

A-Engrossed
Senate Bill 1555

Ordered by the Senate February 7
Including Senate Amendments dated February 7

Sponsored by Senator STEINER HAYWARD, Representative RAYFIELD; Senators BURDICK, DEBOER, MONNES ANDERSON (at the request of Oregon Health Authority) (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.

Modifies purposes for which certain percentage of moneys in Oregon Marijuana Account may be used.

Applies to moneys transferred to account after effective date of Act, **and before July 1, 2019**. Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the Oregon Marijuana Account; creating new provisions; amending ORS 475B.759; and
3 declaring an emergency.

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

5 **SECTION 1.** ORS 475B.759 is amended to read:

6 475B.759. (1) There is established the Oregon Marijuana Account, separate and distinct from the
7 General Fund.

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

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

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

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

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

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

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

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

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

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

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

15 (B) Twenty percent of the moneys in the account must be used solely for *[purposes for which*
16 *moneys in the Mental Health Alcoholism and Drug Services Account established under ORS 430.380*
17 *may be used]* **mental health treatment or for alcohol and drug abuse prevention, early inter-**
18 **vention and treatment;**

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

21 (D) Five percent of the moneys in the account must be used solely for purposes related to al-
22 cohol and drug abuse prevention, early intervention and treatment services.

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

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

29 (c) A county that has an ordinance prohibiting the establishment of a premises for which issu-
30 ance of a license under ORS 475B.090, 475B.100 or 475B.105 is required is not eligible to receive
31 transfers of moneys under subsection (3)(b)(B)(ii) of this section.

32 (5) In a form and manner prescribed by the Oregon Liquor Control Commission, each city and
33 county in this state shall certify with the commission whether the city or county has an ordinance
34 prohibiting the establishment of a premises for which issuance of a license under ORS 475B.070,
35 475B.090, 475B.100 or 475B.105 is required. If a city fails to comply with this subsection, the city is
36 not eligible to receive transfers of moneys under subsection (3)(b)(A) of this section. If a county fails
37 to comply with this subsection, the county is not eligible to receive transfers of moneys under sub-
38 section (3)(b)(B) of this section.

39 **SECTION 2.** ORS 475B.759, as amended by section 1 of this 2018 Act, is amended to read:

40 475B.759. (1) There is established the Oregon Marijuana Account, separate and distinct from the
41 General Fund.

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

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

45 (b) Subject to subsection (4) of this section, the department shall transfer quarterly 20 percent

1 of the moneys in the Oregon Marijuana Account as follows:

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

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

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

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

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

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

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

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

30 (B) Twenty percent of the moneys in the account must be used solely for [*mental health treatment*
31 *or for alcohol and drug abuse prevention, early intervention and treatment*] **purposes for which**
32 **moneys in the Mental Health Alcoholism and Drug Services Account established under ORS**
33 **430.380 may be used;**

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 solely for purposes related to al-
37 cohool and drug abuse prevention, early intervention and treatment services.

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

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

44 (c) A county that has an ordinance prohibiting the establishment of a premises for which issu-
45 ance of a license under ORS 475B.090, 475B.100 or 475B.105 is required is not eligible to receive

1 transfers of moneys under subsection (3)(b)(B)(ii) of this section.

2 (5) In a form and manner prescribed by the Oregon Liquor Control Commission, each city and
3 county in this state shall certify with the commission whether the city or county has an ordinance
4 prohibiting the establishment of a premises for which issuance of a license under ORS 475B.070,
5 475B.090, 475B.100 or 475B.105 is required. If a city fails to comply with this subsection, the city is
6 not eligible to receive transfers of moneys under subsection (3)(b)(A) of this section. If a county fails
7 to comply with this subsection, the county is not eligible to receive transfers of moneys under sub-
8 section (3)(b)(B) of this section.

9 **SECTION 3. (1) The amendments to ORS 475B.759 by section 1 of this 2018 Act apply to**
10 **moneys transferred to the Oregon Marijuana Account under ORS 475B.760 after the effective**
11 **date of this 2018 Act, and before July 1, 2019.**

12 (2) The amendments to ORS 475B.759 by section 2 of this 2018 Act apply to moneys
13 transferred to the Oregon Marijuana Account under ORS 475B.760 on or after July 1, 2019.

14 **SECTION 4. This 2018 Act being necessary for the immediate preservation of the public**
15 **peace, health and safety, an emergency is declared to exist, and this 2018 Act takes effect**
16 **on its passage.**

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