Individual State Agency Fiscal Note

Bill Number: 2485 HB	Title: Genetic data	Agency: 100-Office of Attorney General

Part I: Estimates

☐ **No Fiscal Impact**

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years	0.0	0.7	0.3	0.5	0.3
Account					
General Fund-State 001-1	0	92,000	92,000	137,000	90,000
Total $	0	92,000	92,000	137,000	90,000

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.

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Agency Approval:	Edd Giger	Phone: 360-586-2104	Date: 01/20/2020
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Part II: Narrative Explanation

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

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

The four sections are new, and create a new chapter in Title 19 RCW.

Section 1 is a definitions section. Direct-to-consumer genetic testing company is defined.

Section 2 sets requirements regarding privacy notice, consent, security, and disclosure that direct to consumer genetic testing companies must meet.

Section 3 makes a violation of the chapter a violation of Chapter 19.86 RCW. The Attorney General's Office (AGO) is given power to bring actions in the name of the state or as parens patriae on behalf of residents, providing for civil penalties of $2,500 per violation. Consumers are entitled to the same as damages. Attorney fees and costs are mandatory for successful plaintiffs.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

AGO Consumer Protection activities are funded with General Fund-State dollars. No cash receipt impact. There is no client agency to bill for legal services.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

Assumptions for the AGO Consumer Protection Division (CPR) Legal Services:

1. This bill is assumed effective 90 days after the end of the 2020 legislative session.

2. AGO CPR activities are funded with General Fund-State dollars. CPR enforces the Consumer Protection Act with respect to conduct that is made unlawful under RCW 19.86.020, which broadly prohibits unfair or deceptive acts or practices in trade or commerce. CPR focus is on representations and failures to disclose terms and conditions.

3. CPR assumes up to 2 investigations leading to enforcement action in fiscal year (FY) 2021 and FY 2022.

4. Beginning in FY 2023, investigations decrease to 1 per year. The industry is assumed to move toward compliance.

5. Enforcement action will not require a trial.

6. Court Costs include $1,200 for deposition costs.

7. Total workload impact:
FY 2021 and FY 2022: 0.2 Assistant Attorney General-Seattle (AAG), 0.1 Legal Assistant-Seattle (LA), 0.1

Investigator-Seattle (INV), and 0.2 Paralegal-Seattle (PL) at a cost of $92,000 per FY (this includes court costs of $1,200 per FY).

FY 2023 and in each FY thereafter: 0.1 AAG, 0.05 LA, 0.05 INV, and 0.1 PL at a cost of $45,000 per FY (this includes court costs of $1,200 per FY).

Note: Agency administration support FTEs are included in the tables below, using a Management Analyst 5 as a representative classification.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2020	FY 2021	2019-21	2021-23	2023-25
001-1	General Fund	State	0	92,000	92,000	137,000	90,000
		Total $	0	92,000	92,000	137,000	90,000

III. B - Expenditures by Object Or Purpose

	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years		0.7	0.3	0.5	0.3
A-Salaries and Wages		58,000	58,000	86,000	56,000
B-Employee Benefits		20,000	20,000	30,000	20,000
C-Professional Service Contracts					
E-Goods and Other Services		12,000	12,000	19,000	14,000
G-Travel		1,000	1,000	1,000	
J-Capital Outlays		1,000	1,000	1,000	
Total $	0	92,000	92,000	137,000	90,000

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 2020	FY 2021	2019-21	2021-23	2023-25
Assistant Attorney General-Seattle	110,256		0.2	0.1	0.2	0.1
Legal Assistant 3 (Seattle)	64,944		0.1	0.1	0.1	0.1
Management Analyst 5	88,644		0.1	0.0	0.0	
Paralegal 2-Seattle	70,608		0.2	0.1	0.2	0.1
Senior Investigator-Seattle	92,652		0.1	0.1	0.1	0.1
Total FTEs			0.7	0.3	0.5	0.3

III. D - Expenditures By Program (optional)

Program	FY 2020	FY 2021	2019-21	2021-23	2023-25
Consumer Protection Division (CPR)		92,000	92,000	137,000	90,000
Total $		92,000	92,000	137,000	90,000

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods

NONE

Part V: New Rule Making Required