

128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1197

H.P. 834

House of Representatives, March 28, 2017

An Act to Support Substance Use Disorder Prevention, Treatment and Recovery

Reference to the Joint Select Committee on Marijuana Legalization Implementation suggested and ordered printed.

ROBERT B. HUNT Clerk

R(+ B. Hunt

Presented by Representative BEEBE-CENTER of Rockland.

Cosponsored by Senator MAKER of Washington and

Representatives: BLUME of York, CASÁS of Rockport, MALABY of Hancock, PARKER of

South Berwick, WARREN of Hallowell, Senator: SAVIELLO of Franklin.

2	Sec. 1. 5 MRSA §20010 is enacted to read:
3	§20010. Fund for Substance Use Disorder Prevention, Treatment and Recovery
4 5 6 7	1. Fund established. The Fund for Substance Use Disorder Prevention, Treatment and Recovery, referred to in this section as "the fund," is established as a nonlapsing fund for the purposes specified in this section as a separate and distinct fund for accounting and budgetary reporting purposes.
8	2. Sources of fund. The State Controller shall credit to the fund:
9 10	A. All money received from the tax imposed on the retail sale of marijuana and marijuana products pursuant to Title 36, section 1817, subsection 7, paragraph A;
11 12	B. Money from any other source, whether public or private, designated for deposit into or credited to the fund; and
13	C. Interest earned or other investment income on balances in the fund.
14 15	3. Use of fund; supplemental funding. The fund must be distributed and used for the following purposes:
16 17 18 19	A. Twenty-five percent to the Maine Center for Disease Control and Prevention for prevention of substance use disorder. The Maine Center for Disease Control and Prevention shall work with the department to establish and maintain a program pursuant to subchapter 2;
20 21 22	B. Twenty-five percent to the department for programs for persons recovering from substance use disorder including mental health services, to enable those persons to avoid relapsing; and
23 24 25	C. Fifty percent to the department to provide treatment services for substance use disorder pursuant to section 20043, including providing grants to community service providers pursuant to section 20005.
26 27	Funds distributed for the purposes specified in this subsection are intended to supplement, not supplant, funds appropriated for those purposes.
28 29 30 31 32 33 34 35 36 37	4. Use of fund restricted; report. Notwithstanding any other provision of law, funding allocated by the Legislature from the fund to the Maine Center for Disease Control and Prevention or the department for substance use disorder prevention and treatment pursuant to subsection 3 is restricted solely to that use and may not be used for other expenses of the Maine Center for Disease Control and Prevention or the department. By January 15th of each year, the commissioner or the commissioner's designee shall deliver a report of the budget, including the revenue received pursuant to subsection 2, and expenditures for substance use disorder prevention and treatment to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and health and human services matters;

Be it enacted by the People of the State of Maine as follows:

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- 5. Unencumbered balances. Any unencumbered balance remaining at the end of any fiscal year lapses to the fund and may not be made available for expenditure without specific legislative approval.
 - **Sec. 2. 36 MRSA §1817, sub-§7,** as enacted by IB 2015, c. 5, §3, is amended to read:
 - 7. Application of tax revenues. All sales tax revenue collected pursuant to this section must be deposited in the General Fund. Sales tax revenue derived from the sale of retail marijuana and retail marijuana products <u>pursuant to this section</u> may not be used to directly fund any new state programs except that this revenue may be appropriated to the Maine Criminal Justice Academy for the purpose of training law enforcement personnel on retail marijuana and retail marijuana products laws and rules. Funds appropriated to the Maine Criminal Justice Academy pursuant to this subsection may be used only for the actual costs incurred to provide the necessary education and training of law enforcement personnel as provided in this subsection.
 - A. Ten percent of the revenue must be deposited by the State Controller in the Fund for Substance Use Disorder Prevention, Treatment and Recovery established in Title 5, section 20010;
 - B. Revenue may be allocated to the Maine Criminal Justice Academy for the purpose of training law enforcement personnel on retail marijuana and retail marijuana products laws and rules. Funds appropriated to the Maine Criminal Justice Academy pursuant to this subsection may be used only for the actual costs incurred to provide the necessary education and training of law enforcement personnel; and
 - C. The balance, after the distributions pursuant to paragraphs A and B, must be deposited in the General Fund.
 - **Sec. 3. Effective date.** This Act takes effect February 1, 2018.

26 SUMMARY

This bill establishes the Fund for Substance Use Disorder Prevention, Treatment and Recovery and funds it by requiring 10% of the tax revenue from the retail sale of marijuana and marijuana products to be deposited in the fund. The fund is used for substance use disorder prevention, recovery and treatment programs administered by the Department of Health and Human Services and the Maine Center for Disease Control and Prevention. This bill specifies that the additional funding for existing programs for substance use disorder, treatment and recovery is intended to supplement, not supplant, funding appropriated for those purposes.