

Multiple Agency Fiscal Note Summary

Bill Number: 2320 HB	Title: High THC cannabis products
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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
Office of the Governor	.0	0	0	0	.0	0	0	0	.0	0	0	0
Governor's Office of Indian Affairs	.0	20,000	20,000	20,000	.0	0	0	0	.0	0	0	0
Liquor and Cannabis Board	.2	38,563	38,563	38,563	.3	77,126	77,126	77,126	.3	77,126	77,126	77,126
Department of Health	Fiscal note not available											
University of Washington	Fiscal note not available											
Total \$	0.2	58,563	58,563	58,563	0.3	77,126	77,126	77,126	0.3	77,126	77,126	77,126

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Office of the Governor	.0	0	0	.0	0	0	.0	0	0
Governor's Office of Indian Affairs	.0	0	0	.0	0	0	.0	0	0
Liquor and Cannabis Board	.0	0	0	.0	0	0	.0	0	0
Department of Health	Fiscal note not available								
University of Washington	Fiscal note not available								
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Estimated Capital Budget Breakout

NONE

Prepared by: Val Terre, OFM	Phone: (360) 280-3973	Date Published: Preliminary 1/22/2024
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Individual State Agency Fiscal Note

Bill Number: 2320 HB	Title: High THC cannabis products	Agency: 075-Office of the Governor
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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: Peter Clodfelter	Phone: 360-786-7127	Date: 01/12/2024
Agency Preparation: Tracy Girolami	Phone: 360-890-5279	Date: 01/17/2024
Agency Approval: Jamie Langford	Phone: (360) 870-7766	Date: 01/17/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/19/2024

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.

HB2320 enacts evidence-based public policy solutions to address the public health harms associated with high THC products.

Per Section 6 the governor may seek government-to-government consultations with federally recognized Indian tribes regarding raising the minimum legal age of sale of cannabis products identified in RCW 69.50.357(1)(c), in compacts entered into under RCW 43.06.490. The office of the governor shall report to the appropriate committees of the legislature regarding the status of such consultations by December 1, 2025.

The Governor delegated authority to the Washington State Liquor and Cannabis Board for cannabis compacts with the tribes and assume they would implement the requirements in section 6. Based on those consultations, the Office of the Governor would provide a status report to the legislature. The Office estimates this work can be accomplished within current resources and therefore doesn't have a 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.

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.

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

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: 2320 HB	Title: High THC cannabis products	Agency: 086-Governor's Office of Indian Affairs
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
Account					
General Fund-State 001-1	0	20,000	20,000	0	0
Total \$	0	20,000	20,000	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: Peter Clodfelter	Phone: 360-786-7127	Date: 01/12/2024
Agency Preparation: Seth Flory	Phone: 360-407-8165	Date: 01/18/2024
Agency Approval: Seth Flory	Phone: 360-407-8165	Date: 01/18/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/18/2024

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.

House Bill 2320 seeks to reduce public health harms associated with high TCH cannabis products.

Section 6 of the legislation suggests the government-to-government consultation with federally recognized Indian tribes. The Governor's Office of Indian Affairs (GOIA) would play a role in coordinating and facilitating consultations with tribal governments.

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.

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.

It's difficult to exactly properly calculate the fiscal impact of this legislation without knowing the extent and reach of the consultations but based on similar activities in the past the costs for travel and meeting expenses could reach as high as \$20,000 in Fiscal Year 25.

Meetings with Tribal authorities are still commonly in-person events bringing together a wide array of stakeholders. This means travel expenditures for agency employees, rental fees for meeting spaces, and costs for meals & refreshments. As many as 4 such consultation meetings could be held throughout the state with cost for each averaging \$5000.

