

House Bill 2683

Sponsored by Representative RAYFIELD (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes Addiction Treatment and Prevention Fund consisting of moneys transferred from Problem Gambling Treatment Fund, Mental Health Alcoholism and Drug Services Account, Drug Prevention and Education Fund and Intoxicated Driver Program Fund. Specifies purposes for which moneys in Addiction Treatment and Prevention Fund may be expended by Oregon Health Authority. Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to addiction services; creating new provisions; amending ORS 90.113, 131.597, 137.300,
3 413.520, 430.256, 430.359, 430.366, 430.385, 430.424, 430.426, 461.549, 471.810, 475B.759 and 813.603;
4 repealing ORS 413.522, 430.380, 430.422, 813.270 and 813.616; and declaring an emergency.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1. (1) The Addiction Treatment and Prevention Fund is established separate**
7 **and distinct from the General Fund. The Addiction Treatment and Prevention Fund consists**
8 **of moneys deposited into the fund under ORS 131.597, 137.300, 430.426, 471.810 and 475B.759**
9 **and other moneys appropriated or transferred to the fund by the Legislative Assembly. In-**
10 **terest earned by the Addiction Treatment and Prevention Fund shall be credited to the fund.**
11 **The moneys in the Addiction Treatment and Prevention Fund are continuously appropriated**
12 **to the Oregon Health Authority for:**

13 (a) **Paying the costs incurred by counties in providing drug treatment services pursuant**
14 **to plans submitted under ORS 430.420 and for the establishment, operation and maintenance**
15 **of alcohol and drug abuse prevention, early intervention and treatment services and for local**
16 **matching funds under ORS 430.345 to 430.380.**

17 (b) **The purposes of ORS 430.345 to 430.380 and providing funding for sobering facilities**
18 **registered under ORS 430.262.**

19 (c) **Use by the authority for alcohol and drug abuse prevention, early intervention and**
20 **treatment services for adults in custody of correctional and penal institutions and for**
21 **parolees and for probationers as provided pursuant to rules of the authority.**

22 (d) **Paying for providing treatment for problem drinking, alcoholism or drug dependency**
23 **for individuals who enter diversion agreements under ORS 813.200 and who are found to be**
24 **indigent.**

25 (e) **Paying for the evaluation of programs used for diversion agreements.**

26 (f) **Paying for materials, resources and training supplied by the authority to those per-**
27 **sons, organizations or agencies performing the screening interviews or providing education**
28 **or treatment to persons under diversion agreements.**

29 (g) **Paying for providing treatment programs required under ORS 813.020 and treatment**
30 **or information programs required under ORS 471.432 for individuals who are found to be in-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **digent.**

2 (h) **Paying for special services required to enable a person with a disability, or a person**
 3 **whose proficiency in the use of English is limited because of the person’s national origin, to**
 4 **participate in treatment programs that are used for diversion agreements under ORS 813.200**
 5 **or are required under ORS 813.020. This paragraph applies:**

6 (A) **Whether or not the person is indigent; and**

7 (B) **Only to special services required solely because of the person’s disability or limited**
 8 **proficiency in the use of English.**

9 (i) **Paying for administration and evaluation of the ignition interlock program established**
 10 **by ORS 813.600 to 813.616 and for the costs of participation in the program for indigents.**

11 (j) **Paying for programs for the prevention and treatment of gambling addiction and other**
 12 **emotional and behavioral problems related to gambling and for the administration of the**
 13 **programs.**

14 (k) **Paying the authority’s costs in administering the Addiction Treatment and Pre-**
 15 **vention Fund.**

16 (2) **Counties and state agencies:**

17 (a) **May not use moneys received under subsection (1) of this section for alcohol and drug**
 18 **prevention and treatment services that do not meet or exceed minimum standards estab-**
 19 **lished under ORS 430.357; and**

20 (b) **Shall include in all grants and contracts with providers of alcohol and drug prevention**
 21 **and treatment services a contract provision that the grant or contract may be terminated**
 22 **by the county or state agency if the provider does not meet or exceed the minimum stan-**
 23 **dards adopted by the Oregon Health Authority pursuant to ORS 430.357. A county or state**
 24 **agency may not be penalized and is not liable for the termination of a contract under this**
 25 **section.**

26 (3) **The authority shall adopt by rule uniform payment methodologies for the reimburse-**
 27 **ment of services funded by the Addiction Treatment and Prevention Fund.**

28 **SECTION 2.** ORS 90.113 is amended to read:

29 90.113. Residence in a licensed program, facility or home described in ORS 430.306 to 430.375,
 30 [430.380,] 430.385, 430.395, 430.397 to 430.401, 430.405 to 430.565, 430.570, 430.590, 443.400 to 443.455,
 31 443.705 to 443.825 or 443.835 **or section 1 of this 2021 Act** is not governed by this chapter.

