

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 2194 S HB	<b>Title:</b> Home cultivation of cannabis
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## Estimated Cash Receipts

NONE

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts	No fiscal impact					
Loc School dist-SPI						
Local Gov. Other						
Local Gov. Total						

## 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
Administrative Office of the Courts	.0	0	0	0	.0	0	0	0	.0	0	0	0
Caseload Forecast Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Revenue	.0	0	0	0	.0	0	0	0	.0	0	0	0
Liquor and Cannabis Board	.1	26,840	26,840	26,840	.2	53,680	53,680	53,680	.2	53,680	53,680	53,680
Washington State Patrol	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Criminal Justice Training Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Children, Youth, and Families	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Corrections	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Department of Agriculture	.0	0	0	0	.0	0	0	0	.0	0	0	0
<b>Total \$</b>	<b>0.1</b>	<b>26,840</b>	<b>26,840</b>	<b>26,840</b>	<b>0.2</b>	<b>53,680</b>	<b>53,680</b>	<b>53,680</b>	<b>0.2</b>	<b>53,680</b>	<b>53,680</b>	<b>53,680</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI									
Local Gov. Other			633,865						
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			633,865						

## Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Caseload Forecast Council	.0	0	0	.0	0	0	.0	0	0
Department of Revenue	.0	0	0	.0	0	0	.0	0	0
Liquor and Cannabis Board	.0	0	0	.0	0	0	.0	0	0
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 Children, Youth, and Families	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	.0	0	0	.0	0	0	.0	0	0
Department of Agriculture	.0	0	0	.0	0	0	.0	0	0
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
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

<b>Prepared by:</b> Val Terre, OFM	<b>Phone:</b> (360) 280-3973	<b>Date Published:</b> Final 2/ 7/2024
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# Judicial Impact Fiscal Note

<b>Bill Number:</b> 2194 S HB	<b>Title:</b> Home cultivation of cannabis	<b>Agency:</b> 055-Administrative Office of the Courts
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.*

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 for 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.

Legislative Contact: Peter Clodfelter	Phone: 360-786-7127	Date: 01/31/2024
Agency Preparation: Chris Conn	Phone: 360-704-5512	Date: 02/02/2024
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 02/02/2024
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 02/02/2024

193,342.00

Form FN (Rev 1/00)

Request # 175-1

Bill # 2194 S HB

## Part II: Narrative Explanation

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

The substitute would not make any changes affecting the fiscal impact to the Administrative Office of the Courts or the courts.

### II. B - Cash Receipts Impact

None

### II. C - Expenditures

No fiscal impact to the Administrative Office of the Courts

## Part III: Expenditure Detail

### III. A - Expenditure By Object or Purpose (State)

NONE

### III. B - Expenditure By Object or Purpose (County)

NONE

### III. C - Expenditure By Object or Purpose (City)

NONE

### III. D - FTE Detail

NONE

### III. E - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B1 - Expenditures by Object Or Purpose (State)

NONE

### IV. B2 - Expenditures by Object Or Purpose (County)

NONE

### IV. B3 - Expenditures by Object Or Purpose (City)

NONE

### IV. C - Capital Budget Breakout

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

NONE

None

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2194 S HB	<b>Title:</b> Home cultivation of cannabis	<b>Agency:</b> 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: Peter Clodfelter	Phone: 360-786-7127	Date: 01/31/2024
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 02/05/2024
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 02/05/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 02/05/2024

## 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.*

See attached.

### 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.*

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:** *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.*

# **SHB 2194**

## **HOME CULTIVATION OF CANNABIS**

### **101 – Caseload Forecast Council**

### **February 1, 2024**

#### **SUMMARY**

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

- Section 1 Amends RCW 69.50.4013 by amending the definition of the gross misdemeanor of Knowingly Possessing a Controlled Substance by allowing possession of cannabis by a person 21 years of age or older, as established in subsection (7).
- Section 1 Additionally adds subsection 7 which establishes requirements of legal possession of cannabis and cannabis products within a housing unit.
- Section 1 Additionally establishes a Class I Civil Infraction for a person who produces and knowingly possesses more than four plants but fewer than 11.
- Section 1 Additionally limits a Class C felony to a person who produces and knowingly possesses 11 or more plants.
- Section 2 Amends RCW 69.50.401 by referencing RCW 69.50.4013(7) to the Class C felony of Unlawful Manufacture, Deliver, or Possess with intent to Manufacture or Deliver a Controlled Substance.

