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Status	Circulating
Short Ballot Title	INITIATIVE LEGALIZING POSSESSION, USE , AND TRANSFER OF UP TO THREE OUNCES OF MARIJUANA BY PERSONS AT LEAST TWENTY-ONE YEARS OLD.
Long Ballot Title	AN INITIATIVE RELATING TO MARIJUANA; AMENDING TITLE 37, IDAHO CODE, BY ADDITION OF A NEW CHAPTER 35, KNOWN AS THE “PERSONAL ADULT MARIJUANA DECRIMINALIZATION ACT” TO DECRIMINALIZE THE POSSESSION, USE, AND TRANSFER OF UP TO THREE OUNCES OF MARIJUANA BY PERSONS AT LEAST TWENTY-ONE YEARS OF AGE ; ESTABLISHES CONDUCT LIMITATIONS THAT ARE NOT PROTECTED FROM CIVIL OR CRIMINAL PENALTIES AND SANCTIONS; ESTABLISHES FACILITY RESTRICTIONS THAT PROVIDE FACILITIES SUCH AS NURSING HOMES, INTERMEDIATE CARE FACILITIES, HOSPICE HOUSES, HOSPITALS, OR OTHER RESIDENTIAL CARE OR ASSISTED LIVING FACILITIES WITH THE AUTHORITY TO ADOPT REASONABLE RESTRICTIONS ON THE PERSONAL USE OF MARIJUANA; ESTABLISHES PROTECTIONS FOR THE PERSONAL USE OF MARIJUANA; PROVIDES THAT DISCRIMINATION IS PROHIBITED AGAINST PERSONS THAT USE MARIJUANA AS AUTHORIZED BY THIS ACT; PROVIDES FOR SEVERABILITY ; AMENDS TITLE 37, CHAPTER 27, IDAHO CODE , KNOWN AS THE IDAHO CONTROLLED SUBSTANCES ACT, TO INCORPORATE THE NEW TITLE 37, CHAPTER 35; AND AMENDS TITLE 63, CHAPTER 42, IDAHO CODE, KNOWN AS THE ILLEGAL DRUG STAMP TAX ACT, TO CHANGE THE ILLEGAL QUANTITY OF MARIJUANA TO MORE THAN THREE (3) OUNCES.
Full Text	<p>Be it enacted by the People of Idaho:</p> <p>SECTION 1 Title. This Act shall be known as the Personal Adult Marijuana Decriminalization Act</p> <p>That Title 37, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 35, Title 37, Idaho Code, and to read as follows:</p> <p>CHAPTER 35, PERSONAL ADULT MARIJUANA DECRIMINALIZATION ACT</p> <p>37-3501. SHORT TITLE. This act shall be cited as the “Personal Adult Marijuana Decriminalization Act.”</p> <p>37-3502. DEFINITIONS For purposes of this Chapter, unless the context otherwise requires:</p> <p>(1) “Marijuana” means all parts of the plant of the genus Cannabis, regardless of species, and whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin, including any plant material or the resin or any derivative thereof, regardless of form, containing any of the chemical substances classified as tetrahydrocannabinols. It does not include the mature stalks of the plant unless the same are intermixed with prohibited parts thereof, fiber produced from the stalks, oil or cake made from the seeds or the achene of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom or where the same are intermixed with prohibited parts of such plant, fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.</p>

Full Text
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(2) “Personal amount of marijuana” means:

(a) With respect to a person who is at least twenty-one (21) years of age:

(i) Three (3) ounces of marijuana.

(3) “Personal use of marijuana” means:

(a) With respect to a person who is at least twenty-one (21) years of age:

(i) Possession and usage of a personal amount of marijuana for ingestion by any means; and

(ii) Possession and usage of marijuana occurs on and within private property; and

(iii) With permission of the property owner.

37-3503. LIMITATIONS

This Chapter does not authorize any person to engage in, and does not prevent the imposition of any civil, criminal, or other penalties for engaging in, the following conduct:

(1) Undertaking any task under the influence of marijuana that would constitute negligence or professional malpractice.

