

Fiscal Estimate Narratives

DNR 8/29/2019

LRB Number	19-3999/1	Introduction Number	SB-377	Estimate Type	Original
Description marijuana possession, regulation of marijuana distribution and cultivation, medical marijuana, operating a motor vehicle while under the influence of marijuana, requiring the exercise of rule-making authority, granting rule-making authority, making an appropriation, and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

This bill establishes recreational and medical marijuana programs, modifies impaired driving statutes for recreational and motor vehicles from zero tolerance to a per se threshold, modifies certain firearm/weapon statutes from zero tolerance to a per se threshold, and repeals various criminal provisions related to marijuana possession.

Fiscal Effect

Under current law, the Department of Natural Resources is a primary enforcement agency for impaired driving prohibitions and accident investigations related to recreational vehicles (e.g. all-terrain vehicles, off-highway motorcycles, motorboats, snowmobiles) as well as motor vehicles within Dept. properties (e.g. state parks, forests, etc.). Department conservation wardens also enforce numerous state law provisions related to safe weapon handling, including prohibitions related to going armed with firearms with a detectable amount of a restricted controlled substance in blood, and have additional authority to make arrests for crimes in their presence throughout the state, such as criminal controlled substance violations detected during fish and game enforcement.

The Dept. of Natural Resources is also assigned police supervision for all Dept. properties, which involves the enforcement of all state laws (including controlled substance possession prohibitions) and the regulation of visitor conduct to ensure Dept. properties remain safe and support high-quality recreational experiences for customers.

Conclusions regarding the law enforcement impacts associated with establishment of recreational and medical marijuana programs in other states are diverse and complicated, and do not provide consistent guidance to inform a detailed cost estimate of this proposal. However, several general trends can be identified as likely impacts to the Department under this proposal.

1. The enforcement and successful prosecution of recreational vehicle and motor vehicle impaired driving prohibitions related to marijuana consumption will likely become more challenging due to the removal of the current zero tolerance laws and controlled substance prohibitions.
2. The prevalence of impaired driving violations and accidents involving individuals who have consumed marijuana may increase, since marijuana consumption will more closely resemble the regulatory schema associated with alcohol consumption, which itself is a significant contributing factor to vehicular accidents.
3. The enforcement of marijuana possession prohibitions will become more complicated due to the creation of the possession thresholds and underage restrictions, particularly since conservation wardens have limited statewide authority related to controlled substance violations.
4. The enforcement of weapon restrictions related to marijuana consumption will become more complicated due to the removal of the current zero tolerance provisions.
5. Department conservation wardens will require additional training related to the new regulatory schema, impaired driving enforcement, case documentation and testimony, and evidence handling considerations.
6. The prevalence of unlawful marijuana "grow operations" on state lands may remain the same or increase, due

to demands associated with marijuana and the associated incentives to avoid the lawfully established regulatory framework.

7. Addressing visitor conduct complaints and maintaining customer satisfaction at state properties, including state park campgrounds, may become more challenging due to the marijuana possession and consumption changes.

8. Enforcement and evidence handling considerations will become more complicated and challenging to navigate since state and federal controlled substance prohibitions will no longer align, and new liability concerns may be created.

Without additional funding or position allocation, the monetary and staff time costs associated with training and enforcement under this proposal will likely require re-prioritization from current enforcement activities, at an indeterminate level. It is unlikely this proposal will reduce accident rates for recreational vehicles, but the degree to which public safety and costs may be impacted cannot be accurately quantified. The Department does not anticipate this proposal will reduce enforcement costs, and it is unknown what effects this proposal may have upon the desirability and customer volume at Department properties, including state park campgrounds.

Long-Range Fiscal Implications