#### **EXPENDITURES**

##### **Assumptions.**

None.

##### **Impact on the Caseload Forecast Council.**

None

##### **Impact Summary**

This bill:

- Contracts a gross misdemeanor by establishing legal possession of cannabis plants and establishes a Class I Civil infraction for possession of 5-10 plants; and, if more than 10 plants are produced and knowingly possessed, it shall be punishable under 69.50.401(2)(c), a Class C felony.

##### **Impacts on prison and jail beds.**

The Caseload Forecast Council has no information concerning how many less incidents of the gross misdemeanor offense of Knowingly Possessing a Controlled Substance may occur given the allowance of legal possession of a certain amount of cannabis plants under the provisions of the bill. As such, the Caseload Forecast Council cannot reliably predict bed impacts resulting



from the bill. However, a gross misdemeanor offense would be punishable by a term of confinement of 0-364 days in jail. Therefore, any reductions would impact jail beds only.

The Class C felony of offense of Manufacture, Deliver, or Possess with intent to Manufacture or Deliver a Controlled Substance is limited to instances of possession of more than 15 cannabis plants. It is unknown how many fewer offense would result as a result of the bill. However, as a felony offense ranked at Seriousness Level I on the Drug Grid, the offense is punishable by 0-6 months in jail to 12.03-14 months in prison, any reductions in this offense would likely result in prison and jail bed savings.

**Impacts on DOC supervision population.**

The offense of Manufacture, Deliver, or Possess with intent to Manufacture or Deliver a Controlled Substance is felony offense under chapter 69.50. As such, an individual assessed as high risk to reoffend in the community may be required to be supervised by the Department of Corrections upon release. For individuals releasing from a non-prison sentence, the community custody term may be up to one year; and for those releasing from prison, one year is required.

Given the above, any reductions for convictions based on the provisions of this bill by an individual assessed as high risk to reoffend may result in a decrease of the DOC's Community Custody caseload.

For informational purposes, the total number of sentences imposed for this offense as the most serious offense in Fiscal Year 2023 was 29 sentences (one prison sentence and 28 jail sentences.)

**Impact on local detention and Juvenile Rehabilitation beds.**

None. The bill address possession by individuals 21 years of age and older.

# Department of Revenue Fiscal Note

<b>Bill Number:</b> 2194 S HB	<b>Title:</b> Home cultivation of cannabis	<b>Agency:</b> 140-Department of Revenue
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated 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: 60-786-7127	Date: 01/31/2024
Agency Preparation: Van Huynh	Phone: 60-534-1512	Date: 02/01/2024
Agency Approval: Valerie Torres	Phone: 60-534-1521	Date: 02/01/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 02/03/2024

Request # 2194-2-1

## 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.*

Note: This fiscal note reflects language in SHB 2194, 2024 Legislative Session.

#### COMPARISON OF THE SUBSTITUTE BILL WITH THE ORIGINAL:

The substitute bill reduces the number of plants a person 21 years of age or older can produce and possess.

#### CURRENT LAW:

It is unlawful for a person to produce and possess cannabis plants and the cannabis and cannabis products derived from those plants on the premises of the housing unit occupied by the person.

However, the production and possession by a person 21 years of age or older of cannabis plants for personal use is allowed if the person has medical cannabis authorization.

#### PROPOSAL:

This bill legalizes the production and possession by a person 21 years of age or older of no more than four plants and the cannabis and cannabis products derived from those plants on the premises of the housing unit occupied by the person.

No more than 10 plants may be produced at any one time on the premises of a single housing unit, regardless of the number of residents living on the premises of the housing unit.

#### EFFECTIVE DATE:

The bill takes effect 90 days after the final adjournment of the session.

### 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.*

This legislation results in no revenue impact on taxes administered by the Department of Revenue (department).

### 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.*

The department will not incur any costs with the implementation of this legislation.

