

# Judicial Impact Fiscal Note

<b>Bill Number:</b> 6328 SB	<b>Title:</b> Vapor products	<b>Agency:</b> 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). Therefore, this fiscal analysis includes a projection showing the ten-year cost to tax or fee payers of the proposed taxes or fees.

*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: 01/14/2016
Agency Preparation: Renee Lewis	Phone: 360-704-4142	Date: 01/15/2016
Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date: 01/15/2016
OFM Review:	Phone:	Date:

Request # 6328 SB-1

## **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 chapter to RCW 70. Section 4 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.

Section 7 (7) 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.

Section 9 states 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 12 would require liquid nicotine containers have child-resistant packaging. Any person in violation of this section is guilty of a gross misdemeanor.

Section 14 (7) would allow the board to initiate legal action to collect civil penalties imposed under this chapter if they have not been paid within thirty days after imposition of such penalties.

### **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 7 (7). 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                       Indeterminate Cash Receipts

## Estimated Cash Receipts

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

### Biennial Totals

## Narrative Explanation (Required for Indeterminate Cash Receipts)

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Agency Preparation: Renee Lewis	Phone: 360-704-4142	Date: 1/15/2016 4:48:04 pm
Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date: 1/15/2016 4:48:04 pm
OFM Review:	Phone:	Date: