



Economic Impact Analysis Virginia Department of Planning and Budget

6 VAC 40-50– Regulations for the Approval of Marijuana Field Tests for Detection of Marijuana Plant Material
Department of Forensic Science
September 5, 2013

Summary of the Proposed Amendments to Regulation

The Forensic Science Board (Board) proposes to amend language in these regulations in order to improve clarity.

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

The Regulations for the Approval of Marijuana Field Tests for Detection of Marijuana Plant Material concern the evaluation/approval of marijuana field test kits submitted by manufacturers. The evaluation/approval of the marijuana field test kits assists law enforcement and the criminal justice system by providing information critical to criminal charging decisions and subsequent trials for the misdemeanor possession of marijuana. This process positively impacts judicial economy and, in turn, due process. Ultimately, the ability of law enforcement and the courts to rely on the results of marijuana field tests protects the health, safety and welfare of the citizens of the Commonwealth.

The Board's proposed language amendments do not change any requirements in practice. Thus, the proposed amendments will have no impact beyond providing a small benefit through a potential reduction in confusion concerning the requirements by readers of the regulations.

Businesses and Entities Affected

The regulations affect the four manufacturers of marijuana field test kits who have or have indicated an interest in submitting field test kits for evaluation/approval. All four firms are located outside of the Commonwealth.

Localities Particularly Affected

The proposed amendments do not disproportionately affect particular localities.

Projected Impact on Employment

The proposed amendments are unlikely to significantly affect employment.

Effects on the Use and Value of Private Property

The proposed amendments are unlikely to significantly affect the use and value of private property.

Small Businesses: Costs and Other Effects

The proposed amendments are unlikely to significantly affect small businesses within the Commonwealth.

Small Businesses: Alternative Method that Minimizes Adverse Impact

The proposed amendments are unlikely to significantly affect small businesses in the Commonwealth.

Real Estate Development Costs

The proposed amendments are unlikely to significantly affect real estate development costs.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.04 of the Administrative Process Act and Executive Order Number 14 (10). Section 2.2-4007.04 requires that such economic impact analyses include, but need not be limited to, a determination of the public benefit, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of

persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has an adverse effect on small businesses, Section 2.2-4007.04 requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.