## Part III: Expenditure Detail

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

NONE

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

NONE

**III. C - 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

**Part V: New Rule Making Required**

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2194 S HB	<b>Title:</b> Home cultivation of cannabis	<b>Agency:</b> 195-Liquor and Cannabis Board
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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
FTE Staff Years	0.0	0.2	0.1	0.2	0.2
<b>Account</b>					
General Fund-State 001-1	0	26,840	26,840	53,680	53,680
<b>Total \$</b>	0	26,840	26,840	53,680	53,680

### 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: 01/31/2024
Agency Preparation: Colin O Neill	Phone: (360) 664-4552	Date: 02/01/2024
Agency Approval: Aaron Hanson	Phone: 360-664-1701	Date: 02/01/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 02/01/2024

## 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.*

Session 1(3a): The possession, by a person 21 years of age or older, of plants and the cannabis and cannabis products derived from those plants as authorized under subsection (7) of this section, is not a violation of this section, this chapter, or any other provision of Washington state law.

Section 1(7):

(a) The production and possession by a person 21 years of age or older of no more than six plants and the cannabis and cannabis products derived from those plants, on the premises of the housing unit occupied by the person, is not a violation of this section, this chapter, or any other provision of Washington state law. No more than 10 plants may be produced at any one time on the premises of a single housing unit, regardless of the number of residents living on the premises of the housing unit.

(b) For purposes of this subsection, "housing unit" has the meaning provided in RCW 69.51A.010.

(c) Except as authorized in RCW 69.50.325 or chapter 69.51A RCW:

(i) It is a class 1 civil infraction punishable under chapter 7.80 RCW for a person to produce and knowingly possess more than four plants but fewer than 11 plants; and

(ii) It is a class C felony punishable under RCW 69.50.401(2)(c) for a person to produce and knowingly possess 11 or more plants.

(d) An investigating law enforcement officer or agency may seize and summarily destroy any plants in excess of four plants, if the person is not authorized to produce and possess the additional plants under a commercial cannabis producer license or the Washington State Medical Use of Cannabis Act.

Section 3(1h)(iii) Creates an addition to the prohibition against forfeiture of property, when (in addition to the existing allowance for possession of cannabis), the acquisition, delivery, or production of cannabis, useable cannabis, cannabis concentrates, or cannabis-infused products including in the manner and in the amount provided in RCW 69.50.4013(7) [Section 1(7) of this bill].

Section 4(14) Creates a new definition in RCW 69.50 for "commercial activity" as "an activity related to or connected with buying, selling, or bartering."

#### CHANGES MADE BY THE SUBSTITUTE:

- Section 1(7) revises the proposed cannabis home grow authorization to:

- Allow the production and possession of no more than four plants, instead of no more than six plants.
- Revises the proposed limit on the number of cannabis plants that may be produced at any one time on the premises of a single housing unit with multiple residents, to set a limit of 10 plants, instead of 15 plants.
- Revises the proposed class 1 civil infraction so it would penalize a person who produces and knowingly possesses more than four plants but fewer than 11 plants, instead of more than six plants but fewer than 16 plants.
- Revises the proposed class C felony so it would apply (or continue to apply) to a person who produces and knowingly possesses 11 or more plants, instead of 16 or more plants.
- Authorizes an investigating law enforcement officer or agency to seize and summarily destroy any plants in excess of four plants, if the person is not authorized to produce and possess the additional plants under a commercial cannabis producer license or the Washington State Medical Use of Cannabis Act.

- Section 3(1h)(iii) revises the proposed changes to real property seizure and forfeiture provisions, so a safe harbor for cannabis possession activities could cease applying if the amount possessed is 11 or more plants, instead of 16 or more plants.

**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.

**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 a workload impact of 0.2 FTE LCB Enforcement Officer 2 (LEO2) ongoing as a result of increased complaints and seizures. Please see the attached "2194 SHB Home cultivation of cannabis - 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).

