

### Fiscal Estimate - 2021 Session

Original       Updated       Corrected       Supplemental

<b>LRB Number</b> 21-5281/1	<b>Introduction Number</b> SB-790	
<b>Description</b> penalties for possession of marijuana, employer liability for not drug testing employees and prospective employees, and providing a penalty		
<b>Fiscal Effect</b>		
<b>State:</b>		
<input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs		
<b>Local:</b>		
<input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs      3. <input type="checkbox"/> Increase Revenue      5. Types of Local Government Units Affected <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities 2. <input type="checkbox"/> Decrease Costs      4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts		
<b>Fund Sources Affected</b>	<b>Affected Ch. 20 Appropriations</b>	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS		
<b>Agency/Prepared By</b>	<b>Authorized Signature</b>	<b>Date</b>
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**Fiscal Estimate Narratives**

DA 1/8/2022

LRB Number	<b>21-5281/1</b>	Introduction Number	<b>SB-790</b>	Estimate Type	<b>Original</b>
<b>Description</b>					
penalties for possession of marijuana, employer liability for not drug testing employees and prospective employees, and providing a penalty					

**Assumptions Used in Arriving at Fiscal Estimate**

This fiscal estimate is submitted by the Director of the State Prosecutors Office on behalf of Agency 475 – District Attorneys. This fiscal estimate is responsive only to the fiscal and resource effect of the proposed legislation on the District Attorney program.

This bill reduces to a \$100 civil forfeiture the penalty for possessing or attempting to possess 14 grams or less of marijuana. The bill also eliminates counting, for the purposes of determining if a conviction is a repeat conviction, a criminal offense of marijuana possession involving 28 grams or less. The bill reduces the penalty for drug paraphernalia related to marijuana usage to a civil forfeiture of not more than \$10.

The bill, subject to certain exceptions, limits the liability of an employer that does not require an employee or prospective employee to submit to a test for the presence of any tetrahydrocannabinol (THC), which is the active ingredient in marijuana, synthetic cannabinoid, or a controlled substance analog to THC or a synthetic cannabinoid in his or her system (drug testing) as a condition of employment.

There exists a general concern among many District Attorneys that the decriminalization of marijuana or the relaxation of potential penalties associated with the possession of marijuana will increase usage and lead to increased incidences of drug impaired driving and drug impaired driving prosecutions statewide.

**Long-Range Fiscal Implications**

Responsive District Attorneys expect this proposed change to create additional workload for their offices. The full scope of that increase is unknown and would require further study.