

Fiscal Estimate Narratives

DOC 1/25/2012

LRB Number	11-2466/1	Introduction Number	AB-0475	Estimate Type	Original
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, the possession of marijuana with intent to manufacture, distribute or deliver, and possessing or attempting to possess marijuana. Current law also prohibits possessing or delivering certain drug paraphernalia (equipment, products and materials) for the purpose of producing, distributing or using marijuana.

Current penalties (misdemeanors and felonies) vary depending upon the number of marijuana plants, grams of marijuana and whether the person is using, producing or delivering. Penalties range from 30 days in jail for using or possessing drug paraphernalia to 10 years confinement time for possessing 10,000 grams or more than 200 marijuana plants.

This bill provides immunity from arrest and prosecution to those people who establish a medical necessity defense for using marijuana and who are appropriately registered with the Department of Health Services (DHS). This bill also requires DHS to license and regulate nonprofit corporations allowed to distribute or deliver marijuana and paraphernalia to licensed users.

The Department can not determine how many people will meet the medical necessity defense. Assuming that offenders with debilitating medical conditions are currently prosecuted for possession of drug paraphernalia or marijuana use, and assuming that those offenders are now sentenced to serve time in jail or in prison, both the Department and county jails may experience a decrease in costs under this bill. If, instead, offenders are currently sentenced to pay forfeitures, this bill could decrease forfeiture revenues.

Long-Range Fiscal Implications