

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 1189 - HB 1252**

December 28, 2015

**SUMMARY OF 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.

**ESTIMATED FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

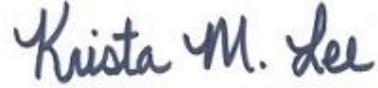
- “Marijuana” is defined in Tenn. Code Ann. § 39-17-402 as “all parts of the plant cannabis . . . and every compound, . . . derivative, mixture, or preparation of the plant.”
- It is assumed that this definition includes any concentrates and oils that may be derived from the cannabis plant.
- The definition of “drug paraphernalia” in Tenn. Code Ann. § 39-17-402 includes carburetion tubes, carburetion devices, and electric pipes. It is assumed that the current definition of “drug paraphernalia” covers “handheld vaporizers or vape pens.”
- 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 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.

**SB 1189 - HB 1252**

- 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.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/trm