

Fiscal Estimate - 2009 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 09-3644/1	Introduction Number SB-368
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
DOJ/ Mark Rinehart (608) 264-9463	Mark Rinehart (608) 264-9463
Date	
12/15/2009	

Fiscal Estimate Narratives
DOJ 12/15/2009

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Assumptions Used in Arriving at Fiscal Estimate

2009 Senate Bill 368 relates to the medical use of marijuana. Among other things, the bill creates s. 968.072, limiting the arrest or prosecution for various Tetrahydrocannabinols (THC) violations if certain conditions are met.

Under 968.072 (2) and (3), qualifying patients and their primary caregivers cannot be arrested or prosecuted for: 1) manufacture, distribution or delivery of THC; 2) possession with the intent to manufacture, distribute or deliver THC; 3) possession of THC; or 4) possession of drug paraphernalia if all of the following apply: 1) The person manufactures, distributes, delivers, or possesses THC for the medical use by the patient or caregiver, or uses, or possesses with the primary intent to use, drug paraphernalia for the medical use of THC; 2) the person possesses a valid registry identification card, a valid out-of-state registry identification card, or a copy of a qualifying patient's written certification; 3) the quantity of THC does not exceed the maximum authorized amount; 4) any live marijuana plants are in a lockable, enclosed facility unless the person is accessing the plants or has the plants in his or her possession; and 5) if the person is a primary caregiver, he or she is not a primary caregiver to more than 5 qualifying patients.

The Department of Justice's Division of Criminal Investigation employs several special agents who routinely make drug related arrests. SB 368, by creating an immunity from arrest for various THC offenses, will likely lead to civil liability actions against state agents who make certain THC arrests. While DOJ believes that it will normally have a sound defense for the arrests and the number of liability cases will be small, there will be a cost to defending against such lawsuits.

Long-Range Fiscal Implications