



Legislative  
Council Staff

*Nonpartisan Services for Colorado's Legislature*

**HB 19-1031**

**REVISED  
FISCAL NOTE**

(replaces fiscal note dated January 22, 2019)

**Drafting Number:** LLS 19-0399  
**Prime Sponsors:** Rep. Gray  
Sen. Gonzales

**Date:** March 6, 2019  
**Bill Status:** Senate HHS  
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**Bill Topic:** CHILD PATIENT MORE THAN ONE PRIMARY CAREGIVER

**Summary of  
Fiscal Impact:**

- State Revenue
- State Expenditure
- State Transfer
- TABOR Refund
- Local Government
- Statutory Public Entity

The bill allows each parent or guardian to serve as a primary caregiver for a medical marijuana patient who is under the age of 18. The bill increases expenditures in FY 2019-20 only.

**Appropriation  
Summary:**

For FY 2019-20, the bill requires a cash fund appropriation of \$95,831 to the Colorado Department of Public Health and Environment.

**Fiscal Note  
Status:**

This fiscal note reflects the reengrossed bill.

**Table 1  
State Fiscal Impacts Under HB 19-1031**

		<b>FY 2019-20</b>	<b>FY 2020-21</b>
<b>Revenue</b>		-	-
<b>Expenditures</b>	Cash Funds	\$95,831	-
<b>Transfers</b>		-	-
<b>TABOR Refund</b>		-	-

## **Summary of Legislation**

Under current law, a medical marijuana patient may have one primary caregiver at any one time. The bill allows a patient who is under the age of 18 to have each parent or guardian act as a primary caregiver. If the patient is under the jurisdiction of the juvenile court, the judge presiding over the case may determine who is the primary caregiver.

## **Background**

A primary caregiver is defined as a person who is at least 18 years who has significant responsibility for managing the wellbeing of a patient who has a debilitating or disabling medical condition. A primary caregiver may be a parent, advising caregiver, transporting caregiver, or cultivating caregiver. Primary caregivers must be designated in the medical marijuana registry maintained by the Colorado Department of Public Health and Environment (CDPHE).

The medical marijuana registry and program in CDPHE are funded by the Medical Marijuana Program Cash Fund, which contains revenue from marijuana registry fees. No change in medical marijuana registry fees is anticipated as a result of this bill. There are currently 333 medical marijuana cards for minors that will be renewed in 2019.

## **State Expenditures**

In FY 2019-20 only, the bill increases state expenditures from the Medical Marijuana Program Cash Fund in CDPHE by \$95,831. This amount is required to modify the medical marijuana registry including the online application portal, and medical marijuana registry cards to allow for multiple caregivers for individual minor patients. Approximately 655 hours are required to manage the changes, design, reconfigure, and test the modifications and ensure that the changes interface with the Colorado Crime Information Center, which allows law enforcement to verify patient and caregiver status. These changes will be made by the current system vendor, at rates ranging from \$128 to \$197 per hour depending on the task.

The bill also increases the workload for CDPHE to update communication and training materials, provide outreach for medical marijuana patients and their families, law enforcement, and the departments of Revenue and Public Safety, and conduct rulemaking. Legal services for rulemaking are provided by the Department of Law. This workload increase does not require a change in appropriations.

**Judicial Department.** To the extent that the bill drives additional hearings for a judge to determine who the primary caregivers are for a patient who is under the jurisdiction of the court, the bill increases workload for the trial courts. Any increase is expected to be minimal.

## **Effective Date**

The bill takes effect August 2, 2019, if the General Assembly adjourns on May 3, 2019, as scheduled, and no referendum petition is filed.

## Technical Note

CDPHE will require time to make the system changes and promulgate rules once the bill goes into effect on August 2, 2019. As a result, the option to add additional caregivers will not be available until the system changes and rulemaking are complete.

## State Appropriations

For FY 2019-20, the bill requires an appropriation of \$95,831 from the Medical Marijuana Program Cash Fund to the Colorado Department of Public Health and Environment.

## State and Local Government Contacts

Counties  
Judicial  
Municipalities  
Public Health and Environment

Human Services  
Law  
Office of The Child's Representative  
Revenue