(2) Possessing or engaging in the use of marijuana:

(a) On a school bus; or

(b) In any correctional facility.

(3) Smoking or vaporizing marijuana:

(a) On any form of public transportation;

(b) On the grounds of any licensed daycare, preschool, primary or secondary school; or

(c) In any place where tobacco smoking is prohibited.

(4) Operating, navigating, or being in actual physical control of any motor vehicle, aircraft, train, motorboat, or other motorized form of transport while under the influence of marijuana, except a person may not be considered to be under the influence of marijuana solely because of the presence of metabolites or components of marijuana that appear in insufficient concentration to cause impairment.

(5) Solvent-based extractions on marijuana using solvents other than water, glycerin, propylene glycol, vegetable oil, or food grade ethanol by a person.

(6) Using marijuana except as authorized under this Chapter.

(7) Cultivating live marijuana plants of any size or stage of development.

(8) Nothing in this Chapter requires:

(a) Any person or establishment in lawful possession of property to allow a guest, client, customer, or other visitor to smoke marijuana on or in that property;

(b) A licensed daycare, preschool, primary or secondary school to allow the personal use of marijuana on its property.

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37-3504. FACILITY RESTRICTIONS

(1) Any nursing facility, intermediate care facility, hospice house, hospital, or other type of residential care or assisted living facility may adopt reasonable restrictions on the personal use of marijuana by their residents or a person receiving inpatient services, including:

- (a) That the facility will not store or maintain the person's supply of marijuana;
- (b) That the facility, caregivers, or hospice agencies serving the facility's residents are not responsible for providing the marijuana for persons;
- (c) That marijuana is consumed by a method other than smoking; or
- (d) That marijuana is consumed only in a place specified by the facility.

(2) Nothing in this section requires a facility listed in subsection (1) to adopt restrictions on the personal use of marijuana.

37-3505. PROTECTIONS FOR THE PERSONAL USE OF MARIJUANA

(1) A person who is at least twenty-one (21) years of age or older is not subject to arrest, prosecution, or penalty in any manner, or denial of any right or privilege, including any civil penalty or disciplinary action by a court, or occupational or professional licensing board or bureau, for:

- (a) The personal use of marijuana pursuant to this Chapter, if the person does not possess more than a personal amount of marijuana in accordance with this Act;
- (b) Offering or providing a personal amount of marijuana to a person who is at least twenty-one (21) years of age or older.
- (c) Transporting a personal amount of marijuana from a jurisdiction where the marijuana was legally purchased under state law.

(2) There is a presumption in criminal, civil, and administrative court proceedings that a person aged 21 years or older is engaged in the personal use of marijuana pursuant to this Chapter if the person is in possession an amount of marijuana that does not exceed the personal amount.

(3) A holder of a professional or occupational license may not be subject to professional discipline for providing advice or services related to marijuana activities that are allowed under state law pursuant to this Chapter or denied a license based on previous employment related to marijuana activities that are allowed under state law pursuant to this Chapter.

(4) No person may be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including any civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau, for:

- (a) Providing or selling drug paraphernalia designed for the personal use of marijuana to a person who is twenty-one (21) years of age or older;
- (b) Being in the presence or vicinity of the personal use of marijuana that is exempt from criminal penalties under this Chapter; or
- (c) Allowing a person's property to be used for activities that are exempt from criminal penalties by this Chapter.

(5) Property, including all interests in the property, otherwise subject to forfeiture under state or local law that is possessed, owned, or used in any activity permitted under this Chapter is not subject to seizure or forfeiture. This subsection does not prevent civil or criminal forfeiture if the legal basis for the forfeiture is unrelated to the personal use of marijuana as authorized under this Chapter.

(6) The odor of marijuana alone in the presence of persons aged 21 years or older engaged in activities authorized by this Act does not constitute probable cause or reasonable suspicion, nor may it be used to support the search of a person or property of a person.

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37-3506. DISCRIMINATION PROHIBITED

(1) No employer is required to allow the ingestion of marijuana in any workplace or to allow any employee to work while under the influence of marijuana, provided that an employee shall not be considered to be under the influence of marijuana because of the presence of metabolites or components of cannabis that appear in insufficient concentration to cause impairment.