32 **SECTION 3.** ORS 131.597 is amended to read:

33 131.597. (1) After the seizing agency distributes property under ORS 131.588, and when the
 34 seizing agency is the state or when the state is the recipient of property forfeited under ORS 131.550
 35 to 131.600, the seizing agency shall dispose of and distribute property as follows:

36 (a) The seizing agency shall pay costs first from the property or its proceeds. As used in this
 37 subsection, “costs” includes the expenses of publication, service of notices, towing, storage and
 38 servicing or maintaining the seized property under ORS 131.564.

39 (b) After costs have been paid, the seizing agency shall distribute to the victim any amount the
 40 seizing agency was ordered to distribute under ORS 131.588 (4).

41 (c) Of the property remaining after costs have been paid under paragraph (a) of this subsection
 42 and distributions have been made under paragraph (b) of this subsection, the seizing agency shall
 43 distribute:

44 (A) Three percent to the Asset Forfeiture Oversight Account established in ORS 131A.460;

45 (B) Seven percent to the Illegal Drug Cleanup Fund established in ORS 475.495 for the purposes

1 specified in ORS 475.495 (5) and (6);

2 (C) Ten percent to the state General Fund;

3 (D) Subject to subsection (5) of this section, 40 percent to the Department of State Police or the
4 Department of Justice for official law enforcement use; and

5 (E) Forty percent to the [*Drug Prevention and Education Fund*] **Addiction Treatment and**
6 **Prevention Fund** established in [*ORS 430.422*] **section 1 of this 2021 Act.**

7 (2)(a) Any amount paid to or retained by the Department of Justice under subsection (1) of this
8 section must be deposited in the Criminal Justice Revolving Account in the State Treasury.

9 (b) Any amount paid to or retained by the Department of State Police under subsection (1) of
10 this section must be deposited in the State Police Account.

11 (3) The state may:

12 (a) With written authorization from the district attorney for the jurisdiction in which the prop-
13 erty was seized, destroy any firearms or controlled substances.

14 (b) Sell the forfeited property by public or other commercially reasonable sale and pay from the
15 proceeds the expenses of keeping and selling the property.

16 (c) Retain any vehicles, firearms or other equipment usable for law enforcement purposes, for
17 official law enforcement use directly by the state.

18 (d) Lend or transfer any vehicles, firearms or other equipment usable for law enforcement pur-
19 poses to any federal, state or local law enforcement agency or district attorney for official law
20 enforcement use directly by the transferee entity.

21 (4) When the state has entered into an intergovernmental agreement with one or more political
22 subdivisions under ORS 131.591, or when a law enforcement agency of this state has entered into
23 an agreement with another law enforcement agency of this state, an equitable portion of the for-
24 feited property distributed under subsection (1)(c)(D) of this section must be distributed to each
25 agency participating in the seizure or criminal forfeiture as provided by the agreement.

26 (5) The property distributed under subsection (1)(c)(D) of this section, including any proceeds
27 received by the state under an intergovernmental agreement or under an agreement between state
28 law enforcement agencies, must be divided as follows:

29 (a) When no law enforcement agency other than the Department of Justice participated in the
30 seizure or forfeiture, or when the Department of Justice has entered into an agreement under sub-
31 section (4) of this section, the property must be deposited in the Criminal Justice Revolving Account.

32 (b) When no law enforcement agency other than the Department of State Police participated in
33 the seizure or forfeiture, or when the Department of State Police has entered into an agreement
34 under subsection (4) of this section, the property must be deposited in the State Police Account.

35 (6) The seizing agency may sell as much property as may be needed to make the distributions
36 required by subsection (1) of this section. The seizing agency shall make distributions to the Asset
37 Forfeiture Oversight Account and the Illegal Drug Cleanup Fund that are required by subsection (1)
38 of this section once every three months. The distributions are due within 20 days of the end of each
39 quarter. Interest does not accrue on amounts that are paid within the period specified by this sub-
40 section.