4 Consultations x \$5000 = \$20,000

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	0	20,000	20,000	0	0
Total \$			0	20,000	20,000	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					
E-Goods and Other Services		10,000	10,000		
G-Travel		10,000	10,000		
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 \$	0	20,000	20,000	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)

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

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: 2320 HB	Title: High THC cannabis products	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
FTE Staff Years	0.0	0.3	0.2	0.3	0.3
Account					
General Fund-State 001-1	0	38,563	38,563	77,126	77,126
Total \$	0	38,563	38,563	77,126	77,126

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: Peter Clodfelter	Phone: 360-786-7127	Date: 01/12/2024
Agency Preparation: Colin O Neill	Phone: (360) 664-4552	Date: 01/16/2024
Agency Approval: Aaron Hanson	Phone: 360-664-1701	Date: 01/16/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/17/2024

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 4(1)(iii)(c): Retail outlets may not sell a cannabis product with a THC concentration greater than 35 percent to a person who is under age 25 who is not a qualifying patient or designated provider.

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 4(1)(iii)(c): Retail outlets may not sell a cannabis product with a THC concentration greater than 35 percent to a person who is under age 25 who is not a qualifying patient or designated provider.

It is unknown if the under-25 demographic would buy less cannabis product, or shift their buying habits to other cannabis product with a THC concentration less than 35 percent, which could be cheaper or more expensive than the products they would no longer be able to buy.

For this reason, the cash receipt impact 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.

ENFORCEMENT DIVISION:

The Washington State Liquor and Cannabis Board ("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.

The agency anticipates having a workload impact from this legislation due to increased complaints, compliance checks, and license support an education. Please see the attached "2320 HB High THC Cannabis products - Enforcement Field Increment Calculator.pdf" for the workload calculations.

0.2 FTE LCB Enforcement Officer 2 - \$26,840/yr (\$23,668 salary/benefits, \$3,172 in associated costs).

0.1 FTE Compliance Consultant (Administrative Regulations Analyst 3) - \$11,723/yr (\$10,137 salary/benefits, \$1,586 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
001-1	General Fund	State	0	38,563	38,563	77,126	77,126
Total \$			0	38,563	38,563	77,126	77,126

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		0.3	0.2	0.3	0.3
A-Salaries and Wages		25,389	25,389	50,778	50,778
B-Employee Benefits		8,416	8,416	16,832	16,832
C-Professional Service Contracts					
E-Goods and Other Services		1,308	1,308	2,616	2,616
G-Travel		3,348	3,348	6,696	6,696
J-Capital Outlays		102	102	204	204
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	0	38,563	38,563	77,126	77,126

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	80,460		0.1	0.1	0.1	0.1
LCB Enforcement Officer 2	86,712		0.2	0.1	0.2	0.2
Total FTEs			0.3	0.2	0.3	0.3

III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Enforcement Division (060)		38,563	38,563	77,126	77,126
Total \$		38,563	38,563	77,126	77,126

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.

Enforcement Field Increment (FI) Calculator

2320 HB "High THC Cannabis products" (FY25)

	Number of events	Time Factor	Staffing Factor	FI Total	Officer	Consultant
Complaint Investigations Cannabis	11	20	1.3	286	286	
Cannabis Retailer Compliance Check	119	2	2	474	474	
License Support and Education	71	5	1.3	462		462

<u>Factors</u>	<u>Values</u>
License Count	474
Complaint Investigations Cannabis	11
Cannabis Retailer Compliance Check	25%
License Support and Education	15%

Total FI's	1,222	760	462
Total Field Increments per FTE	4,220	4,220	4,220
FTE's required	0.29	0.18	0.11
Round	0.30	0.20	0.10

(ongoing)

	Number of events	Time Factor	Staffing Factor	FI Total	Officer	Consultant
Complaint Investigations Cannabis	11	20	1.3	286	286	
Cannabis Retailer Compliance Check	95	2	2	379	379	
License Support and Education	24	5	1.3	154		154

<u>Factors</u>	<u>Values</u>
License Count	474
Complaint Investigations Cannabis	11
Cannabis Retailer Compliance Check	20%
License Support and Education	5%

Total FI's	819	665	154
Total Field Increments per FTE	4,220	4,220	4,220
FTE's required	0.19	0.16	0.04
Round	0.30	0.20	0.10