**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	26,840	26,840	53,680	53,680
<b>Total \$</b>			0	26,840	26,840	53,680	53,680

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		0.2	0.1	0.2	0.2
A-Salaries and Wages		17,343	17,343	34,686	34,686
B-Employee Benefits		6,325	6,325	12,650	12,650
C-Professional Service Contracts					
E-Goods and Other Services		872	872	1,744	1,744
G-Travel		2,232	2,232	4,464	4,464
J-Capital Outlays		68	68	136	136
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	0	26,840	26,840	53,680	53,680

**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
LCB Enforcement Officer 2	86,712		0.2	0.1	0.2	0.2
<b>Total FTEs</b>			0.2	0.1	0.2	0.2

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

<b>Program</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>2023-25</b>	<b>2025-27</b>	<b>2027-29</b>
Enforcement Division (060)		26,840	26,840	53,680	53,680
<b>Total \$</b>		26,840	26,840	53,680	53,680

**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**

**2194 SHB "Home cultivation of cannabis"**

	<b>Number of events</b>	<b>Time Factor</b>	<b>Staffing Factor</b>	<b>FI Total</b>
Complaint Investigations Cannabis	12	20	1.3	312
Search and Seizure	1	51	13	663

<u><b>Factors</b></u>	<u><b>Values</b></u>
Complaint Investigations Cannabis	1 per month
Search and Seizure	1 per year

<b>Total FI's</b>	<b>975</b>
<b>Total Field Increments per FTE</b>	4,220
<b>FTE's required</b>	0.23
<b>Round</b>	<b>0.20</b>

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2194 S HB	<b>Title:</b> Home cultivation of cannabis	<b>Agency:</b> 225-Washington State Patrol
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## Part I: Estimates

No Fiscal Impact

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

**Non-zero but indeterminate cost 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: Peter Clodfelter	Phone: 360-786-7127	Date: 01/31/2024
Agency Preparation: Allison Plant	Phone: 360-596-4080	Date: 02/01/2024
Agency Approval: Mario Buono	Phone: (360) 596-4046	Date: 02/01/2024
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 02/02/2024

## 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.*

The substitute legislation revises the proposed limits on the number of cannabis plants that may be produced and possessed. It also authorizes an investigating law enforcement officer or agency to seize and summarily destroy any plants in excess of four plants, if the person is not authorized to produce and possess the additional plants under a commercial cannabis producer license or the Washington State Medical Use of Cannabis Act.

These changes do not change our assumptions stated in the original version.

The proposed legislation creates an indeterminate fiscal impact to the Washington State Patrol (WSP).

Section 1(7) allows a person 21 years of age or older to produce up to four cannabis plants on the premises of their housing unit, subject to production and possession limits and other restrictions and conditions. It also allows an investigating law enforcement officer to seize and summarily destroy any plants produced or possessed by a person in excess of four if the person is not authorized to produce and possess the additional plants under RCW 69.50.325 or chapter 69.51A RCW.

Section 3 amends RCW 69.50.505 to state the acquisition, delivery, production, or possession of cannabis, useable cannabis, cannabis concentrates, or cannabis-infused products within the home growth restrictions shall not form a basis of a seizure and forfeiture action.

### 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.*

There is an indeterminate fiscal impact as investigation time may increase to differentiate between allowable home grown production versus illicit production.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

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

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

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

**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

<b>Bill Number:</b> 2194 S HB	<b>Title:</b> Home cultivation of cannabis	<b>Agency:</b> 227-Criminal Justice Training Commission
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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: 01/31/2024
Agency Preparation: Brian Elliott	Phone: 206-835-7337	Date: 01/31/2024
Agency Approval: Brian Elliott	Phone: 206-835-7337	Date: 01/31/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 02/01/2024

## 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.*

This bill has no significant fiscal impact to the Criminal Justice Training Commission.

### 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.*

This has no cash receipt impact.

### 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.*

This bill has no expenditure impact.

## 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

<b>Bill Number:</b> 2194 S HB	<b>Title:</b> Home cultivation of cannabis	<b>Agency:</b> 307-Department of Children, Youth, and Families
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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: 01/31/2024
Agency Preparation: Jay Treat	Phone: 360-556-6313	Date: 02/02/2024
Agency Approval: Sarah Emmans	Phone: 360-628-1524	Date: 02/02/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 02/02/2024



## 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.*

Comparison of 2194 HB to 2194 SHB:

Section 1(7)(c)(i) changes the limit from six to four cannabis plants that a person can produce or possess in a single housing unit.

