

Multiple Agency Fiscal Note Summary

Bill Number: 5365 SB	Title: Vapor and tobacco/minors
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Estimated Cash Receipts

Agency Name	2023-25			2025-27			2027-29		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Liquor and Cannabis Board	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Total \$	0	0	0	0	0	0	0	0	0

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Liquor and Cannabis Board	.0	4,000	4,000	4,000	.0	0	0	0	.0	0	0	0
Department of Health	.0	0	0	0	.0	0	0	0	.0	0	0	0
Total \$	0.0	4,000	4,000	4,000	0.0	0	0	0	0.0	0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other			96,210						
Local Gov. Other	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.								
Local Gov. Total			96,210						

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Liquor and Cannabis Board	.0	0	0	.0	0	0	.0	0	0
Department of Health	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Breakout

Prepared by: Amy Hatfield, OFM	Phone: (360) 280-7584	Date Published: Final 2/ 8/2023
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Individual State Agency Fiscal Note

Bill Number: 5365 SB	Title: Vapor and tobacco/minors	Agency: 195-Liquor and Cannabis Board
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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 2024	FY 2025	2023-25	2025-27	2027-29
Account					
General Fund-State 001-1	4,000	0	4,000	0	0
Total \$	4,000	0	4,000	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: Susan Jones	Phone: 360-786-7404	Date: 01/28/2023
Agency Preparation: Colin O Neill	Phone: (360) 664-4552	Date: 01/30/2023
Agency Approval: Aaron Hanson	Phone: 360-664-1701	Date: 01/30/2023
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 02/03/2023

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 2(3b) Would increase the monetary penalty or revocation of the license for violations of RCW 26.28.080 (selling or giving tobacco to a minor)

Section 3(3) Strikes language allowing a peace officer or enforcement officer of the Board to detain a person under 18 years old under suspicion of purchasing, attempting to purchase, or in possession of tobacco products. Also strikes language allowing an officer to seize tobacco products as contraband when possessed by persons under 18 years old.

Section 4(1) Adds 70.155.100(3b) (violations of RCW 26.28.080) as funds to be deposited split between the youth tobacco and vapor products prevention account and the state general fund.

Section 5(3) Strikes language allowing a peace officer or enforcement officer of the Board to detain a person under 18 years old under suspicion of purchasing, attempting to purchase, or in possession of vapor products. Also strikes language allowing an officer to seize vapor products as contraband when possessed by persons under 18 years old.

Section 5(4) Adds language allowing the Board, law enforcement, or a local health department to use underage persons in compliance activities under chapter RCW 70.345 (vapor).

Section 7 Repeals RCW 70.155.080 (Purchasing, possessing by persons under eighteen—Civil infraction—Jurisdiction) and RCW 70.345.140 (Purchase or possession by persons under eighteen—Penalty—Jurisdiction).

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.

Section 2(3b) Would increase the monetary penalty or revocation of the license for violations of RCW 26.28.080 (selling or giving tobacco to a minor). Section 4(1) Adds 70.155.100(3b) (violations of RCW 26.28.080) as funds to be deposited split between the youth tobacco and vapor products prevention account and the state general fund.

The impact of these changes 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.

INFORMATION TECHNOLOGY DIVISION:

There will be one-time costs to modify the agency's Enforcement Notebook system - \$4,000 in contractor costs in FY24.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	4,000	0	4,000	0	0
Total \$			4,000	0	4,000	0	0

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts	4,000		4,000		
E-Goods and Other Services					
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-					
Total \$	4,000	0	4,000	0	0

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

NONE

III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Information Technology Dvision (070)	4,000		4,000		
Total \$	4,000		4,000		

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.

Individual State Agency Fiscal Note

Bill Number: 5365 SB	Title: Vapor and tobacco/minors	Agency: 303-Department of Health
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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: Susan Jones	Phone: 360-786-7404	Date: 01/28/2023
Agency Preparation: Sharilynn Boelk	Phone: 3602363000	Date: 02/01/2023
Agency Approval: Kristin Bettridge	Phone: 3607911657	Date: 02/01/2023
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 02/08/2023

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.

The bill does not require the Department of Health to adopt rules or accomplish any other work; as a result, there is no fiscal impact.

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.

NONE.

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.

NONE.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals 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

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

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.

NONE.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 5365 SB

Title: Vapor and tobacco/minors

Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- Cities: Local health jurisdictions could be expected to increase compliance checks and enforcement. Local law enforcement would need 10 minutes of training for the new limitations on authority.
- Counties: Same as above
- Special Districts:
- Specific jurisdictions only:
- Variance occurs due to:

Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs: 10 minute training for local law enforcement on their new limitations on authority.
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time: The cost to local health jurisdictions to increase compliance checks/enforcement.

