



AN ACT GENERALLY REVISING LAWS FOR FUNDING FOR TREATMENT COURTS; REQUIRING LICENSING OF OPIOID SELLERS; PROVIDING RULEMAKING AUTHORITY TO THE DEPARTMENT OF REVENUE; CREATING A TREATMENT COURT SUPPORT SPECIAL REVENUE ACCOUNT FOR DEPOSIT OF OPIOID TAX PROCEEDS; REQUIRING THE COURT ADMINISTRATOR TO ESTABLISH PROCEDURES TO DISTRIBUTE ACCOUNT FUNDS; PROVIDING PRIORITIES, ELIGIBLE RECIPIENTS, AND USES FOR ACCOUNT FUNDS; PROVIDING AN APPROPRIATION; AMENDING SECTION 3-1-702, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Definitions. As used in [sections 1 and 2], the following definitions apply:

- (1) "Department" means the department of revenue provided for in 2-15-1301.
- (2) "Opioid" has the meaning provided for "opiate" in 50-32-101.
- (3) "Person" means an individual, firm, partnership, corporation, association, company, committee, other group of persons, or other business entity, however formed, who is a wholesaler licensed by the board of pharmacy and who is a distributor of opioids.

Section 2. License requirements -- rulemaking. (1) (a) Except as provided in subsection (1)(b), a person engaging in the initial sale of opioids in the state shall first obtain a license from the department and pay the annual license fee of \$500. The license is valid from January 1 through December 31 each year. If a license is obtained after January 1 in any year, the license is valid from the date the license is obtained through December 31 of that year.

- (b) A retail pharmacy is not required to obtain the license provided for in this subsection (1).
- (2) The department shall maintain on its website a current list of approved licensed opioid sellers eligible to sell opioids in the state.
- (3) The annual license fee revenue must be deposited in the treatment court support account provided

for in [section 3].

(4) The department may adopt rules to administer and enforce the provisions of [sections 1 and 2].

Section 3. Treatment court support account -- distribution of funds -- report. (1) There is a treatment court support account in the state special revenue fund for purposes provided in subsection (3).

(2) The supreme court administrator shall establish procedures for the distribution and accountability of money in the account. The court administrator shall give priority to funding programs or services in rural or underserved areas of the state or that address opioid abuse.

(3) Money in the treatment court support account must be used to expand the capacity and quality of existing treatment courts and extend treatment courts to areas of the state that are unserved by a treatment court. District, local, and tribal treatment courts are eligible to receive treatment court support account funds. Funding from the account may be used solely to fund services required for participants, drug and alcohol testing, case management services, treatment court staff, technology, program evaluation, or other needs identified by the supreme court administrator related to efficient and effective operation of treatment courts. The court administrator may use account funds to hire a grant writer or contract for grant writing services.

Section 4. Section 3-1-702, MCA, is amended to read:

"3-1-702. Duties. The court administrator is the administrative officer of the court. Under the direction of the supreme court, the court administrator shall:

(1) prepare and present judicial budget requests to the legislature, including the costs of the state-funded district court program;

(2) collect, compile, and report statistical and other data relating to the business transacted by the courts and provide the information to the legislature on request;

(3) to the extent possible, provide that current and future information technology applications are coordinated and compatible with the standards and goals of the executive branch as expressed in the state strategic information technology plan provided for in 2-17-521;

(4) recommend to the supreme court improvements in the judiciary;

(5) administer legal assistance for indigent victims of domestic violence, as provided in 3-2-714;

(6) administer state funding for district courts, as provided in chapter 5, part 9;

(7) administer and report on the child abuse and neglect court diversion pilot project provided in 41-3-305;

(8) administer the pretrial program provided for in 3-1-708;

(9) administer the treatment court support account provided for in [section 3];

~~(9)~~(10) administer the judicial branch personnel plan; and

~~(10)~~(11) perform other duties that the supreme court may assign. (Subsection (7) terminates June 30, 2019 -- secs. 5, 7, Ch. 141, L. 2017.)"

Section 5. Appropriation. There is appropriated \$250,000 from the state special revenue account established in [section 3] to the judicial branch in the fiscal year beginning July 1, 2020, for the purpose of funding treatment courts as provided in [section 3(3)]. The legislature intends that this appropriation be part of the supreme court operations base budget for the 2023 biennium.

Section 6. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell Chippewa tribe.

Section 7. Codification instruction. (1) [Sections 1 and 2] are intended to be codified as an integral part of Title 15, and the provisions of Title 15 apply to [sections 1 and 2].

(2) [Section 3] is intended to be codified as an integral part of Title 3, chapter 1, part 7, and the provisions of Title 3, chapter 1, part 7, apply to [section 3].

Section 8. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 9. Effective date. [This act] is effective on passage and approval.

Section 10. Applicability. [This act] applies to a person selling opioids into the state after June 30, 2019.

- END -

I hereby certify that the within bill,
HB 0654, originated in the House.

Speaker of the House

Signed this _____ day
of _____, 2019.

Chief Clerk of the House

President of the Senate

Signed this _____ day
of _____, 2019.

HOUSE BILL NO. 654

INTRODUCED BY Z. BROWN

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