Section 1(7)(d) provides that an investigating law enforcement officer may seize and destroy any plants possessed by a person in excess of four.

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2194 HB

This bill pertains to the home cultivation of cannabis setting the limit on the number of plants per household and will not have an impact on Department of Children, Youth, and Families (DCYF) Juvenile Rehabilitation (JR).

### 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.*

No fiscal impact. This bill does not impact DCYF/JR because it addresses possession by individuals 21 years of age and older.

## 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

<b>Bill Number:</b> 2194 S HB	<b>Title:</b> Home cultivation of cannabis	<b>Agency:</b> 310-Department of Corrections
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

**Non-zero but indeterminate cost 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: Peter Clodfelter	Phone: 360-786-7127	Date: 01/31/2024
Agency Preparation: Kaile Chamberlain	Phone: (360) 725-8428	Date: 02/02/2024
Agency Approval: Michael Steenhout	Phone: (360) 789-0480	Date: 02/02/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 02/02/2024

## 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.*

Substitute House Bill 2194 (SHB 2194) relates to legalizing the home cultivation of cannabis by persons who are 21 years of age and older.

Section 1(7)(c)(i) differs from the original bill as SHB 2178 amends the establishment of a Class I Civil infraction of a person who produces and knowingly possess “more than six but fewer than 16” to “more than four but fewer than eleven.”

Section 1(7)(c)(ii) differs from the original bill as SHB 2178 limits a Class C felony to a person who produces and knowingly possesses “16 or more plants” to “eleven or more plants”.

Section 1(7)(d) Adds new section an investigating law enforcement officer or agency may seize and destroy any plants produced or processed by a person in excess of four plants authorized under this subsection (7).

The following impacts from the original bill remain unchanged in SHB 2194:

Section 1(7)(a) Amends RCW 69.50.4013 by amending the definition of the gross misdemeanor of Knowingly Possessing a Controlled Substance by allowing possession of cannabis by a person 21 years of age or older, as established in subsection (7).

Section 1(7)(b) Additionally adds subsection 7 which establishes requirements of legal possession of cannabis and cannabis products within a housing unit.

Section 2(2)(c) Amends RCW 69.50.401 by referencing RCW 69.50.4013(7) to the Class C felony of Unlawful Manufacture, Deliver, or Possess with intent to Manufacture or Deliver a Controlled Substance.

Effective date is assumed 90 days after adjournment of the session in which this bill is passed.

### 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.*

We assume this bill will have an indeterminate fiscal impact of \$50,000 or less to Department of Corrections (DOC).

This bill contracts a gross misdemeanor by establishing legal possession of cannabis plants and establishes a Class I Civil infraction for possession of five to ten plants; and, if more than ten plants are produced and knowingly possessed, it shall be punishable under 69.50.401(2)(c), a Class C felony.

The Caseload Forecast Council has no information concerning how many less incidents of the gross misdemeanor offense of Knowingly Possessing a Controlled Substance may occur given the allowance of legal possession of a certain amount of cannabis plants under the provisions of the bill. As such, the Caseload Forecast Council cannot reliably predict bed impacts resulting from the bill. However, a gross misdemeanor offense would be punishable by a term of confinement of 0-364

days in jail. Therefore, any reductions would impact jail beds only.

The Class C felony of offense of Manufacture, Deliver, or Possess with intent to Manufacture or Deliver a Controlled Substance is limited to instances of possession of more than ten cannabis plants. It is unknown how many fewer offenses would result from the enactment of this bill. However, as a felony offense ranked at Seriousness Level I on the Drug Grid and is punishable by 0-6 months in jail to 12.03-14 months in prison, any reductions in this offense would likely result in prison and jail bed savings.

The offense of Manufacture, Deliver, or Possess with intent to Manufacture or Deliver a Controlled Substance is felony offense under chapter 69.50. As such, an individual assessed as high risk to reoffend in the community may be required to be supervised by the Department of Corrections upon release. For individuals releasing from a non-prison sentence, the community custody term may be up to one year; and for those releasing from prison, one year is required.

Given the above, any reductions for convictions based on the provisions of this bill by an individual assessed as high risk to reoffend may result in a decrease of the DOC’s Community Custody caseload.

