

Judicial Impact Fiscal Note

Bill Number: 2910 HB	Title: E-cigarettes, vapor products	Agency: 055-Admin Office of the Courts
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

Non-zero but indeterminate cost. Please see discussion.

Estimated Expenditures from:

Non-zero but indeterminate cost. Please see discussion.

This bill was identified as a proposal governed by the requirements of RCW 43.135.031 (Initiative 960). A fiscal analysis was prepared to show the projected ten-year cost to tax or fee payers of the proposed taxes or fees. The ten-year projection can be viewed at <http://www.ofm.wa.gov/tax/default.asp>

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 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.

Contact	Phone:	Date: 01/26/2016
Agency Preparation: Renee Lewis	Phone: 360-704-4142	Date: 01/29/2016
Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date: 01/29/2016
OFM Review:	Phone:	Date:

Request # 2910 HB-2

Part II: Narrative Explanation

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

This bill would add a new section to RCW 70.155 that would mandate that any substance intended for use in a vapor product that is sold at retail in this state must satisfy the child-resistant effectiveness standards under the poison prevention act. A manufacturer that knowingly sells or distributes a substance intended for use in a vapor product that does not satisfy the requirements of this section is guilty of a class C felony.

Section 16 would amend RCW 70.155.080 to state that a person under the age of eighteen who purchases or attempts to purchase, possesses or obtains or attempts to obtain vapor products commits a class 3 civil infraction under RCW 7.80 and is subject to a fine as set out in chapter RCW 7.80 or participation in up to four hours of community restitution or both. Municipal and district courts have jurisdiction for enforcement of this section.

Section 24 would add a new chapter to 70.155 that would require a retailer in this state to have a valid license issued. (1)(b) A violation of this subsection is punishable as a class C felony. (2) would make it a penalty to hinder inspection of their premises or provide an invoice for any of the vapor products that bears an untrue date or falsely states the nature of quantity of the goods invoiced. A violation of this subsection is a gross misdemeanor. (3) would require any person licensed under this chapter as a distributor or retailer, may not operate in any other capacity unless the additional appropriate license is secured. A violation of this subsection is a misdemeanor.

Section 29 would add a chapter to RCW 70.155 that would allow a retailer to appeal their revocation to the superior court of Thurston county if the board refuses to reinstate a license or licenses after revocation.

II. B - Cash Receipts Impact

The new felony and gross misdemeanors for the retailers would result in some amount of fine revenues. However, there is no judicial data available to estimate the total amount of fines that would be collected.

For the purposes of this fiscal note, data related to amounts ordered and paid for minors in possession of tobacco products was used. During the past three years, there has been an average of \$13,633 ordered. During the same time period, \$6,262 was paid. Any amount collected for fines would be small.

II. C - Expenditures

There is no data available to estimate how many new cases would be filed with the courts for the new felony and gross misdemeanors to retailers that would be created by this bill. However, it is assumed there would be some case filings if this bill passes.

There is no data available to estimate how many superior court appeals would result from section 29. However, it is assumed that there would be appeals each year if the bill is passed.

For the purposes of this fiscal note, data related to filings and convictions for minors in possession of tobacco products was used. During the past three years, there has been an average of 123 filings and an average of 104 convictions. The total costs to the courts would be approximately \$4,942 and require .05 FTE.

Part III: Expenditure Detail

Part IV: Capital Budget Impact



Ten-Year Analysis

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

Estimates

No Cash Receipts

 Partially Indeterminate Cash Receipts

 Indeterminate Cash Receipts

Estimated Cash Receipts

Name of Tax or Fee	Acct Code												
Total													

Biennial Totals

Narrative Explanation (Required for Indeterminate Cash Receipts)

The new felony and gross misdemeanors for the retailers would result in some amount of fine revenues. However, there is no judicial data available to estimate the total amount of fines that would be collected.

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Agency Preparation: Renee Lewis	Phone: 360-704-4142	Date: 1/29/2016 9:07:38 am
Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date: 1/29/2016 9:07:38 am
OFM Review:	Phone:	Date: