

# House Bill 2670

Sponsored by Representative KROPF (Pre-session 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**.

Authorizes county governing bodies to establish county courthouse colocated drug and alcohol abuse treatment services and treatment navigation services in county courthouses and to apply to Oregon Health Authority for grant funds to recoup costs of establishing courthouse colocated treatment and treatment navigation services.

Directs Oregon Health Authority to establish criteria for courthouse colocated treatment and treatment navigation services and to award grants to counties that operate colocated treatment and treatment navigation services that meet criteria. Dedicates moneys from Oregon Marijuana Account to fund grants.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to substance use disorder treatment services; creating new provisions; amending ORS  
3 475C.726; and prescribing an effective date.

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

5 **SECTION 1. (1) The governing body of each county, in consultation with local community**  
6 **mental health programs and the Oregon Health Authority, may establish county courthouse**  
7 **colocated drug and alcohol abuse treatment services and treatment navigation services in**  
8 **county courthouses to facilitate treatment or access to treatment of individuals with sub-**  
9 **stance use disorders who are also interacting with the justice system.**

10 **(2) A county that establishes county courthouse colocated drug and alcohol abuse treat-**  
11 **ment services and treatment navigation services may apply for grants under section 2 of this**  
12 **2023 Act to recoup county costs incurred in establishing the courthouse colocated services.**

13 **SECTION 2. (1) The Oregon Health Authority shall by rule establish criteria for county**  
14 **courthouse colocated drug and alcohol abuse treatment services and treatment navigation**  
15 **services described in section 1 of this 2023 Act that will qualify for grants awarded under this**  
16 **section.**

17 **(2) A county courthouse program of colocated drug and alcohol abuse treatment services**  
18 **and treatment navigation services established by a county governing body qualifies for grants**  
19 **described in this section if the program meets the criteria established by the authority by**  
20 **rules adopted under subsection (1) of this section.**

21 **(3) The authority shall distribute grants to each county that applies for funding under**  
22 **this section in an amount sufficient to reimburse the county for the cost of operating county**  
23 **courthouse colocated drug and alcohol abuse treatment services and treatment navigation**  
24 **services if the colocated services the county is providing satisfy the criteria established by**  
25 **the authority by rules adopted under subsection (1) of this section.**

26 **(4) The authority shall pay grants described in this section to qualified county applicants**  
27 **from amounts available to the authority under ORS 475C.726.**

**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       **(5) Grants described in this section shall be sought and awarded biennially, to enable a**  
2 **county to recoup the two-year costs for operating a qualified program described in this sec-**  
3 **tion.**

4       **SECTION 3.** ORS 475C.726, as amended by section 1, chapter 15, Oregon Laws 2022, is amended  
5 to read:

6       475C.726. (1) As used in this section, "U.S. City Average Consumer Price Index" means the U.S.  
7 City Average Consumer Price Index for All Urban Consumers (All Items) as published by the Bureau  
8 of Labor Statistics of the United States Department of Labor.

9       (2) There is established the Oregon Marijuana Account, separate and distinct from the General  
10 Fund. The account consists of moneys transferred to the account under ORS 475C.734.

11       (3)(a) The Department of Revenue shall certify quarterly the amount of moneys available in the  
12 Oregon Marijuana Account.

13       (b)(A) Before making other transfers of moneys required by this section, the department shall  
14 transfer quarterly to the Drug Treatment and Recovery Services Fund all moneys in the Oregon  
15 Marijuana Account in excess of \$11,250,000.

16       (B) The department shall annually adjust the limitation in subparagraph (A) of this paragraph.  
17 The department shall multiply \$11,250,000 by the percentage, if any, by which the monthly averaged  
18 U.S. City Average Consumer Price Index for the 12 consecutive months ending August 31 of the  
19 prior calendar year exceeds the monthly index for the fourth quarter of the calendar year 2020, and  
20 shall add that product to \$11,250,000. Any increase in the limitation shall apply beginning with  
21 transfers made in July of each year, based upon receipts in the second calendar quarter of each  
22 year.

23       (c) Subject to subsection (4) of this section, and after making the transfer of moneys required  
24 by paragraph (b) of this subsection, the department shall transfer quarterly 20 percent of the moneys  
25 in the Oregon Marijuana Account as follows:

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

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

33       (ii) Twenty-five percent of the 10 percent must be transferred in shares that reflect the number  
34 of licenses held pursuant to ORS 475C.065, 475C.085, 475C.093 and 475C.097 on the last business day  
35 of the calendar quarter preceding the date of the transfer for premises located in each city compared  
36 to the number of licenses held pursuant to ORS 475C.065, 475C.085, 475C.093 and 475C.097 on the  
37 last business day of that calendar quarter for all premises in this state located in cities; and

