis

|                               |  |  |
|-------------------------------|--|--|
| <b>Bill Number</b><br>5377 SB | <b>Title</b><br>Cannabis license ownership | <b>Agency</b><br>195 Liquor and Cannabis Board |
|-------------------------------|--|--|

This ten-year analysis is limited to agency estimated cash receipts associated with the proposed tax or fee increases. The Office of Financial Management ten-year projection can be found at <http://www.ofm.wa.gov/tax/default.asp>.

## Estimates

**No Cash Receipts**
                 
  **Partially Indeterminate Cash Receipts**
                 
  **Indeterminate Cash Receipts**

## Estimated Cash Receipts

| Name of Tax or Fee | Acct Code |  |  |  |  |  |  |  |  |  |  |  |
|--------------------|-----------|--|--|--|--|--|--|--|--|--|--|--|
| <b>Total</b>       |           |  |  |  |  |  |  |  |  |  |  |  |

### Biennial Totals

## Narrative Explanation (Required for Indeterminate Cash Receipts)

The Washington State Liquor and Cannabis Board ("Board") may impose additional licensing fees to recover additional costs incurred in investigating a nonresident requi to be investigated under this legislation. However, it is unknown what, if any fees, that the Board may impose. Therefore, the estimate of receipts is indeterminate.

|                                   |                       |                            |
|-----------------------------------|-----------------------|----------------------------|
| Agency Preparation: Colin O Neill | Phone: (360) 664-4552 | Date: 1/20/2023 4:33:42 pm |
| Agency Approval: Aaron Hanson     | Phone: 360-664-1701   | Date: 1/20/2023 4:33:42 pm |
| OFM Review:                       | Phone:                | Date:                      |