

February 24, 2017

The Honorable Jacob LaTurner, Chairperson
Senate Committee on Federal and State Affairs
Statehouse, Room 136-E
Topeka, Kansas 66612

Dear Senator LaTurner:

SUBJECT: Fiscal Note for SB 151 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 151 is respectfully submitted to your committee.

SB 151 would prohibit the arrest, prosecution, or penalization of a person, who possesses, utilizes, dispenses, or distributes any non-intoxicating cannabinoid medicine or paraphernalia used to administer the medicine, pursuant to a physician's recommendation. The bill would also prohibit the arrest, prosecution, or penalization in any manner, including any form of professional discipline from the Kansas Board of Healing Arts, of a physician for issuing a recommendation order to a patient for the use of non-intoxicating cannabinoid medicine.

Under the bill, a licensed pharmacist would not be subject to arrest, prosecution, or penalization in any manner, including any form of professional discipline by the Kansas Board of Pharmacy for dispensing or distributing any non-intoxicating cannabinoid medicine pursuant to a physician's recommendation order.

The Office of Judicial Administration states some of the bill's provisions that decriminalize actions that could be charged as crimes under current law could result in fewer criminal charges being filed. According to the Office, a fiscal effect cannot be estimated until the Judicial Branch has had an opportunity to operate under the bill's provisions.

The Kansas Bureau of Investigation indicates the agency does not have enough data to estimate a fiscal effect. The Attorney General states there could be additional litigation from defendants who could use the bill's provisions as a defense because the term "non-intoxicating cannabinoid medicine" is not defined. In addition, the agency indicates there could be civil rights litigation from a defendant who believes that he or she has been wrongfully arrested, charged, or convicted. Because the agency does not know how many cases may be filed, a fiscal effect cannot be estimated.

The Kansas Sentencing Commission estimates that enactment of SB 151 would have no effect on prison admissions or bed space.

The Kansas Board of Healing Arts indicates enactment of SB 151 could be implemented within existing resources. The Kansas Board of Pharmacy states additional positions would be needed to answer questions, respond to compliance inquiries, and investigate complaints. The Board does not estimate any additional revenue, so the Board indicates current fees would have to be increased and additional expenditure authority would be requested from the Legislature.

Both the Kansas Association of Counties and the League of Kansas Municipalities state any fiscal effect to local governments would be negligible. Any fiscal effect associated with SB 151 is not reflected in *The FY 2018 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Alexandra Blasi, Board of Pharmacy
Linda Kelly, Corrections
Cathy Brown, Board of Healing Arts
Scott Schultz, Sentencing Commission
Ashley Michaelis, Judiciary
Willie Prescott, Office of the Attorney General
Brock Ingmire, League of Municipalities
Melissa Wangemann, Association of Counties
Shelia Sawyer-Tyler, KBI