
HOUSE BILL 2301

State of Washington

65th Legislature

2018 Regular Session

By Representatives Walsh, Shea, Muri, McDonald, Blake, Pike, Kraft, and Young

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1 AN ACT Relating to the appropriation to counties of moneys from
2 the dedicated marijuana account for the purpose of funding legal
3 services for indigent defendants in criminal cases; and amending RCW
4 69.50.540.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 69.50.540 and 2017 3rd sp.s. c 1 s 979 are each
7 amended to read as follows:

8 The legislature must annually appropriate moneys in the dedicated
9 marijuana account created in RCW 69.50.530 as follows:

10 (1) (~~For the purposes listed in this subsection (1), the~~
11 ~~legislature must appropriate to the respective agencies)) Beginning
12 July 1, 2019, 33.3 percent of all moneys in the dedicated marijuana
13 account must be appropriated annually to the treasurer for
14 distribution to counties on a pro rata basis in accordance with the
15 requirements of this subsection (1).~~

16 (a) The moneys distributed to an individual county under this
17 subsection must be equal to that county's proportional share of the
18 total appropriation authorized under this subsection. The dollar
19 amount of this proportional share must be calculated on a pro rata
20 basis as determined by reference to the total excise tax revenues

1 collected pursuant to RCW 69.50.535 from licensees located in the
2 cities, towns, and unincorporated areas within that county.

3 (b) A county receiving a distribution under this subsection must
4 use the funds for the sole purpose of funding legal services for
5 indigent defendants in criminal cases;

6 (2) Following the appropriation required under subsection (1) of
7 this section, and for the purposes listed in this subsection (2), the
8 moneys remaining in the dedicated marijuana account must be
9 appropriated to the respective agencies in amounts sufficient to make
10 the following expenditures on a quarterly basis:

11 (a) Beginning July 1, 2015, one hundred twenty-five thousand
12 dollars to the department of social and health services to design and
13 administer the Washington state healthy youth survey, analyze the
14 collected data, and produce reports, in collaboration with the office
15 of the superintendent of public instruction, department of health,
16 department of commerce, family policy council, and state liquor and
17 cannabis board. The survey must be conducted at least every two years
18 and include questions regarding, but not necessarily limited to,
19 academic achievement, age at time of substance use initiation,
20 antisocial behavior of friends, attitudes toward antisocial behavior,
21 attitudes toward substance use, laws and community norms regarding
22 antisocial behavior, family conflict, family management, parental
23 attitudes toward substance use, peer rewarding of antisocial
24 behavior, perceived risk of substance use, and rebelliousness. Funds
25 disbursed under this subsection may be used to expand administration
26 of the healthy youth survey to student populations attending
27 institutions of higher education in Washington;

28 (b) Beginning July 1, 2015, fifty thousand dollars to the
29 department of social and health services for the purpose of
30 contracting with the Washington state institute for public policy to
31 conduct the cost-benefit evaluation and produce the reports described
32 in RCW 69.50.550. This appropriation ends after production of the
33 final report required by RCW 69.50.550;

34 (c) Beginning July 1, 2015, five thousand dollars to the
35 University of Washington alcohol and drug abuse institute for the
36 creation, maintenance, and timely updating of web-based public
37 education materials providing medically and scientifically accurate
38 information about the health and safety risks posed by marijuana use;

39 (d)(i) An amount not less than one million two hundred fifty
40 thousand dollars to the state liquor and cannabis board for

1 administration of this chapter as appropriated in the omnibus
2 appropriations act; and

3 (ii) Three hundred fifty-one thousand seven hundred fifty dollars
4 for fiscal year 2018 and three hundred fifty-one thousand seven
5 hundred fifty dollars for fiscal year 2019 to the health professions
6 account established under RCW 43.70.320 for the development and
7 administration of the marijuana authorization database by the
8 department of health. It is the intent of the legislature that this
9 policy will be continued in the 2019-2021 fiscal biennium;

10 (e) Twenty-three thousand seven hundred fifty dollars to the
11 department of enterprise services provided solely for the state
12 building code council established under RCW 19.27.070, to develop and
13 adopt fire and building code provisions related to marijuana
14 processing and extraction facilities. The distribution under this
15 subsection (~~((1))~~) (2)(e) is for fiscal year 2016 only;