41 **SECTION 4.** ORS 137.300 is amended to read:

42 137.300. (1) The Criminal Fine Account is established in the General Fund. Except as otherwise
43 provided by law, all amounts collected in state courts as monetary obligations in criminal actions
44 shall be deposited by the courts in the account. All moneys in the account are continuously appro-
45 priated to the Department of Revenue to be distributed by the Department of Revenue as provided

1 in this section. The Department of Revenue shall keep a record of moneys transferred into and out
2 of the account.

3 (2) The Legislative Assembly shall first allocate moneys from the Criminal Fine Account for the
4 following purposes, in the following order of priority:

5 (a) Allocations for public safety standards, training and facilities.

6 (b) Allocations for criminal injuries compensation and assistance to victims of crime and chil-
7 dren reasonably suspected of being victims of crime.

8 (c) Allocations for the forensic services provided by the Oregon State Police, including, but not
9 limited to, services of the Chief Medical Examiner.

10 (d) Allocations for the maintenance and operation of the Law Enforcement Data System.

11 (3) After making allocations under subsection (2) of this section, the Legislative Assembly shall
12 allocate moneys from the Criminal Fine Account for the following purposes:

13 (a) Allocations to the Law Enforcement Medical Liability Account established under ORS
14 414.815.

15 (b) Allocations to the State Court Facilities and Security Account established under ORS 1.178.

16 (c) Allocations to the Department of Corrections for the purpose of planning, operating and
17 maintaining county juvenile and adult corrections programs and facilities and drug and alcohol
18 programs.

19 (d) Allocations to the Oregon Health Authority for the purpose of grants under ORS 430.345 for
20 the establishment, operation and maintenance of alcohol and drug abuse prevention, early inter-
21 vention and treatment services provided through a county.

22 (e) Allocations to the Oregon State Police for the purpose of the enforcement of the laws relat-
23 ing to driving under the influence of intoxicants.

24 (f) Allocations to the Arrest and Return Account established under ORS 133.865.

25 (g) Allocations to the *[Intoxicated Driver Program Fund]* **Addiction Treatment and Prevention**
26 **Fund** established under *[ORS 813.270]* **section 1 of this 2021 Act.**

27 (h) Allocations to the State Court Technology Fund established under ORS 1.012.

28 (4) It is the intent of the Legislative Assembly that allocations from the Criminal Fine Account
29 under subsection (3) of this section be consistent with historical funding of the entities, programs
30 and accounts listed in subsection (3) of this section from monetary obligations imposed in criminal
31 proceedings. Amounts that are allocated under subsection (3)(c) of this section shall be distributed
32 to counties based on the amounts that were transferred to counties by circuit courts during the
33 2009-2011 biennium under the provisions of ORS 137.308, as in effect January 1, 2011.

34 (5) Moneys in the Criminal Fine Account may not be allocated for the payment of debt service
35 obligations.

36 (6) The Department of Revenue shall deposit in the General Fund all moneys remaining in the
37 Criminal Fine Account after the distributions listed in subsections (2) and (3) of this section have
38 been made.

39 (7) The Department of Revenue shall establish by rule a process for distributing moneys in the
40 Criminal Fine Account. The department may not distribute more than one-eighth of the total
41 biennial allocation to an entity during a calendar quarter.

42 **SECTION 5.** ORS 413.520 is amended to read:

43 413.520. (1) The Oregon Health Authority, in collaboration with county representatives, shall
44 develop a plan for the administration of the statewide gambling addiction programs and delivery of
45 program services.

1 (2) The authority may appoint an advisory committee or designate an existing advisory com-
 2 mittee to make recommendations to the authority concerning:

- 3 (a) Performance standards and evaluation methodology;
- 4 (b) Fiscal reporting and accountability;
- 5 (c) Delivery of services; and
- 6 (d) A distribution plan for use of available funds.

7 (3) The distribution plan for the moneys available in the *[Problem Gambling Treatment Fund]*
 8 **Addiction Treatment and Prevention Fund established in section 1 of this 2021 Act** shall be
 9 based on performance standards.

