

Fiscal Estimate - 2011 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 11-2466/1	Introduction Number AB-0475
Description Medical use of marijuana, the regulation of marijuana distribution organizations, requiring the exercise of rule-making authority, making appropriations, and providing a penalty	
Fiscal Effect	
State:	
<input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate	
<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
Local:	
<input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate	
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory
5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts	
Fund Sources Affected	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	
Affected Ch. 20 Appropriations	
Agency/Prepared By	Authorized Signature
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Date	
1/26/2012	

Fiscal Estimate Narratives

DA 1/26/2012

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Description Medical use of marijuana, the regulation of marijuana distribution organizations, requiring the exercise of rule-making authority, making appropriations, and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Current law prohibits the manufacture, distribution, and delivery of marijuana and possession with the intent to manufacture, distribute, or deliver it. A person also is prohibited from possessing or attempting to possess marijuana. There also are certain prohibitions regarding drug paraphernalia.

This bill establishes a medical necessity defense to marijuana-related prosecutions and forfeiture actions. A person who has a debilitating condition (e.g. - cancer, glaucoma, AIDS, etc.) or receiving treatment for the condition may invoke this defense. If the person acquires, possesses, cultivates, transports, or uses marijuana to alleviate the effects of the condition, they may invoke the defense only if no more than the maximum authorized amount of marijuana is involved. The person must have a valid registry identification card, out-of-state registry ID card, or a written certification from their doctor. A person may not claim the medical necessity defense if the person operates a motor vehicle or operates heavy machinery that endangers health or well-being of others while under the influence of marijuana. In addition, a person may not be claim the defense if they smoke the marijuana on a bus, at a workplace, on school premises, in a correctional facility, etc. The defense provided under the bill also apply to a primary caregiver. The bill requires the Department of Health Services (DHS) to establish a registry for medical users of marijuana. In addition, DHS is required to license and regulate nonprofit corporations, known as compassion centers, that distribute of deliver marijuana or drug paraphernalia.

The prosecutors who provided input concerning this bill stated that this bill will have a major impact on prosecution resources. They anticipate an increase in litigation in the criminal courts over what constitutes a justifiable medical exemption. Additionally, they expect a significant increase in distributors of "medical marijuana." The prosecutors expect that many users will be able to find a "practitioner" who will certify they have a debilitating medical condition. Though possession of marijuana charges may decrease, the number of OWI-restricted controlled substances would be likely to rise.

Though prosecutors provided many reasons why they believe the workload will significantly increase for their offices if this bill is enacted, they did not provide specific data regarding how many additional prosecutors will be necessary to handle the increased workload. Consequently, it is difficult to provide a fiscal estimate pertaining to this bill.

Long-Range Fiscal Implications

Should this bill be enacted, prosecutors anticipate a significant increase in their workload; however, specific data was not provided by prosecutors to determine how many additional prosecutors will be needed.