16 (~~((2))~~) (3) From the amounts remaining in the dedicated marijuana
17 account after appropriation of the amounts identified in subsections
18 (1) and (2) of this section, the legislature must appropriate for the
19 purposes listed in this subsection (~~((2))~~) (3) as follows:

20 (a)(i) Up to fifteen percent to the department of social and
21 health services division of behavioral health and recovery for the
22 development, implementation, maintenance, and evaluation of programs
23 and practices aimed at the prevention or reduction of maladaptive
24 substance use, substance use disorder, substance abuse or substance
25 dependence, as these terms are defined in the Diagnostic and
26 Statistical Manual of Mental Disorders, among middle school and high
27 school-age students, whether as an explicit goal of a given program
28 or practice or as a consistently corresponding effect of its
29 implementation, mental health services for children and youth, and
30 services for pregnant and parenting women; PROVIDED, That:

31 (A) Of the funds appropriated under (a)(i) of this subsection for
32 new programs and new services, at least eighty-five percent must be
33 directed to evidence-based or research-based programs and practices
34 that produce objectively measurable results and, by September 1,
35 2020, are cost-beneficial; and

36 (B) Up to fifteen percent of the funds appropriated under (a)(i)
37 of this subsection for new programs and new services may be directed
38 to proven and tested practices, emerging best practices, or promising
39 practices.

1 (ii) In deciding which programs and practices to fund, the
2 secretary of the department of social and health services must
3 consult, at least annually, with the University of Washington's
4 social development research group and the University of Washington's
5 alcohol and drug abuse institute.

6 (iii) For the fiscal year beginning July 1, 2016, the legislature
7 must appropriate a minimum of twenty-seven million seven hundred
8 eighty-six thousand dollars, and for each subsequent fiscal year
9 thereafter, the legislature must appropriate a minimum of twenty-five
10 million five hundred thirty-six thousand dollars under this
11 subsection (~~((2))~~) (3)(a);

12 (b)(i) Up to ten percent to the department of health for the
13 following, subject to (b)(ii) of this subsection (~~((2))~~) (3):

14 (A) Creation, implementation, operation, and management of a
15 marijuana education and public health program that contains the
16 following:

17 (I) A marijuana use public health hotline that provides referrals
18 to substance abuse treatment providers, utilizes evidence-based or
19 research-based public health approaches to minimizing the harms
20 associated with marijuana use, and does not solely advocate an
21 abstinence-only approach;

22 (II) A grants program for local health departments or other local
23 community agencies that supports development and implementation of
24 coordinated intervention strategies for the prevention and reduction
25 of marijuana use by youth; and

26 (III) Media-based education campaigns across television,
27 internet, radio, print, and out-of-home advertising, separately
28 targeting youth and adults, that provide medically and scientifically
29 accurate information about the health and safety risks posed by
30 marijuana use;

31 (B) The Washington poison control center; and

32 (C) During the 2015-2017 fiscal biennium, the funds appropriated
33 under this subsection (~~((2))~~) (3)(b) may be used for prevention
34 activities that target youth and populations with a high incidence of
35 tobacco use.

36 (ii) For the fiscal year beginning July 1, 2016, the legislature
37 must appropriate a minimum of seven million five hundred thousand
38 dollars and for each subsequent fiscal year thereafter, the
39 legislature must appropriate a minimum of nine million seven hundred
40 fifty thousand dollars under this subsection (~~((2))~~) (3)(b);

1 (c)(i) Up to six-tenths of one percent to the University of
2 Washington and four-tenths of one percent to Washington State
3 University for research on the short and long-term effects of
4 marijuana use, to include but not be limited to formal and informal
5 methods for estimating and measuring intoxication and impairment, and
6 for the dissemination of such research.