10 (4) The authority may enter into an intergovernmental agreement or other contract, subject to
 11 ORS chapters 279A, 279B and 279C, for the delivery of services related to programs for the pre-
 12 ventation and treatment of gambling addiction and other emotional and behavioral problems related
 13 to gambling.

14 (5) Before entering into an agreement or contract under subsection (4) of this section, the au-
 15 thority must consider the experience, performance and program capacity of those organizations
 16 currently providing services.

17 **SECTION 6.** ORS 430.256 is amended to read:

18 430.256. (1) The Director of the Oregon Health Authority shall administer alcohol and drug
 19 abuse programs, including but not limited to programs or components of programs described in ORS
 20 430.397 to 430.401 and 475.225 and ORS chapters 430 and *[801 to 822]* **813.**

21 (2) Subject to ORS 417.300 and 417.305, the director shall:

22 (a) Report to the Alcohol and Drug Policy Commission on accomplishments and issues occurring
 23 during each biennium, and report on a new biennial plan describing resources, needs and priorities
 24 for all alcohol and drug abuse programs.

25 (b) Develop within the Oregon Health Authority priorities for alcohol and drug abuse programs
 26 and activities.

27 (c) Conduct statewide and special planning processes that provide for participation from state
 28 and local agencies, groups and individuals.

29 (d) Identify the needs of special populations including minorities, elderly, youth, women and in-
 30 dividuals with disabilities.

31 (e) Subject to ORS chapter 183, adopt such rules as are necessary for the performance of the
 32 duties and functions specified by this section.

33 (3) The director may apply for, receive and administer funds, including federal funds and grants,
 34 from sources other than the state. Subject to expenditure limitation set by the Legislative Assembly,
 35 funds received under this subsection may be expended by the director:

36 (a) For the study, prevention or treatment of alcohol and drug abuse and dependence in this
 37 state.

38 (b) To provide training, both within this state and in other states, in the prevention and treat-
 39 ment of alcohol and drug abuse and dependence.

40 (4) The director shall, in consultation with state agencies and counties, establish guidelines to
 41 coordinate program review and audit activities by state agencies and counties that provide funds to
 42 alcohol and drug prevention and treatment programs. The purpose of the guidelines is to minimize
 43 duplication of auditing and program review requirements imposed by state agencies and counties on
 44 alcohol and drug prevention and treatment programs that receive state funds, including programs
 45 that receive beer and wine tax revenues under ORS *[430.380 and]* 471.810 **and section 1 of this 2021**

1 **Act.**

2 **SECTION 7.** ORS 430.359 is amended to read:

3 430.359. (1) Upon approval of an application, the Oregon Health Authority shall enter into a
4 matching fund relationship with the applicant. In all cases the amount granted by the authority
5 under the matching formula shall not exceed 50 percent of the total estimated costs, as approved
6 by the authority, of the alcohol and drug abuse prevention, early intervention and treatment ser-
7 vices.

8 (2) The authority shall distribute funds to applicants consistent with the budget priority policies
9 adopted by the Alcohol and Drug Policy Commission, the community needs as determined by local
10 planning committees for alcohol and drug prevention and treatment services under ORS 430.342 and
11 the particular needs of minority groups with a significant population of affected persons. The funds
12 granted shall be distributed monthly.

13 (3) Federal funds at the disposal of an applicant for use in providing alcohol and drug abuse
14 prevention, early intervention and treatment services may be counted toward the percentage con-
15 tribution of an applicant.

16 (4) An applicant that is, at the time of a grant made under this section, expending funds appro-
17 priated by its governing body for the alcohol and drug abuse prevention, early intervention and
18 treatment services shall, as a condition to the receipt of funds under this section, maintain its fi-
19 nancial contribution to these programs at an amount not less than the preceding year. However, the
20 financial contribution requirement may be waived in its entirety or in part in any year by the au-
21 thority because of:

22 (a) The severe financial hardship that would be imposed to maintain the contribution in full or
23 in part;

24 (b) The application of any special funds for the alcohol and drug abuse prevention, early inter-
25 vention and treatment services in the prior year when such funds are not available in the current
26 year;

27 (c) The application of federal funds, including but not limited to general revenue sharing, dis-
28 tributions from the Oregon and California land grant fund and block grant funds to the alcohol and
29 drug abuse prevention, early intervention and treatment services in the prior year when such funds
30 are not available for such application in the current year; or

31 (d) The application of fund balances resulting from fees, donations or underexpenditures in a
32 given year of the funds appropriated to counties pursuant to [ORS 430.380] **section 1 of this 2021**
33 **Act** to the alcohol and drug abuse prevention, early intervention and treatment services in the prior
34 year when such funds are not available for such application in the current year.

35 (5) Any moneys received by an applicant from fees, contributions or other sources for alcohol
36 and drug abuse prevention, early intervention and treatment services for service purposes, including
37 federal funds, shall be considered a portion of an applicant's contribution for the purpose of deter-
38 mining the matching fund formula relationship. All moneys so received shall only be used for the
39 purposes of carrying out ORS 430.345 to 430.380.

40 (6) Grants made pursuant to ORS 430.345 to 430.380 shall be paid from funds specifically ap-
41 propriated therefor and shall be paid in the same manner as other claims against the state are paid.

42 **SECTION 8.** ORS 430.366 is amended to read:

43 430.366. (1) Every proposal for alcohol and drug abuse prevention, early intervention and treat-
44 ment services received from an applicant shall contain:

45 (a) A clear statement of the goals and objectives of the program for the following fiscal year,

1 including the number of persons to be served and methods of measuring the success of services
2 rendered;

3 (b) A description of services to be funded; and

4 (c) A statement of the minorities to be served, if a minority program.

5 (2) Each grant recipient and provider of alcohol and drug abuse prevention, early intervention
6 and treatment services funded with moneys from the [*Mental Health Alcoholism and Drug Services*
7 *Account*] **Addiction Treatment and Prevention Fund** established by [*ORS 430.380*] **section 1 of**
8 **this 2021 Act** shall report to the Alcohol and Drug Policy Commission all data regarding the ser-
9 vices in the form and manner prescribed by the commission. This subsection does not apply to so-
10 bering facilities that receive moneys under [*ORS 430.380*] **section 1 of this 2021 Act**.

11 **SECTION 9.** ORS 430.385 is amended to read:

12 430.385. Nothing in ORS 430.347, 430.359, [*430.380,*] 471.805, 471.810, 473.030 **or section 1 of this**
13 **2021 Act** or this section shall be construed as justification for a reduction in General Fund support
14 of local alcohol and drug abuse prevention, early intervention and treatment services.

15 **SECTION 10.** ORS 430.424 is amended to read:

16 430.424. Consistent with the budget priority policies adopted by the Alcohol and Drug Policy
17 Commission, the Oregon Health Authority shall distribute moneys in the [*Drug Prevention and Ed-*
18 *ucation Fund*] **Addiction Treatment and Prevention Fund** established in [*ORS 430.422*] **section 1**
19 **of this 2021 Act** based on a review of the plans submitted to the office under ORS 430.420. Funding
20 criteria include, but need not be limited to, whether the plan includes the existence or development
21 of a drug treatment court or a drug diversion program.

22 **SECTION 11.** ORS 430.426 is amended to read:

23 430.426. (1) The Oregon Health Authority shall adopt rules necessary to carry out the provisions
24 of ORS 430.420 to 430.426.

25 (2) The authority may accept gifts, grants and donations from any source, public or private.
26 Moneys accepted under this section must be deposited in the [*Drug Prevention and Education*
27 *Fund*] **Addiction Treatment and Prevention Fund** established in **section 1 of this 2021 Act** to
28 be used for the purposes for which the fund is established.

29 **SECTION 12.** ORS 461.549 is amended to read:

30 461.549. (1) The Legislative Assembly finds that emotional and behavioral problems related to
31 gambling may impose additional costs on state government and on the state economy, such as ad-
32 ditional mental health expenditures, increased law enforcement costs and lost economic output. The
33 use of a portion of the net receipts from video lottery games to pay the costs of preventing and
34 treating emotional and behavioral problems related to gambling promotes the creation of jobs and
35 this state's economic development by offsetting and treating the negative economic consequences
36 of such behavior.

37 (2) In each fiscal quarter of a biennium, commencing with the fifth fiscal quarter of the biennium
38 [*beginning July 1, 2013*], there is allocated from the Administrative Services Economic Development
39 Fund to the [*Problem Gambling Treatment Fund*] **Addiction Treatment and Prevention Fund** es-
40 tablished by [*ORS 413.522*] **section 1 of this 2021 Act** an amount equal to the greater of:

41 (a) One percent of the moneys transferred from the Oregon State Lottery Fund to the Adminis-
42 trative Services Economic Development Fund in that fiscal quarter; or

43 (b) One percent of the moneys transferred from the Oregon State Lottery Fund to the Adminis-
44 trative Services Economic Development Fund during the same fiscal quarter of the biennium begin-
45 ning July 1, 2011.