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

40       (i) Fifty percent of the 10 percent must be transferred in shares that reflect the total commer-  
41 cially available area of all grow canopies associated with marijuana producer licenses held pursuant  
42 to ORS 475C.065 on the last business day of the calendar quarter preceding the date of the transfer  
43 for all premises located in each county compared to the total commercially available area of all  
44 grow canopies associated with marijuana producer licenses held pursuant to ORS 475C.065 on the  
45 last business day of that calendar quarter for all premises located in this state; and

1 (ii) Fifty percent of the 10 percent must be transferred in shares that reflect the number of li-  
 2 censes held pursuant to ORS 475C.085, 475C.093 and 475C.097 on the last business day of the cal-  
 3 endar quarter preceding the date of the transfer for premises located in each county compared to  
 4 the number of licenses held pursuant to ORS 475C.085, 475C.093 and 475C.097 on the last business  
 5 day of that calendar quarter for all premises in this state.

6 (d) After making the transfer of moneys required by paragraph (b) of this subsection, 80 percent  
 7 of the remaining moneys in the Oregon Marijuana Account must be used as follows:

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

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

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

14 (D) Five percent of the moneys in the account must be used solely for purposes related to al-  
 15cohol and drug abuse prevention, early intervention and treatment services[.], **including funding**  
 16 **grants described in section 2 of this 2023 Act for county courthouse colocated drug and al-**  
 17 **cohol abuse treatment services and treatment navigation services. Amounts for county**  
 18 **courthouse colocated drug and alcohol abuse treatment services and treatment navigation**  
 19 **services are continuously appropriated to the Oregon Health Authority for the purposes de-**  
 20 **scribed in section 2 of this 2023 Act.**

21 (4)(a) A city that has an ordinance prohibiting the establishment of a premises for which issu-  
 22 ance of a license under ORS 475C.065, 475C.085, 475C.093 or 475C.097 is required is not eligible to  
 23 receive transfers of moneys under subsection (3)(c)(A) of this section.

24 (b) A county that has an ordinance prohibiting the establishment of a premises for which issu-  
 25 ance of a license under ORS 475C.065 is required is not eligible to receive transfers of moneys under  
 26 subsection (3)(c)(B)(i) of this section.

27 (c) A county that has an ordinance prohibiting the establishment of a premises for which issu-  
 28 ance of a license under ORS 475C.085, 475C.093 or 475C.097 is required is not eligible to receive  
 29 transfers of moneys under subsection (3)(c)(B)(ii) of this section.

30 (d)(A) Paragraphs (b) and (c) of this subsection do not apply to a county ordinance adopted on  
 31 or after January 1, 2018, that prohibits the establishment of a premises for which a license under  
 32 ORS 475C.065, 475C.085, 475C.093 or 475C.097 is required but allows in the unincorporated area of  
 33 the county the continued operation of an existing premises for which a license under ORS 475C.065,  
 34 475C.085, 475C.093 or 475C.097 is required.

35 (B) A county that adopts an ordinance described in subparagraph (A) of this paragraph shall  
 36 certify the adoption of the ordinance under subsection (6) of this section.

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

43 (b) If the Director of the Oregon Department of Administrative Services determines that a city  
 44 or county received a transfer of moneys under subsection (3)(c) of this section but was ineligible to  
 45 receive that transfer under subsection (4) of this section, the director shall provide notice to the

1 ineligible city or county and order the city or county to return the amount received to the Depart-  
 2 ment of Revenue, with interest as described under paragraph (f) of this subsection. A city or county  
 3 may appeal the order within 30 days of the date of the order under the procedures for a contested  
 4 case under ORS chapter 183.

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

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

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

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

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

20 (6)(a) Not later than July 1 of each year, each city and county in this state shall certify with  
 21 the Oregon Department of Administrative Services whether the city or county has an ordinance  
 22 prohibiting the establishment of a premises for which issuance of a license under ORS 475C.065,  
 23 475C.085, 475C.093 or 475C.097 is required and whether the county has an ordinance described in  
 24 subsection (4)(d) of this section. The certification shall be made concurrently with the certifications  
 25 under ORS 221.770, in a form and manner prescribed by the Oregon Department of Administrative  
 26 Services.

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

30 (c) A city or county that repeals an ordinance as provided in ORS 475C.457 shall file an updated  
 31 certification with the Oregon Department of Administrative Services in a form and manner pre-  
 32 scribed by the department, noting the effective date of the change. A city or county that repeals an  
 33 ordinance as provided in ORS 475C.457 is eligible to receive quarterly transfers of moneys under  
 34 this section for quarters where the repeal is effective for the entire quarter and the updated certi-  
 35 fication was filed at least 30 days before the date of transfer.

36 **SECTION 4. This 2023 Act takes effect on the 91st day after the date on which the 2023**  
 37 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**

38