



# Initiative 61

## Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

---

# Fiscal Impact Statement

---

**Date:** April 11, 2022

**Fiscal Analyst:** Aaron Carpenter (303-866-4918)

---

### **LCS TITLE: LEGAL POSSESSION AND USE OF ENTHEOGENIC PLANTS AND FUNGI**

*Disclaimer. This initial fiscal impact statement has been prepared for an initiative approved for petition circulation by the Secretary of State. If the initiative is placed on the ballot, Legislative Council Staff may revise this estimate for the ballot information booklet (Blue Book) if new information becomes available.*

### **Summary of Measure**

The measure decriminalizes the possession, use, cultivation, production, sharing, giving away, and delivery of entheogenic plants and fungi for persons 21 years of age or older. This includes providing supervision, guidance, therapeutic, harm reduction, spiritual, or supportive services to persons 21 years of age or older engaging in the intentional and consenting use of entheogenic plants and fungi and possessing paraphernalia to cultivate, produce, store, or use the substances. The measure does not allow an individual to distribute or sell entheogenic plants and fungi for remuneration. Entheogenic plants and fungi is defined as psilocybin, psilocyn, ibogaine, mescaline, and dimethyltryptamine.

### **State Revenue and Expenditures**

Currently, it is unknown how many individuals are being convicted and sentenced for the use of entheogenic plants and fungi. For example, from FY 2018-19 to FY 2020-21, 10,946 individuals have been convicted and sentenced for the offense of possession of a schedule I or schedule II controlled substance over 4 grams by the state's courts. However, it is unknown how many of these offenses involved entheogenic plants or fungi. This analysis assumes that offenses involving entheogenic plants and fungi make up a small portion of overall cases and therefore there will be a minimal impact on state revenue and expenditures from decriminalization. This includes a minimal decrease in criminal fines and court fees, which are subject to the state's TABOR spending limit, and a decrease in workload and costs for the Judicial Department, including the trial courts, Division of Probation, and agencies that provide representation to indigent persons, and to the Department of Corrections.

### **Local Government**

Similar to the state, it is expected that any workload or cost decreases for district attorneys to prosecute fewer offenses, or for county jails to imprison fewer individuals under the measure will be minimal. District attorney offices and county jails are funded by counties.

## **Effective Date**

If approved by voters at the 2021 general election, this measure takes effect upon proclamation of the Governor, no later than 30 days after the official canvass of the vote is completed.

## **State and Local Government Contacts**

Corrections

District Attorneys

Judicial

## **Other Sources Considered**

Legislative Council Staff did not receive information or estimates to consider from any other interested persons or organizations.