(2) For the purposes of medical care, including organ and tissue transplants, a person's use of marijuana in accordance with this Chapter does not constitute the use of an illicit substance or otherwise disqualify a person from receiving medical care.

(3) A person shall not be denied custody of or visitation rights or parenting time with a minor for engaging in conduct allowed under this Chapter.

(4) No state or local agency shall restrict, revoke, suspend, or otherwise infringe upon a person's right to own or possess a firearm or any related firearms certification based on conduct allowed under this act.

(5) No school, landlord, or employer may be penalized or denied any benefit under state law for enrolling, leasing to, or employing a person engaging in conduct allowed under this Chapter.

SECTION 2. SEVERABILITY

The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

SECTION 3. CONTROLLED SUBSTANCE AMENDMENTS

That Chapter 27, Title 37, Idaho Code, be, and the same is hereby amended to read as follows:

37-2732. PROHIBITED ACTS A — PENALTIES. (a) Except as authorized by this chapter or authorized by Chapter 35, Title 37, it is unlawful for any person to manufacture or deliver, or possess with intent to manufacture or deliver, a controlled substance.

(1) Any person who violates this subsection with respect to:

(A) A controlled substance classified in schedule I which is a narcotic drug or a controlled substance classified in schedule II, except as provided for in section 37-2732B(a)(3), Idaho Code, is guilty of a felony and upon conviction may be imprisoned for a term of years not to exceed life imprisonment, or fined not more than twenty-five thousand dollars (\$25,000), or both;

(B) Any other controlled substance which is a nonnarcotic drug classified in schedule I, or a controlled substance classified in schedule III, is guilty of a felony and upon conviction may be imprisoned for not more than five (5) years, fined not more than fifteen thousand dollars (\$15,000), or both;

(C) A substance classified in schedule IV, is guilty of a felony and upon conviction may be imprisoned for not more than three (3) years, fined not more than ten thousand dollars (\$10,000), or both;

(D) A substance classified in schedules V and VI, is guilty of a misdemeanor and upon conviction may be imprisoned for not more than one (1) year, fined not more than five thousand dollars (\$5,000), or both.

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(b) Except as authorized by this chapter, it is unlawful for any person to create, deliver, or possess with intent to deliver, a counterfeit substance.

(1) Any person who violates this subsection with respect to:

(A) A counterfeit substance classified in schedule I which is a narcotic drug, or a counterfeit substance classified in schedule II, is guilty of a felony and upon conviction may be imprisoned for not more than fifteen (15) years, fined not more than twenty-five thousand dollars (\$25,000), or both;

(B) Any other counterfeit substance classified in schedule I which is a nonnarcotic drug contained in schedule I or a counterfeit substance contained in schedule III, is guilty of a felony and upon conviction may be imprisoned for not more than five (5) years, fined not more than fifteen thousand dollars (\$15,000), or both;

(C) A counterfeit substance classified in schedule IV, is guilty of a felony and upon conviction may be imprisoned for not more than three (3) years, fined not more than ten thousand dollars (\$10,000), or both;

(D) A counterfeit substance classified in schedules V and VI or a noncontrolled counterfeit substance, is guilty of a misdemeanor and upon conviction may be imprisoned for not more than one (1) year, fined not more than five thousand dollars (\$5,000), or both.

(c) It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this chapter **or authorized by Chapter 35, Title 37.**

(1) Any person who violates this subsection and has in his possession a controlled substance classified in schedule I which is a narcotic drug or a controlled substance classified in schedule II, is guilty of a felony and upon conviction may be imprisoned for not more than seven (7) years, or fined not more than fifteen thousand dollars (\$15,000), or both.

(2) Any person who violates this subsection and has in his possession lysergic acid diethylamide is guilty of a felony and upon conviction may be imprisoned for not more than three (3) years, or fined not more than five thousand dollars (\$5,000), or both.

(3) Any person who violates this subsection and has in his possession a controlled substance which is a nonnarcotic drug classified in schedule I except lysergic acid diethylamide, or a controlled substance classified in schedules III, IV, V and VI is guilty of a misdemeanor and upon conviction thereof may be imprisoned for not more than one (1) year, or fined not more than one thousand dollars (\$1,000), or both.