1 **SECTION 13.** ORS 471.810 is amended to read:

2 471.810. (1) At the end of each month, the Oregon Liquor Control Commission shall certify the
3 amount of moneys available for distribution in the Oregon Liquor Control Commission Account and,
4 after withholding such moneys as it may deem necessary to pay its outstanding obligations, shall
5 within 35 days of the month for which a distribution is made direct the State Treasurer to pay the
6 amounts due, upon warrants drawn by the Oregon Department of Administrative Services, as fol-
7 lows:

8 (a) Fifty-six percent, or the amount remaining after the distribution under subsection (4) of this
9 section, credited to the General Fund available for general governmental purposes wherein it shall
10 be considered as revenue during the quarter immediately preceding receipt;

11 (b) Twenty percent to the cities of the state in such shares as the population of each city bears
12 to the population of the cities of the state, as determined by Portland State University last preceding
13 such apportionment, under ORS 190.510 to 190.610;

14 (c) Ten percent to counties in such shares as their respective populations bear to the total
15 population of the state, as estimated from time to time by Portland State University; and

16 (d) Fourteen percent to the cities of the state to be distributed as provided in ORS 221.770 and
17 this section.

18 (2) The commission shall direct the Oregon Department of Administrative Services to transfer
19 50 percent of the revenues from the taxes imposed by ORS 473.030 and 473.035 to the [*Mental Health*
20 *Alcoholism and Drug Services Account in the General Fund*] **Addiction Treatment and Prevention**
21 **Fund established in section 1 of this 2021 Act** to be paid monthly [*as provided in ORS 430.380*].

22 (3) If the amount of revenues received from the taxes imposed by ORS 473.030 for the preceding
23 month was reduced as a result of credits claimed under ORS 473.047, the commission shall compute
24 the difference between the amounts paid or transferred as described in subsections (1)(b), (c) and (d)
25 and (2) of this section and the amounts that would have been paid or transferred under subsections
26 (1)(b), (c) and (d) and (2) of this section if no credits had been claimed. The commission shall direct
27 the Oregon Department of Administrative Services to pay or transfer amounts equal to the differ-
28 ences computed for subsections (1)(b), (c) and (d) and (2) of this section from the General Fund to
29 the recipients or accounts described in subsections (1)(b), (c) and (d) and (2) of this section.

30 (4) Notwithstanding subsection (1) of this section, no city or county shall receive for any fiscal
31 year an amount less than the amount distributed to the city or county in accordance with ORS
32 471.350 (1965 Replacement Part), 471.810, 473.190 and 473.210 (1965 Replacement Part) during the
33 1966-1967 fiscal year unless the city or county had a decline in population as shown by its census.
34 If the population declined, the per capita distribution to the city or county shall be not less than
35 the total per capita distribution during the 1966-1967 fiscal year. Any additional funds required to
36 maintain the level of distribution under this subsection shall be paid from funds credited under
37 subsection (1)(a) of this section.

38 (5) Notwithstanding subsection (1) of this section, amounts to be distributed from the Oregon
39 Liquor Control Commission Account that are attributable to a per bottle surcharge imposed by the
40 Oregon Liquor Control Commission, shall be credited to the General Fund.

41 **SECTION 14.** ORS 475B.759 is amended to read:

42 475B.759. (1) There is established the Oregon Marijuana Account, separate and distinct from the
43 General Fund.

44 (2) The account shall consist of moneys transferred to the account under ORS 475B.760.

