

**JBC STAFF FISCAL ANALYSIS
SENATE APPROPRIATIONS COMMITTEE**

CONCERNING REGULATION OF THE PHYSICIAN-PATIENT RELATIONSHIP FOR MEDICAL MARIJUANA PATIENTS.

Prime Sponsors: Sens. Romer and Spence
Reps. Massey and McCann

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Summary of Amendments Made to the Bill After the 01/25/10 Legislative Council Staff Fiscal Note Was Prepared (Amended by the Health and Human Services Committee 01/27/10)

The Senate Health and Human Services Committee report:

Eliminates the Medical Marijuana Review Board, which would have reviewed medical marijuana registry applications by individuals under twenty-one years of age who are not veterans, and eliminates sunset provisions pertaining to this board.

Specifies that the definition of a "bona fide" physician-patient relationship, which the bill would add to Section 25-1.5-106, C.R.S., applies only to the state's medical marijuana laws.

Specifies the Department of Public Health and Environment (DPHE) as the operator of the medical marijuana registry and makes conforming amendments.

Requires a parent who submits a medical marijuana registry application for his or her child to have his or her signature notarized on the application.

Removes the requirement that the DPHE promulgate rules that govern sanctions for physicians who violate the medical marijuana provisions of the constitution, statute, or DPHE regulations. In place of this requirement, directs DPHE to refer the matter to the State Board of Medical Examiners when it has reasonable cause to believe that a violation has occurred. Directs DPHE to conduct a hearing when it suspects that a physician has violated the medical marijuana provisions of statute. Allows DPHE to restrict a physician's authority to recommend the use of medical marijuana upon a finding of unprofessional conduct by the State Board of Medical Examiners or upon the finding of a violation by the DPHE hearing.

Revokes the medical marijuana registry card of a patient who is sentenced by a court to drug or substance abuse treatment. Allows the patient to apply to the court for reinstatement of the card.

Requires DPHE to transfer a portion of the fees paid by medical-marijuana registrants to the State Board of Medical Examiners, which is located in the Department of Regulatory Agencies, in order to pay costs incurred by that board in investigating and prosecuting referrals from DPHE.

Waives medical marijuana registry fees for patients who are indigent. Requires DPHE to establish rules defining indigence and a process by which DPHE will verify indigence and waive the fee for qualifying patients.

Expands the definition of unprofessional conduct in the Medical Practice Act to include failure to comply with the medical marijuana provisions contained in the constitution, statute, and DPHE rules. Requires the Board of Medical Examiners to promptly notify DPHE of its findings in these matters.

The elimination of the Medical Marijuana Review Board will decrease the cost of implementing the bill. The fee-waiver provisions and the Board of Medical Examiners provisions will increase implementation costs. Amounts cannot be determined at this time.

JBC Staff Concurrence with Legislative Council Staff Fiscal Note

Concurs

Does Not Concur

Updated Analysis

Amendments/Appropriation Status

While this bill does not currently include an appropriation clause, it will require cash fund appropriations to the Department of Public Health and Environment for FY 2010-11 and subsequent years, and it may also require appropriations to the Department of Regulatory Agencies for the Board of Medical Examiners and to the Department of Law for legal services. These appropriations, which will come from the Medical Marijuana Program Cash Fund, will in total exceed \$100,000 annually. However it is not possible to determine the amount at this time because these departments have not submitted cost estimates that take into account the changes in the Health and Human Services Committee Report. As a consequence, staff has not prepared a appropriation clause.

The Medical Marijuana Program Cash Fund, which consists of registry fees, has sufficient revenues to pay for these appropriations.

Bill Sponsor Amendments

Staff is not aware of any sponsor amendments to be offered.

Points to Consider

None.