(d) It shall be unlawful for any person to be present at or on premises of any place where he knows illegal controlled substances are being manufactured or cultivated, or are being held for distribution, transportation, delivery, administration, use, or to be given away, **other than activities authorized by Chapter 35, Title 37.** A violation of this section shall deem those persons guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than three hundred dollars (\$300) and not more than ninety (90) days in the county jail, or both.

(e) If any person is found to possess marijuana, which for the purposes of this subsection shall be restricted to all parts of the plants of the genus Cannabis, including the extract or any preparation of cannabis which contains tetrahydrocannabinol, in an amount greater than three (3) ounces net weight, it shall be a felony and upon conviction may be imprisoned for not more than five (5) years, or fined not more than ten thousand dollars (\$10,000), or both.

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(f) If two (2) or more persons conspire to commit any offense defined in this act **and not authorized by Chapter 35, Title 37**, said persons shall be punishable by a fine or imprisonment, or both, which may not exceed the maximum punishment prescribed for the offense, the commission of which was the object of the conspiracy.

(g) (1) It is unlawful for any person to manufacture or distribute a “simulated controlled substance,” or to possess with intent to distribute, a “simulated controlled substance.” Any person who violates this subsection shall, upon conviction, be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars (\$1,000) and not more than one (1) year in the county jail, or both.

(2) It is unlawful for any person to possess a “simulated controlled substance.” Any person who violates this subsection shall, upon conviction, be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than three hundred dollars (\$300) and not more than six (6) months in the county jail, or both.

(h) It is unlawful for any person to cause to be placed in any newspaper, magazine, handbill, or other publication, or to post or distribute in any public place, any advertisement or solicitation offering for sale simulated controlled substances. Any person who violates this subsection is guilty of a misdemeanor and shall be punished in the same manner as prescribed in subsection (g) of this section.

(i) No civil or criminal liability shall be imposed by virtue of this chapter on any person registered under the Uniform Controlled Substances Act who manufactures, distributes, or possesses an imitation controlled substance for use as a placebo or other use by a registered practitioner, as defined in section 37-2701(aa), Idaho Code, in the course of professional practice or research.

(j) No prosecution under this chapter shall be dismissed solely by reason of the fact that the dosage units were contained in a bottle or other container with a label accurately describing the ingredients of the imitation controlled substance dosage units. The good faith of the defendant shall be an issue of fact for the trier of fact.

(k) Upon conviction of a felony or misdemeanor [A37] violation under this chapter or upon conviction of a felony pursuant to the “racketeering act,” section 18-7804, Idaho Code, or the money laundering and illegal investment provisions of section 18-8201, Idaho Code, the court may order restitution for costs incurred by law enforcement agencies in investigating the violation. Law enforcement agencies shall include, but not be limited to, the Idaho state police, county and city law enforcement agencies, the office of the attorney general and county and city prosecuting attorney offices. Costs shall include, but not be limited to, those incurred for the purchase of evidence, travel and per diem for law enforcement officers and witnesses throughout the course of the investigation, hearings and trials, and any other investigative or prosecution expenses actually incurred, including regular salaries of employees. In the case of reimbursement to the Idaho state police, those moneys shall be paid to the Idaho state police for deposit into the drug and driving while under the influence enforcement donation fund created in section 57-816, Idaho Code. In the case of reimbursement to the office of the attorney general, those moneys shall be paid to the general fund. A conviction for the purposes of this section means that the person has pled guilty or has been found guilty, notwithstanding the form of the judgment(s) or withheld judgment(s).

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37-2732C. USING OR BEING UNDER THE INFLUENCE — PENALTIES. (a) Except as authorized in this chapter, it is unlawful for any person on a public roadway, on a public conveyance, on public property or on private property open to the public, to use or be under the influence of any controlled substance specified in subsection (b), (c), (d), (e) and (f) of section 37-2705, Idaho Code, or subsection (b), (c) and (d) of section 37-2707, Idaho Code, or subsection (c)(6) of section 37-2709, Idaho Code, or any narcotic drug classified in schedule III, IV or V, except when administered by or under the direction of a person licensed by the state to dispense, prescribe, or administer controlled substances, **or as authorized by Chapter 35, Title 37.** It shall be the burden of the defense to show that it comes within this exception.

