

**JBC STAFF FISCAL ANALYSIS
HOUSE APPROPRIATIONS COMMITTEE**

CONCERNING MEDICAL MARIJUANA.

Prime Sponsors: Representative Massey
Senator Steadman

JBC Analyst: Megan Davisson
Phone: 303-866-2061
Date Prepared: March 28, 2011

Summary of Amendments Made to the Bill After the 03/02/11 Legislative Council Staff Revised Fiscal Note Was Prepared

None.

JBC Staff Concurrence with Legislative Council Staff Fiscal Note

Concurs **Does Not Concur** **Updated Analysis**

Amendments/Appropriation Status

The bill requires but does not contain an appropriation clause. Staff has prepared amendment **J.001** (attached) to add a provision making appropriations to the Departments of Regulatory Agencies, Law, Personnel and Administration, Human Services, and Health Care Policy and Financing. The appropriations are outlined below.

Details of Amendment J.001 to H.B. 11-1043					
	GF	CF	RF	FF	FTE
Department of Human Services	150,000	0	0	0	0.0
Department of Health Care Policy and Financing	150,000	0	0	150,000	0.0
Department Regulatory Agencies					
Executive Director's Office	\$0	\$204,582	\$0	\$0	0.0
Division of Registrations	0	59,028	0	0	0.5
<i>Department of Regulatory Agencies Subtotal</i>	<i>0</i>	<i>263,610</i>	<i>0</i>	<i>0</i>	<i>0.5</i>
Department of Law			162,735	0	1.3
Department of Personnel and Administration	0	0	41,847	0	0.0
Amendment J.001 Total	\$300,000	\$263,610	\$204,582	\$150,000	1.8

Bill Sponsor Amendments**Sponsor Amendment L.023**

Sponsor amendment **L.023** (attached) eliminates the requirement that the Colorado Medical Board in the Department of Regulatory Agencies develop and implement an appeals process for physicians to clarify their ability to make medical marijuana recommendations. Amendment L.023 will eliminate the fiscal impact of the Colorado Medical Board and associated expenses relating to the litigation of appeals and enforcement of determinations.

If the Committee adopted L.023, the Committee should adopt J.003.

Sponsor Amendment L.024

Sponsor amendment **L.024** (attached) decreases the diversion to the Department of Human Services and the Department of Health Care Policy and Financing from \$4.0 million to \$2.0 million. This increases the revenue deposited into the General Fund. The amendment would eliminate the General Fund appropriations to the Department of Human Services and the Department of Health Care Policy and Financing. Staff has prepared amendment **J.002** (attached), which makes the same appropriations as J.001 except does not appropriate General Fund to the Department of Human Services.

If the Committee adopted L.024, the Committee should adopt J.002.

Sponsor Amendment L.025

Sponsor amendment **L.025** (attached) requires the Department of Human Services portion of the sales and use taxes be appropriated to the Circle Program. Amendment L.025 eliminates the funding for the Behavioral Health Services for Juveniles and Adults at risk or involved in the Criminal Justice System and provides this funding to the Circle Program. Staff has prepared amendment **J.004** (attached) which provides the same appropriations as J.001 except funds are appropriated to the Circle Program in the Mental Health Institutes - Pueblo line item.

If the Committee adopted L.025, the Committee should adopt J.004.

The table on the following page outlines which appropriation amendments should or should not be adopted based on which sponsor amendments are adopted. Additionally the table provides the fiscal impact if multiple amendments are passed.

Points to Consider

1. The general appropriations bill for FY 2011-12 has not yet been introduced. This bill would appropriate \$300,000 General Fund for FY 2011-12. If this bill passes with amendment J.001, amendment J.003 or amendment J.004, \$300,000 General Fund will not be available for other existing programs.

2. The Department of Health Care Policy and Financing's most recent projection of FY 2011-12 claims for the Screen, Brief Intervention, Referral and Treatment Program totals significantly less than this bill will provide. The Department estimates claims of approximately \$1.2 million, of which \$600,000 is General Fund and \$600,000 is federal funds. If the Department does not use the full \$150,000 General Fund provided in H.B. 11-1043, the excess will revert to the General Fund at the end of FY 2011-12.