



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

REVISED FISCAL NOTE

(replaces fiscal note dated March 6, 2019)

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

Date: March 22, 2019
Bill Status: Senate Appropriations
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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 2020-21 only.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This fiscal note reflects the reengrossed bill, as amended by the Senate Health and Human Services Committee.

Table 1
State Fiscal Impacts Under HB 19-1031

Table with 3 columns: Category, FY 2019-20, FY 2020-21. Rows include Revenue, Expenditures (Cash Funds), Transfers, and TABOR Refund.

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 2020-21 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 December 1, 2020, if 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 December 1, 2020. As a result, the option to add additional caregivers will not be available until the system changes and rulemaking are complete.

State and Local Government Contacts

Counties	Human Services
Judicial	Law
Municipalities	Office of The Child's Representative
Public Health and Environment	Revenue