7 (ii) For the fiscal year beginning July 1, 2016, the legislature
8 must appropriate a minimum of two hundred seven thousand dollars and
9 for each subsequent fiscal year, except for the 2017-2019 fiscal
10 biennium, the legislature must appropriate a minimum of one million
11 twenty-one thousand dollars to the University of Washington. For the
12 fiscal year beginning July 1, 2016, the legislature must appropriate
13 a minimum of one hundred thirty-eight thousand dollars and for each
14 subsequent fiscal year thereafter, except for the 2017-2019 fiscal
15 biennium, a minimum of six hundred eighty-one thousand dollars to
16 Washington State University under this subsection (~~((+2))~~) (3)(c). It
17 is the intent of the legislature that this policy will be continued
18 in the 2019-2021 fiscal biennium;

19 (d) Fifty percent to the state basic health plan trust account to
20 be administered by the Washington basic health plan administrator and
21 used as provided under chapter 70.47 RCW;

22 (e) Five percent to the Washington state health care authority to
23 be expended exclusively through contracts with community health
24 centers to provide primary health and dental care services, migrant
25 health services, and maternity health care services as provided under
26 RCW 41.05.220;

27 (f)(i) Up to three-tenths of one percent to the office of the
28 superintendent of public instruction to fund grants to building
29 bridges programs under chapter 28A.175 RCW.

30 (ii) For the fiscal year beginning July 1, 2016, and each
31 subsequent fiscal year, the legislature must appropriate a minimum of
32 five hundred eleven thousand dollars to the office of the
33 superintendent of public instruction under this subsection (~~((+2))~~)
34 (3)(f); and

35 (g) At the end of each fiscal year, the treasurer must transfer
36 into the general fund any amounts in the dedicated marijuana account
37 that are not appropriated pursuant to subsections (1) through (3) of
38 this section (~~((and this subsection (2) into the general fund))~~),
39 except as provided in (g)(i) of this subsection (~~((+2))~~) (3).

1 (i) Beginning in fiscal year 2018, if marijuana excise tax
2 collections deposited into the general fund in the prior fiscal year
3 exceed twenty-five million dollars, then each fiscal year the
4 legislature must appropriate an amount equal to thirty percent of all
5 marijuana excise taxes deposited into the general fund the prior
6 fiscal year to the treasurer for distribution to counties, cities,
7 and towns as follows:

8 (A) Thirty percent must be distributed to counties, cities, and
9 towns where licensed marijuana retailers are physically located. Each
10 jurisdiction must receive a share of the revenue distribution under
11 this subsection (~~((2))~~) (3)(g)(i)(A) based on the proportional share
12 of the total revenues generated in the individual jurisdiction from
13 the taxes collected under RCW 69.50.535, from licensed marijuana
14 retailers physically located in each jurisdiction. For purposes of
15 this subsection (~~((2))~~) (3)(g)(i)(A), one hundred percent of the
16 proportional amount attributed to a retailer physically located in a
17 city or town must be distributed to the city or town.

18 (B) Seventy percent must be distributed to counties, cities, and
19 towns ratably on a per capita basis. Counties must receive sixty
20 percent of the distribution, which must be disbursed based on each
21 county's total proportional population. Funds may only be distributed
22 to jurisdictions that do not prohibit the siting of any state
23 licensed marijuana producer, processor, or retailer.

24 (ii) Distribution amounts allocated to each county, city, and
25 town must be distributed in four installments by the last day of each
26 fiscal quarter.

27 (iii) By September 15th of each year, the state liquor and
28 cannabis board must provide the state treasurer the annual
29 distribution amount, if any, for each county and city as determined
30 in (g)(i) of this subsection (~~((2))~~) (3).

31 (iv) The total share of marijuana excise tax revenues distributed
32 to counties and cities in (g)(i) of this subsection (~~((2))~~) (3) may
33 not exceed six million dollars in fiscal years 2018 and 2019 and
34 twenty million dollars per fiscal year thereafter. However, if the
35 February 2018 forecast of state revenues for the general fund in the
36 2017-2019 fiscal biennium exceeds the amount estimated in the June
37 2017 revenue forecast by over eighteen million dollars after
38 adjusting for changes directly related to legislation adopted in the
39 2017 legislative session, the total share of marijuana excise tax
40 revenue distributed to counties and cities in (g)(i) of this

1 subsection (~~(2)~~) (3) may not exceed fifteen million dollars in
2 fiscal years 2018 and 2019. It is the intent of the legislature that
3 the policy for the maximum distributions in the subsequent fiscal
4 biennia will be no more than (~~\$6~~) six million dollars per fiscal
5 year.

6 For the purposes of this section, "marijuana products" means
7 "useable marijuana," "marijuana concentrates," and "marijuana-infused
8 products" as those terms are defined in RCW 69.50.101.

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