

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1189 – HB 1252

March 18, 2016

SUMMARY OF ORIGINAL BILL: Redefines “drug paraphernalia” under Tenn. Code Ann. § 39-17-402 to include handheld vaporizers and vape pens when used to ingest, inhale, or otherwise introduce marijuana, cocaine, hashish, or hashish oil into the human body.

Redefines “drug paraphernalia” under Tenn. Code Ann. § 39-17-402 to include marijuana concentrates and marijuana oil to the substances being ingested, inhaled, or otherwise introduced into the human body for an object to be considered drug paraphernalia.

Redefines “marijuana” under Tenn. Code Ann. § 39-17-402 to include marijuana concentrates and oils relative to drug offenses under the Tennessee Drug Control Act, Tenn. Code Ann. §§ 39-17-401 et seq.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (014295): Deletes and rewrites the bill such that the only substantive change is to remove the provision that added handheld vaporizers and vape pens to the definition of “drug paraphernalia”.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- “Marijuana” is defined in Tenn. Code Ann. § 39-17-402 as “all parts of the plant cannabis . . . and every compound, . . . derivative, mixture, or preparation of the plant.”
- It is assumed that this definition includes any concentrates and oils that may be derived from the cannabis plant.
- It is assumed that the bill will not significantly increase incarcerations under the Tennessee Drug Control Act, Tenn. Code Ann. §§ 39-17-401 et seq., or on the operations and caseloads of the Administrative Office of the Courts (AOC), the District

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Attorneys General Conference (DAGC), and the District Public Defenders Conference (DPDC).

- The Department of Correction confirms that the bill will not significantly impact incarcerations.
- The AOC and DAGC confirm that the bill will not significantly impact their operations.
- The DPDC reports that the bill may impact their misdemeanor and felony caseloads, but offer no estimate as to the extent of such impact.
- It is assumed that the DPDC can accommodate any impact within their existing resources.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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