For informational purposes, the total number of sentences imposed for this offense as the most serious offense in Fiscal Year 2023 was 29 sentences (one prison sentence and 28 jail sentences.)

For illustration purposes only:

We assume a Direct Variable Cost (DVC) of \$7,630 per incarcerated individual per FY to facilitate cost discussions during legislative session for bills. This cost estimate includes prison and health services' direct variable costs. It does not include staffing or dollars necessary for staffing needed at the facility outside of the living/housing units. The DVC is calculated by DOC and reviewed and approved with the Office of Financial Management, Senate, and House staff each legislative session.

For illustration purposes only, the average annual Community Supervision caseload model is \$6,101 per ADP (not including startup costs), regardless of the supervised risk level based on the workload model. If ADP impacts are applicable to this fiscal note, the calculated rate per community supervision ADP includes direct supervision and ancillary units, such as Hearings, Records, and Training, that are directly affected by supervision population changes. The estimate will vary based on the risk level of the supervised individuals, which requires different staffing levels. The population trend data used is based on the Risk Level Classification tool and provides a risk level of 42.8% high violent, 27.3% high non-violent, 21% moderate, 7.9% low, and 1.0% unclassified. (June – November 2017)

The DOC assumes that any increase in community supervision caseload will result in an increased need for violator beds. For illustration, the FY2023 average percentage of supervised individuals who served jail time and were billed by the local jurisdictions for violating their conditions of supervision was a rate of 2.0%. The current average daily cost for jail beds is \$114.43 per day, inclusive of all risk levels and healthcare costs. The rate is an average, and actual rates vary by local correctional facilities.

We assume additional impacts will result when ADP caseload changes in either prison or community and resources will be necessary. The DOC will “true up” our fiscal impact in subsequent budget submittals should the legislation be enacted into session law.

### **Part III: Expenditure Detail**

#### **III. A - Operating Budget Expenditures**

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

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

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

**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

<b>Bill Number:</b> 2194 S HB	<b>Title:</b> Home cultivation of cannabis	<b>Agency:</b> 495-Department of Agriculture
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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: 01/31/2024
Agency Preparation: Trecia Ehrlich	Phone: 360-584-3711	Date: 02/05/2024
Agency Approval: Nicholas Johnson	Phone: (360) 902-2055	Date: 02/05/2024
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 02/05/2024

## 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.*

SHB 2194 is substitute bill for HB 2194. In SHB 2194, adds Section 1 (7) (d) an investigating law enforcement officer or agency may seize and summarily destroy any plants produced or possessed by a person in excess of the four plants authorized under this subsection (7), if the person is not authorized to produce and possess the additional plants under RCW 69.50.325 or chapter 69.51A RCW. This change does not have fiscal impact to Washington State Department of Agriculture (WSDA).

Under current law, WSDA regulates the production of hemp and hemp-derived products. WSDA also sets laboratory standards for safety testing of cannabis but does not regulate the production of cannabis. The proposed legislation would legalize limited home cultivation of cannabis for persons 21 years of age or order.

Section 1 would legalize the home cultivation of cannabis for persons 21 years of age or order based on the criteria specified in this section.

WSDA's cannabis programs do not regulate the production of high THC Cannabis. Because hemp and hemp-derived products are excluded from the definition of cannabis in RCW 69.50, WSDA does not have any fiscal impacts from the proposed legislation. In the event the proposed legislation would create increased enforcement for the Washington Liquor and Cannabis Board (LCB) and additional workload for WSDA's Chemical Lab, those costs would be recouped by WSDA through an interagency agreement with LCB.

### 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.*

# LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 2194 S HB

Title: Home cultivation of cannabis

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

### Legislation Impacts:

- Cities: Local law enforcement agencies would incur first year training costs totaling \$471,937 plus indeterminate impacts resulting from legalizing the possession of cannabis plants.
- Counties: Same as above but training costs would total \$161,928.
- Special Districts:
- Specific jurisdictions only:
- Variance occurs due to:

## Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs: Law enforcement training costs noted above.
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time: The number of class C felony violations that will increase or decrease as a result of legalizing cannabis plant possession within defined limits.