(b) Any person convicted of violating the provisions of subsection (a) of this section is guilty of a misdemeanor and is punishable by imprisonment in a county jail for not more than six (6) months, or by a fine not exceeding one thousand dollars (\$1,000) or by both.

(c) Any person who is convicted of violating subsection (a) of this section, when the offense occurred within five (5) years of that person being convicted of two (2) or more separate violations of that subsection and who refuses to complete a licensed drug rehabilitation program offered by the court pursuant to subsection (d) shall be punished by imprisonment in the county jail for a mandatory minimum period of time of not less than one hundred twenty (120) days, nor more than one (1) year. The court may not reduce the mandatory minimum period of incarceration provided in this subsection.

(d) The court may, when it would be in the interest of justice, permit any person convicted of a violation of subsection (a) of this section, punishable under subsection (b) or (c) of this section, to complete a licensed drug rehabilitation program in lieu of part or all of the imprisonment in the county jail. As a condition of sentencing, the court may require the offender to pay all or a portion of the drug rehabilitation program. In order to alleviate jail overcrowding and to provide recidivist offenders with a reasonable opportunity to seek rehabilitation pursuant to this subsection, counties are encouraged to include provisions to augment licensed drug rehabilitation programs in their substance abuse proposals and applications submitted to the state for federal and state drug abuse funds.

(e) Notwithstanding subsection (a), (b) or (c) of this section, or any other provision of law to the contrary, any person who is unlawfully under the influence of cocaine, cocaine base, methamphetamine, heroin, or phencyclidine while in the immediate personal possession of a loaded, operable firearm is guilty of a public offense and is punishable by imprisonment in the county jail or the state prison for not more than one (1) year. As used in this subsection, "immediate possession" includes, but is not limited to, the interior passenger compartment of a motor vehicle.

(f) Every person who violates subsection (e) of this section is punishable upon the second and each subsequent conviction by imprisonment in the state prison for a period of time not in excess of four (4) years.

(g) In addition to any fine assessed under this section and notwithstanding the provisions of section 19-4705, Idaho Code, the court may, upon conviction, assess an additional cost to the defendant in the way of restitution, an amount not to exceed two hundred dollars (\$200) to the arresting and/or prosecuting agency or entity. These funds shall be remitted to the appropriate fund to offset the expense of toxicology testing.

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37-2733. PROHIBITED ACTS B — PENALTIES. (a) Except with regard to activities authorized by Chapter 35, Title 37, it is unlawful for any person:

- (1) Who is subject to article III of this act to distribute or dispense a controlled substance in violation of section 37-2722, Idaho Code;
- (2) Who is a registrant, to manufacture a controlled substance not authorized by his registration, or to distribute or dispense a controlled substance not authorized by his registration to another registrant or other authorized person;
- (3) To refuse or fail to make, keep or furnish any record, notification, order form, statement, invoice or information required under this act;
- (4) To refuse an entry into any premises for any inspection authorized by this act; or
- (5) Knowingly to keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place, which is resorted to by persons using controlled substances in violation of this act for the purpose of using these substances, or which is used for keeping or selling them in violation of this act.

(b) Any person who violates this section is guilty of a misdemeanor and upon conviction may be imprisoned for not more than one (1) year, fined not more than twenty-five thousand dollars (\$25,000), or both.

37-2734. PROHIBITED ACTS C — PENALTIES. (a) Except with regard to activities authorized by Chapter 35, Title 37, it is unlawful for any person knowingly or intentionally:

- (1) To distribute as a registrant a controlled substance classified in schedule I or II, except pursuant to the requirements of section 37-2722, Idaho Code;
- (2) To use in the course of the manufacture or distribution of a controlled substance a registration number which is fictitious, revoked, suspended, or issued to another person;
- (3) To acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge;
- (4) To furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under this act, or any record required to be kept by this act; or
- (5) To make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render the drug a counterfeit substance.