45 (3)(a) The Department of Revenue shall certify quarterly the amount of moneys available in the

1 Oregon Marijuana Account.

2 (b) Subject to subsection (4) of this section, the department shall transfer quarterly 20 percent
3 of the moneys in the Oregon Marijuana Account as follows:

4 (A) Ten percent of the moneys in the account must be transferred to the cities of this state in
5 the following shares:

6 (i) Seventy-five percent of the 10 percent must be transferred in shares that reflect the popu-
7 lation of each city of this state that is not exempt from this paragraph pursuant to subsection (4)(a)
8 of this section compared to the population of all cities of this state that are not exempt from this
9 paragraph pursuant to subsection (4)(a) of this section, as determined by Portland State University
10 under ORS 190.510 to 190.610, on the date immediately preceding the date of the transfer; and

11 (ii) Twenty-five percent of the 10 percent must be transferred in shares that reflect the number
12 of licenses held pursuant to ORS 475B.070, 475B.090, 475B.100 and 475B.105 on the last business day
13 of the calendar quarter preceding the date of the transfer for premises located in each city compared
14 to the number of licenses held pursuant to ORS 475B.070, 475B.090, 475B.100 and 475B.105 on the
15 last business day of that calendar quarter for all premises in this state located in cities; and

16 (B) Ten percent of the moneys in the account must be transferred to counties in the following
17 shares:

18 (i) Fifty percent of the 10 percent must be transferred in shares that reflect the total commer-
19 cially available area of all grow canopies associated with marijuana producer licenses held pursuant
20 to ORS 475B.070 on the last business day of the calendar quarter preceding the date of the transfer
21 for all premises located in each county compared to the total commercially available area of all
22 grow canopies associated with marijuana producer licenses held pursuant to ORS 475B.070 on the
23 last business day of that calendar quarter for all premises located in this state; and

24 (ii) Fifty percent of the 10 percent must be transferred in shares that reflect the number of li-
25 censes held pursuant to ORS 475B.090, 475B.100 and 475B.105 on the last business day of the cal-
26 endar quarter preceding the date of the transfer for premises located in each county compared to
27 the number of licenses held pursuant to ORS 475B.090, 475B.100 and 475B.105 on the last business
28 day of that calendar quarter for all premises in this state.

29 (c) Eighty percent of the moneys in the Oregon Marijuana Account must be used as follows:

30 (A) Forty percent of the moneys in the account must be used solely for purposes for which
31 moneys in the State School Fund established under ORS 327.008 may be used;

32 (B) Twenty percent of the moneys in the account must be used solely for mental health treat-
33 ment or for alcohol and drug abuse prevention, early intervention and treatment;

34 (C) Fifteen percent of the moneys in the account must be used solely for purposes for which
35 moneys in the State Police Account established under ORS 181A.020 may be used; and

36 (D) Five percent of the moneys in the account must be *[used]* **transferred to the Addiction**
37 **Treatment and Prevention Fund established in section 1 of this 2021 Act to be used** solely for
38 purposes related to alcohol and drug abuse prevention, early intervention and treatment services.

39 (4)(a) A city that has an ordinance prohibiting the establishment of a premises for which issu-
40 ance of a license under ORS 475B.070, 475B.090, 475B.100 or 475B.105 is required is not eligible to
41 receive transfers of moneys under subsection (3)(b)(A) of this section.

42 (b) A county that has an ordinance prohibiting the establishment of a premises for which issu-
43 ance of a license under ORS 475B.070 is required is not eligible to receive transfers of moneys under
44 subsection (3)(b)(B)(i) of this section.

45 (c) A county that has an ordinance prohibiting the establishment of a premises for which issu-

1 ance of a license under ORS 475B.090, 475B.100 or 475B.105 is required is not eligible to receive
2 transfers of moneys under subsection (3)(b)(B)(ii) of this section.

3 (5)(a) A city or county that is ineligible under subsection (4) of this section to receive a transfer
4 of moneys from the Oregon Marijuana Account during a given quarter but has received a transfer
5 of moneys for that quarter shall return the amount transferred to the Department of Revenue, with
6 interest as described under paragraph (f) of this subsection. An ineligible city or county may vol-
7 untarily transfer the moneys to the Department of Revenue immediately upon receipt of the ineligi-
8 ble transfer.

9 (b) If the Director of the Oregon Department of Administrative Services determines that a city
10 or county received a transfer of moneys under subsection (3)(b) of this section but was ineligible to
11 receive that transfer under subsection (4) of this section, the director shall provide notice to the
12 ineligible city or county and order the city or county to return the amount received to the Depart-
13 ment of Revenue, with interest as described under paragraph (f) of this subsection. A city or county
14 may appeal the order within 30 days of the date of the order under the procedures for a contested
15 case under ORS chapter 183.

