



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2023 Biennium

**Bill #** HB0655

**Title:** Generally revise marijuana laws.

**Primary Sponsor:** Buttrely, Edward

**Status:** As Introduced

- Significant Local Gov Impact     
  Needs to be included in HB 2     
  Technical Concerns  
 Included in the Executive Budget     
  Significant Long-Term Impacts     
  Dedicated Revenue Form Attached

### FISCAL SUMMARY

	<u>FY 2022 Difference</u>	<u>FY 2023 Difference</u>	<u>FY 2024 Difference</u>	<u>FY 2025 Difference</u>
<b>Expenditures:</b>				
General Fund	\$0	\$0	\$0	\$0
<b>Revenue:</b>				
General Fund	\$0	\$0	\$0	\$0
<b>Net Impact-General Fund Balance:</b>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

**Description of fiscal impact:** HB 655 has no known fiscal impact to the state in the period covered by this fiscal note.

### FISCAL ANALYSIS

#### Assumptions:

#### **Department of Public Health and Human Services**

1. HB 655 states that if the Medical Marijuana Program fails to act on a completed application within 30 days of receipt, the program shall reduce the licensing fee for the applicant by 10% each week that the application is pending. There would be a fiscal impact if the program does not process applications in a timely manner. During the prior 12 months, this has not occurred within the program and is not expected to occur if HB 655 passes.

#### **Montana State Fund**

2. Individuals who test positive for marijuana use and do not have a registry identification card do not have to be provided an opportunity to rebut or explain test results.
3. Individuals must be disqualified from receiving unemployment insurance benefits after being discharged for failure to pass, or refusal to take, a drug test in violation of an employer's stated workplace drug policy unless the individual is a registered cardholder.

4. An injured worker is not eligible for workers' compensation benefits if the injured worker fails or refuses to take a drug test administered under a qualified testing program as there is a presumption that the major contributing cause of the accident was the employee's use of drugs not prescribed by a physician.
5. The fiscal impact cannot be determined. The number of instances in which an employee fails or refuses to take an approved drug test is unknown and the severity of any accident for which benefit payments will be withheld is unknown.

	<u>FY 2022 Difference</u>	<u>FY 2023 Difference</u>	<u>FY 2024 Difference</u>	<u>FY 2025 Difference</u>
<b><u>Fiscal Impact:</u></b>				
FTE	0.00	0.00	0.00	0.00
<b><u>Expenditures:</u></b>				
TOTAL Expenditures	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b><u>Funding of Expenditures:</u></b>				
TOTAL Funding of Exp.	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b><u>Revenues:</u></b>				
TOTAL Revenues	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b><u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u></b>				
General Fund (01)	\$0	\$0	\$0	\$0

**Technical Notes:**

**Department of Labor and Industry**

1. Sections 1 and 2 of the bill may violate due process and equal protection provisions of the Montana and United States Constitutions, to the extent that they remove worker entitlement to provide response to putative adverse test results and create a special category of drug use treated disparately from all other categories.
2. Section 3 creates conflict with Mont. Code Ann. 39-2-207 in that 39-2-207 requires a drug testing policy be "written," while section 3 states the policy must be "stated," which implies a verbal drug testing policy as appropriate.
3. Section 3 appears to state the employers must follow state-issued administrative rules. Neither DLI nor any other state agency is presently tasked with administrative rulemaking functions or enforcement authority for the Workforce Drug and Alcohol Testing Act, codified at Mont. Code Ann. 39-2-205, et. Seq.

**NOT SIGNED BY SPONSOR**

\_\_\_\_\_      3/25/21      KA      3-24-21  
 Sponsor's Initials      Date      Budget Director's Initials      Date