

Fiscal Estimate Narratives
DOJ 12/15/2009

LRB Number 09-2517/1	Introduction Number AB-0554	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

2009 Assembly Bill 554 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. AB 554, 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