16 (c) As soon as the order under paragraph (b) of this subsection becomes final, the director shall
17 notify the Department of Revenue and the ineligible city or county. Upon notification, the Depart-
18 ment of Revenue immediately shall proceed to collect the amount stated in the notice.

19 (d) The Department of Revenue shall have the benefit of all laws of the state pertaining to the
20 collection of income and excise taxes and may proceed to collect the amounts described in the no-
21 tice under paragraph (c) of this subsection. An assessment of tax is not necessary and the collection
22 described in this subsection is not precluded by any statute of limitations.

23 (e) If a city or county is subject to an order to return moneys from an ineligible transfer, the
24 city or county shall be denied any further relief in connection with the ineligible transfer on or after
25 the date that the order becomes final.

26 (f) Interest under this section shall accrue at the rate established in ORS 305.220 beginning on
27 the date the ineligible transfer was made.

28 (g) Both the moneys and the interest collected from or returned by an ineligible city or county
29 shall be redistributed to the cities or counties that were eligible to receive a transfer under sub-
30 section (3)(b) of this section on the date the ineligible transfer was made.

31 (6)(a) Not later than July 1 of each year, each city and county in this state shall certify with
32 the Oregon Department of Administrative Services whether the city or county has an ordinance
33 prohibiting the establishment of a premises for which issuance of a license under ORS 475B.070,
34 475B.090, 475B.100 or 475B.105 is required. The certification shall be made concurrently with the
35 certifications under ORS 221.770, in a form and manner prescribed by the Oregon Department of
36 Administrative Services.

37 (b) If a city fails to comply with this subsection, the city is not eligible to receive transfers of
38 moneys under subsection (3)(b)(A) of this section. If a county fails to comply with this subsection,
39 the county is not eligible to receive transfers of moneys under subsection (3)(b)(B) of this section.

40 (c) A city or county that repeals an ordinance as provided in ORS 475B.496 shall file an updated
41 certification with the Oregon Department of Administrative Services in a form and manner pre-
42 scribed by the department, noting the effective date of the change. A city or county that repeals an
43 ordinance as provided in ORS 475B.496 is eligible to receive quarterly transfers of moneys under
44 this section for quarters where the repeal is effective for the entire quarter and the updated certi-
45 fication was filed at least 30 days before the date of transfer.

1 **SECTION 15.** ORS 813.603 is amended to read:

2 813.603. (1) Except as provided in subsection (2) of this section, if an ignition interlock device
3 is ordered or required under ORS 813.602, the person so ordered or required shall pay to the
4 manufacturer's representative the reasonable costs of leasing, installing and maintaining the device.
5 A payment schedule may be established for the person by the Department of State Police, in con-
6 sultation with the Transportation Safety Committee.

7 (2) The department may waive, in whole or in part, or defer the person's responsibility to pay
8 all or part of the costs under subsection (1) of this section if the person meets the criteria for
9 indigence established for waiving or deferring such costs under subsection (3) of this section. If the
10 person's responsibility for costs is waived, [*then notwithstanding ORS 813.270,*] the costs described
11 in subsection (1) of this section must be paid from the [*Intoxicated Driver Program Fund*] **Addiction**
12 **Treatment and Prevention Fund established in section 1 of this 2021 Act.**

13 (3) The department, by rule, shall establish criteria and procedures for qualification to waive
14 or defer costs described under subsection (1) of this section for indigence. The criteria must be
15 consistent with the standards for indigence adopted by the federal government for purposes of the
16 Supplemental Nutrition Assistance Program.

17 **SECTION 16.** ORS 413.522, 430.380, 430.422, 813.270 and 813.616 are repealed.

18 **SECTION 17.** On the effective date of this 2021 Act, all moneys in the following funds and
19 accounts are transferred to the Addiction Treatment and Prevention Fund established in
20 section 1 of this 2021 Act and are available for the purposes described in section 1 of this 2021
21 Act:

- 22 (1) **The Problem Gambling Treatment Fund established in ORS 413.522.**
23 (2) **The Mental Health Alcoholism and Drug Services Account established in ORS 430.380.**
24 (3) **The Drug Prevention and Education Fund established in ORS 430.422.**
25 (4) **The Intoxicated Driver Program Fund created in ORS 813.270.**

26 **SECTION 18.** This 2021 Act being necessary for the immediate preservation of the public
27 peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect
28 on its passage.

29