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Jurisdiction	FY 2024	FY 2025	2023-25	2025-27	2027-29
City	73,810		73,810		
County	22,400		22,400		
TOTAL \$	96,210		96,210		
GRAND TOTAL \$					96,210

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

Part III: Preparation and Approval

Fiscal Note Analyst: Brandon Rountree	Phone: (360) 999-7103	Date: 02/02/2023
Leg. Committee Contact: Susan Jones	Phone: 360-786-7404	Date: 01/28/2023
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 02/02/2023
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 02/03/2023

Part IV: Analysis

A. SUMMARY OF BILL

Description of the bill with an emphasis on how it impacts local government.

Overview: This bill reports the legislature's findings on under age vaping and tobacco uses, as well as their intent to ensure all persons under the age of 21 who purchase, use, or possess vapor or tobacco products are offered community-based interventions for quitting. The bill also adds new sanctions for retail violations of vapor or tobacco sales to minors, removes peace officers ability to detain individuals they believe to purchasing vapor or tobacco products under the age of 18, as well as eliminate the classification of vapor or tobacco products purchased under the age of 18 as contraband and peace officers ability to confiscate the products.

Sec. 1: (1) Outlines the legislations findings on youth vaping and tobacco use.

(2) Establishes that all persons under the age of 21 who purchase, use, or possess vapor or tobacco products should be offered community-based interventions for quitting. This sub-section also establishes the legislature's intent to increase enforcement strategies for retailer compliance.

Sec. 2: (3) (a) Removes RCW 26.28.080 from this sub-sections list of RCWs that the liquor and cannabis board can sanction retailers for violating.

(3) (b) Creates a new sub-section and list of sanctions for RCW 26.28.080

Sec. 3: (3) Amends RCW 70.155.110 by removing the ability of peace officers to detain individuals they believe to purchasing vapor or tobacco products under the legal age. Additionally, the removal of this sub-section eliminates the classification of vapor or tobacco products purchased under aged as contraband and peace officers ability to confiscate the products.

Sec. 4: Amends RCW 70.155.120 by adding RCW 70.155.100 (3) (b) to the list of RCW that fund the youth tobacco and vapor products prevention account.

Sec. 5: (3) Amends RCW 70.345.160 by removing the ability of peace officers to detain individuals they believe to purchasing vapor or tobacco products under the legal age. Additionally, the removal of this sub-section eliminates the classification of vapor or tobacco products purchased under aged as contraband and peace officers ability to confiscate the products.

(4) Amends RCW 70.345.160 by adding a new sub-section which allows the board, law enforce, and a local health department to include persons under the age of 18 in compliance activities with parental authorization.

Sec. 6: Declares that nothing in this act shall be interpreted to limit the ability of a peace officer or an enforcement officer of the liquor and cannabis board to enforce the provisions of chapters 70.155 and 70.345 RCW and RCW 26.28.080 and 82.24.500.

Sec. 7: Repeals RCW 70.155.080 and RCW 70.345.140.

B. SUMMARY OF EXPENDITURE IMPACTS

Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.

This legislation would have an indeterminate expenditure impact on local governments.

Law Enforcement Impact

The Washington State Association of Sheriffs and Police Chiefs (WASPC) estimated 10 minutes of training for local law enforcement officers to understand the new limitations on their authority. If every local law enforcement officer required 10 minutes of training, it would cost local governments:

Cities:

6,710 officers X (1/6) hours X \$66 (Average hourly commissioned officer salary) = \$73,810

Counties:

2,240 officers X (1/6) hours X \$60 (Average hourly commissioned officer salary) = \$22,400

Total:

\$73,957.62 + \$22,444.80 = \$96,210

Additionally, WASPC reports that law enforcement does not proactively spend resources on enforcing retail compliance because they tend to reactively enforce retail measures.

Local Health Jurisdictions (LHJ) Impact

This bill declares the legislatures intent to increase enforcement strategies to ensure retailer compliance with tobacco and vapor product possession laws. The cost of increasing enforcement strategies is indeterminate at the moment because the legislature has not defined what this increase would be. Currently, the Washington State Association of Local Public Health Officials estimates that LHJs spend about \$10,000 for medium sized LHJ, \$5000 for small and \$20,000 + for large agencies to enforce retail compliance of vapor and tobacco sales.

C. SUMMARY OF REVENUE IMPACTS

Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.

This bill would not impact local government revenues. Sanctions and fines imposed on vapor and tobacco retailers are enforced and collected by the Liquor and Cannabis Board. In terms of enforcement on the local level, local health jurisdictions and local governments primarily focus on educating retailers first when conducting inspections or checks.

Source:

Washington State Association of Local Public Health Officials

Washington State Association of Sheriffs and Police Chiefs (WASPC)

Local Government Fiscal Note Program, Law Enforcement Training Cost Model (2023)