### Estimated revenue impacts to:

None

### Estimated expenditure impacts to:

Jurisdiction	FY 2024	FY 2025	2023-25	2025-27	2027-29
City		471,937	471,937		
County		161,928	161,928		
<b>TOTAL \$</b>		633,865	633,865		
<b>GRAND TOTAL \$</b>					<b>633,865</b>

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: Alice Zillah	Phone: 360-725-5035	Date: 02/07/2024
Leg. Committee Contact: Peter Clodfelter	Phone: 360-786-7127	Date: 01/31/2024
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 02/07/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 02/07/2024

## Part IV: Analysis

### A. SUMMARY OF BILL

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

#### CHANGES BETWEEN THIS VERSION AND PRIOR VERSION OF THE BILL:

The substitute bill allows the production and possession of no more than four cannabis plants for home grow cultivation instead of up to six plants. It allows up to 10 plants, instead of 15, on the premises of a single housing unit with multiple residents. The substitute revises the proposed class C felony so that it would continue to apply to someone who possesses 11 or more plants, instead of 16. Finally, it authorizes a law enforcement officer or agency to seize and summarily destroy any cannabis plants in excess of four plants. These changes do not affect the costs discussed below.

#### SUMMARY OF THE BILL:

Sec. 1 amends RCW 69.50.4013. The production and possession by a person 21 years of age or older of no more than four plants and the cannabis and cannabis products derived from those plants, on the premises of the housing unit occupied by the person, is not a violation of this section, this chapter, or any other provision of Washington state law. No more than 10 plants may be produced at any one time on the premises of a single housing unit, regardless of the number of residents living on the premises of the housing unit. It is a class 1 civil infraction for a person to produce and knowingly possess more than four plants but fewer than 11 plants; and it is a class C felony for a person to produce and knowingly possess 11 or more plants. An investigating law enforcement officer or agency may seize and summarily destroy any plants produced or possessed by a person in excess of the four plants authorized under this subsection.

Sec. 3 amends RCW 69.50.505. The acquisition, delivery, production, or possession of cannabis, useable cannabis, cannabis concentrates, or cannabis infused products shall not result in the forfeiture of real property unless the cannabis is possessed for commercial purposes that are unlawful under Washington state law.

Sec. 4 amends RCW 69.50.101. "Commercial activity" means an activity related to or connected with buying, selling, or bartering.

### 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.*

Local law enforcement agencies would incur one-time training costs totaling \$633,865 (\$471,937 cities + \$161,928 counties) and could incur additional indeterminate impacts from legalizing the possession of cannabis plants. Costs that could be estimated are entered into the expenditure grid.

#### TRAINING:

One-time law enforcement training costs would increase by \$471,937 for cities and \$161,928 for counties. The legislation would legalize the possession of four cannabis plants per person, but no more than 10 per single housing unit, regardless of the number of residents in the unit. It would also change prescribed penalties for possessing cannabis plants. The Washington Association of Sheriffs and Police Chiefs expects it would take one hour of training for all law enforcement officers to discuss these new laws and changed penalties.

The 2023 Association of Washington Cities' weighted average hourly salary (including benefits and overhead) is \$71 for police officers and \$72 for sheriffs. According to the 2022 Crime in Washington Report, there are 6,647 city law enforcement officers and 2,249 county law enforcement officers.

-- Cities' training impact: 1 (one hour of training) x \$71 per hour x 6,647 officers = \$471,937.

-- Counties' training impact: 1 (one hour of training) x \$72 per hour x 2,249 officers = \$161,928.

-- Total local government training impact: \$633,865 (\$471,937 city + \$161,928 county.)

**CLASS C FELONY COSTS:**

The Local Government Fiscal Note Program's 2024 Criminal Justice Cost Model estimates that the law enforcement, prosecution, and defense costs of a class C felony violation are \$6,649 per incident. The number of violations can't be predicted, so costs associated with the felony charge are indeterminate.

**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.*

The legislation would not impact local government revenue.

**SOURCES:**

Local Government Fiscal Note Program criminal justice cost model

Association of Washington Cities salary and benefit survey

Washington Association of Sheriffs and Police Chiefs