(b) Any person who violates this section is guilty of a felony and upon conviction may be imprisoned for not more than four (4) years, or fined not more than thirty thousand dollars (\$30,000), or both.

37-2734A. PROHIBITED ACTS D — PENALTIES. (a) Except with regard to activities authorized by Chapter 35, Title 37, it is unlawful for any person:

- (1) It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.

<p>Full Text <i>(continued)</i></p>	<p>(2) It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.</p> <p>(3)(b) Any person who is in violation of the provisions of subsections (1) and/or (2) of this section is guilty of a misdemeanor and upon conviction may be imprisoned for not more than one (1) year, fined not more than one thousand dollars (\$1,000), or both.</p> <p>37-2734B. PROHIBITED ACTS E — PENALTIES. (a) It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.</p> <p>(b) Drug paraphernalia delivered, possessed with intent to deliver, or manufactured with intent to deliver for activities authorized by Chapter 35, Title 37, shall not be considered unlawful under subsection (a) of this section.</p> <p>(c) Any person who is in violation of this section is guilty of a felony and upon conviction may be imprisoned for not more than nine (9) years, fined not more than thirty thousand dollars (\$30,000), or both.</p> <p>SECTION 4. TAX STAMP AMENDMENTS</p> <p>That Chapter 42, Title 63, Idaho Code, be, and the same is hereby amended to read as follows:</p> <p>63-4202. DEFINITIONS. As used in this chapter:</p> <p>(1) “Commission” means the state tax commission.</p> <p>(2) “Controlled substance” means the entire amount of any drug or substance, whether real or counterfeit, as defined in section 37-2701, Idaho Code, when possessed in the following quantities and in violation of Idaho law:</p> <ul style="list-style-type: none"> (a) More than forty-two and one-half (42 1/2) three ounces of marijuana; or (b) One (1) or more growing marijuana plants; or (c) Seven (7) or more grams of any other controlled substance sold by weight; or (d) Ten (10) or more dosage units of any controlled substance which is not sold by weight. <p>(3) “Possess” or “possession” means, in addition to its ordinary meaning and tenses, to include hold, sell, manufacture, acquire, produce, purchase, ship, transport, transfer or import into Idaho.</p>
<p>Funding Statement</p>	<p><u>Funding Source Statement for the Personal Adult Marijuana Decriminalization Act (PAMDA)</u></p> <p>The Personal Adult Marijuana Decriminalization Act (PAMDA) only ends the search, arrest, and prosecution of adults 21 years of age and older by law enforcement and any governmental entity within the State of Idaho for strictly-defined personal use of up to three ounces of marijuana on private property with permission of the property owner. As it creates no new bureaucracy and mandates no new actions, operations, or paperwork for law enforcement or any other governmental entity within the State of Idaho, there is no cost to the implementation of the Act and, therefore, no need for any funding sources.</p>

Fiscal Impact Statement**Summary**

The ballot initiative decriminalizes possession and use of marijuana by adults 21 years of age and over, where possession refers to amounts up to three ounces. Fiscal impacts come through training costs for law enforcement and courts, as well as changes in forfeiture and reimbursement. Total costs are expected to be \$0.5-0.7 million for the training and \$0.1 million for changes in forfeiture and reimbursement. These are state costs. Local costs are expected at 7-10 times these.

Assumptions

Earlier interactions with agencies/courts this year regarding marijuana law changes and expected costs continue to be applicable.

Effects

Part of the costs come through new canine costs. 37-3505(6) in the ballot initiative indicates that odor cannot be used as it has in the past (for probable cause, reasonable suspicion, or search).

37-3505(5) changes forfeiture to exclude items and property associated with marijuana use consistent with the ballot initiative. 37-2732(k) removes reimbursement from misdemeanor convictions for state police and attorneys general. Funds associated with those reimbursements were directed towards the "drug and driving while under the influence enforcement donation fund" and the General Fund. Recent year's deposits in these funds appear stable, and below \$0.1 million from these sources.