

**STATE**  
**CONDITIONAL FISCAL IMPACT**

**Drafting Number:** LLS 10-0991  
**Prime Sponsor(s):** Sen. Renfroe  
Rep. Waller

**Date:** April 28, 2010  
**Bill Status:** Senate Judiciary  
**Fiscal Analyst:** Sara McPhee (303-866-4782)

**TITLE:** SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF COLORADO AN AMENDMENT TO SECTION 14 OF ARTICLE XVIII OF THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING A CLARIFICATION OF THE AFFIRMATIVE DEFENSE FOR THE PROVISION OF MEDICAL MARIJUANA, AND, IN CONNECTION THEREWITH, CLARIFYING THE DEFINITION OF PRIMARY CARE-GIVER TO ENSURE THAT THE AFFIRMATIVE DEFENSE IS AVAILABLE ONLY TO A PRIMARY CARE-GIVER WHO ASSISTS THE PATIENT WITH THE DAILY NECESSITIES OF LIFE, AND STATING THAT SECTION 14 OF ARTICLE XVIII DOES NOT AUTHORIZE A RETAIL MEDICAL MARIJUANA OPERATION OR A COMMERCIAL MEDICAL MARIJUANA CULTIVATION OPERATION.

<b>Fiscal Impact Summary</b>	<b>FY 2010-2011</b>	<b>FY 2011-2012</b>
<b>State Revenue</b> General Fund	(\$306,000)	(\$612,000)
<b>State Expenditures</b>		
<b>FTE Position Change</b>		
<b>Effective Date:</b> Upon voter approval at the 2010 general election.		
<b>Appropriation Summary for FY 2010-2011:</b> None required.		
<b>Local Government Impact:</b> See local government impact section.		

**Summary of Legislation**

This concurrent resolution amends the Colorado Constitution concerning use of medical marijuana by defining a primary care-giver as an individual who assists a patient with the following activities:

- administering prescription medication;
- attending medical appointments;
- assuring the patient complies with dietary requirements; and
- assisting with other aspects of the patient's daily care.

The concurrent resolution specifies that an individual cannot be considered a patient's primary care-giver if the only responsibility of the care-giver is cultivating or obtaining medical marijuana for the patient. The affirmative defense for possessing marijuana is only applicable for care-givers if the marijuana is intended for a patient. Retail or commercial medical marijuana operations are not permitted.

**State Revenue**

**The concurrent resolution reduces state sales tax revenue by \$306,000 in FY 2010-11 and \$612,000 in FY 2011-12.** Currently, the state is collecting about \$51,000 monthly in sales tax from retail medical marijuana operations. These operations would be prohibited if this concurrent resolution is adopted. Because the resolution is subject to voter approval, it is assessed as having a conditional fiscal impact.

**Election Expenditure Impacts (For Informational Purposes Only)**

The bill refers a measure to the voters at the November 2010 general election. This measure will be published in newspapers and an analysis of the measure will be included in the Blue Book mailed to all registered voter households prior to the election. Under current law, costs for these functions will be paid through a General Fund line item in the Long Appropriations Bill. Table 1 below identifies the anticipated costs for the 2010 Blue Book.

<b>Table 1. Cost to Produce and Distribute the 2010 Blue Book to All Registered Voter Households</b>	
Printing	\$400,000
Postage	\$450,000
Translation	\$20,000
Newspaper Publication (English & Spanish)	\$700,000
<b>Total Cost (14 issues)</b>	<b>\$1,570,000</b>
<b>Average Cost per Issue</b>	<b>\$112,143</b>

**Local Government Impact**

Local governments also collect sales tax. To the extent that localities are collecting sales tax on retail medical marijuana sales, localities also will see a reduction in sales tax revenue. The amount of this reduction cannot be determined.

**Departments Contacted**

Judicial  
Law  
Regulatory Agencies

Public Health and Environment  
Revenue  
State